

7 Habits Of Successful Litigators & How They Apply To You

By Michele Gorman

Law360, New York (January 9, 2018, 11:37 AM EST) -- Being a litigator no doubt requires organization, discipline and efficiency. The work itself — and striving for success — can be overwhelming if not managed properly.

Even the most revered litigators admit there are challenges to staying organized and progressing on projects.

"I've always struggled with this issue because there are so many things and so many issues that you have when you are both a litigator and a business producer and a partner with obligations," said Carolyn Short, a partner in Reed Smith LLP's Philadelphia office and trial lawyer focusing on commercial and employment disputes.

To help with her schedule, Short in June hired a personal assistant to work with her full time on her cases, administrative tasks and other responsibilities.

"If I have no structure, I literally would lie on a sofa reading a book all day," she told Law360.

Other litigators agreed with that need. Here, they shared with Law360 seven daily habits they've adopted to help them manage busy schedules and stay on task to attain success.

Keep Perspective

Stephen Kastenber, a partner at Ballard Spahr LLP who focuses on complex business litigation with an emphasis on antitrust, securities and corporate governance litigation, said one habit that has led to his success is making sure he understands his clients — whether it's an entire company or part of a business — and their overall needs.

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**STEPHEN
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Ballard Spahr LLP

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The reevaluation helps him realize if he fully understands a particular client's definition of success — whether that's litigating a matter to trial or avoiding a lawsuit. If not, he has conversations with the appropriate people to change focus.

Sandra Bresnick, co-chair of Quinn Emanuel Urquhart & Sullivan LLP's global life sciences practice, said she tries to be proactive by thinking in advance about the trajectory of a client's case or goals and mapping out a timeline, which she reviews periodically and alters as needed.

"With the timeline in mind," she said, "I make action-item lists with internal and external deadlines so things progress in a manageable way. This helps identify in advance any potential changes in staffing needs and keeps the teams functioning smoothly."

Transparency with your schedule is key, said Brendan O'Rourke, partner and co-chair of Proskauer Rose LLP's litigation department. He avoids waiting until the last minute before a trial to inform his clients about the chunk of time when he will be less accessible and responsive than normal. He also provides them with a backup plan — names of team members, for example, who they can contact for an important matter if he's unreachable for an extended period of time.

Trust Your Team

Litigators say it's vital to form a team that consists of people who have the right expertise and can understand the client if there are certain complexities. When tackling projects, they say to trust each member of the group.

To ensure tasks are accomplished and work is distributed evenly throughout the team, Ed Chapin, managing partner of Sanford Heisler Sharp LLP's San Diego office and a veteran trial lawyer, suggested checklists and timelines as vital management tools.

He also advised not acting as a micromanager in the office. He assigns tasks to attorneys and legal assistants with a broad outline of what he wants to accomplish and seeks their questions to narrow the assignment as necessary.

"I want to convey a sense of trust and respect in my colleagues and challenge them to grow and develop

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**MARY ROSE
ALEXANDER**
Latham & Watkins LLP

into first-chair lawyers," Chapin said. "I like open communications and an environment where people are challenged, yet comfortable with how they are perceived by their leader."

O'Rourke, who has the challenge of simultaneously being a trial lawyer and managing a nearly 200-lawyer department, said he holds occasional short meetings where his team shares work, divvies up responsibilities and sets reasonable deadlines.

A well-rounded team, he said, is one that maintains high morality, develops younger talent and includes diversity in backgrounds, genders and ethnicities.

"The challenge there, though, is the great lawyers tend to be busy, so staffing can be complicated," O'Rourke told Law360. "But you need to in a polite and professional way insist on the right staffing for your matters."

Set Goals Each Week

By Monday morning, O'Rourke has set, written down and reviewed his daily, weekly and monthly goals.

"When you put that down in writing, you'll be surprised at how much more relaxed you'll feel," he said. "If you feel disorganized or out of control, it can kind of paralyze the team and feel disruptive."

He treats it as a strategic to-do list: He doesn't just randomly start from the first point and continue through the list until he has completed all tasks. Instead, he prioritizes all of the items and budgets time for each.

Maintain Your Network

While his French bulldog can dictate the exact hours of his routine, Michael Rhodes, co-chair of Cooley LLP's privacy and data protection and internet practice groups, said he is typically out of bed before 6 a.m. He devotes two hours of his morning — the time of day when he says he's the most productive — to managing his network.

Every morning, Rhodes makes two lattes — the only caffeine he allows himself each day — and then does what he calls "dot-connecting," using the network of professionals that he's developed during his more than 30 years in practice to bridge pieces of information or start a conversation with unfamiliar lawyers about common issues.

First, he sweeps his email to make sure there aren't any internal or external pending issues. Then, he surveys about six news sources, from national and local news to blogs with topics related to his practice.

“At the end of every day, whatever I have not accomplished or what I know I need to accomplish immediately the next day, I make bullet point lists and leave that page open on my desk before I go to sleep. Then the next day I get up at 4:30 or so and take care of those things.”



**CAROLYN
SHORT**
Reed Smith LLP

"Over time, the network becomes the key source of business," he told Law360.

Be Constantly Aware of Your Schedule

Each morning, Mary Craig Calkins, an insurance coverage litigator at Kilpatrick Townsend & Stockton LLP who has more than three decades of experience litigating insurance recovery for policyholders, sets five-minute warning alarms on her cell phone for every upcoming meeting or conference call.

"My day is so crazy as it progresses," she said. "That's the only way to make sure I don't drop off and have to apologize profusely to clients."

Awake by 5 a.m., Short said she first gets coffee from her kitchen and then sits in her home office, a well-equipped and secluded room that she set up in a way to maximize efficiency. Once inside, she completes what she calls the "bookends" of her day.

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If she's traveling, which she did at least once a week between February and November 2017, she maintains the same routine in a hotel room. If scheduled travel overlaps with her early morning office hours, she pushes forward her routine to the previous night.

She keeps a notepad and pen next to her bed to jot down thoughts that wake her up in the middle of the night, an occurrence she said happens often.

Make Time for Your Family and Hobbies

Days are filled with client calls, meetings, court appearances and travel, so it's important to find ways to make the most of the other time, said Mary Rose Alexander, chair of Latham & Watkins LLP's environmental litigation practice.

"Finding time for my family and exercise are important to me. Some people keep their work and home calendars separate, but I keep mine together to make sure I do not schedule work events that conflict with important family activities," she said, adding that she typically wakes up early to ensure she exercises.

Many litigators say they enjoy taking a couple of hours either each morning or night to read nonlegal publications and relax at home. During the tail end of his morning routine, Rhodes often sits by a fire and chooses a book from a stack he keeps near his favorite chair.

"I find that it helps me keep my ideas fresh in terms of how to express things," the litigator said about his fiction reading written by various authors.

Be Flexible

Despite many litigators' structured routines, Alexander suggests remaining quick on your feet and flexible to have the ability to adjust quickly and effectively to fast-changing circumstances.

"You can make a detailed plan for your day ahead, and often before you even arrive at the office it has drastically changed," she said. "Having the ability to quickly pivot and move forward can allow for a more productive and enjoyable day."

But above all else, enjoy the work.

"I have found that even when I think it's impossible, things have a way of falling into place and getting done when I enjoy the process," she said. "Working with people you enjoy and on complicated tasks makes the workload manageable."

--Editing by Rebecca Flanagan and Emily Kokoll.