

THE TIMELESS ART OF HARD WORK IN ZEALOUS ADVOCACY:

# INSIGHT FROM THE LEGENDS OF LITIGATION AND THE JUDICIARY

**Blair K. Walsh**

*“You have to commit, be a team player, learn the rules of the game. And then you have to play it better than anyone else.”*

—Senator Dianne Feinstein (*Cosmopolitan*, 1985)

**Y**oung attorneys in the fast-paced digital age have come to expect instant gratification. We expect immediate responses to our texts and emails; we expect taxis to arrive within seconds; we expect meals to be delivered promptly (while we anxiously track them on our smartphones); and we expect to be amazing attorneys the very moment we walk out of law school. Patience is a virtue that has gotten lost in the shuffle.

While the legal profession has changed significantly to adjust to the modern, paperless, tech-driven world, the fundamental principles for success have remained unchanged; unfortunately for us members of Generation X, those principles are somewhat inconsistent with this era of instant gratification.

Contrary to the optimistic ideals of our generation, there is no shortcut or app for instant success as young lawyers. Regardless of the specialty we have chosen or the number of years we have practiced, preparation, dedication, and passion remain the keys to success. More importantly, one can only gain a full understanding of the art of zealous advocacy through hands-on experience, which, in turn, only comes with time.

As the saying goes, “you have to walk before you can run,” and part of walking involves rolling up your sleeves and putting in some good, old-fashioned hard work. Irrespective of one’s role on the team, each teammate should take ownership in his or her assigned portion, put the client’s needs above all else, and do all that is necessary to meet the client’s needs. While very basic, these components have remained the cornerstones of our profession since almost the beginning.

As newer attorneys, generally on the lower end of the hierarchy, it is easy to get bogged down with the behind-the-scenes, less-than-glamorous aspects of our profession, such as sitting in the office reviewing lengthy documents, drafting routine motions, organizing exhibits, and such tasks, while the more senior attorneys are on the front lines having all the fun, doing things that “matter.”

With the hustle and bustle of our crazy lives practicing law in the big city, it becomes easy to feel overwhelmed and lose sight of the big picture. It can be difficult to find a moment to step back and remind ourselves of the actual importance of those seemingly menial tasks and how they fit into the bigger picture: serving as professional and zealous advocates.

By taking ownership of those “nitty-gritty” tasks, we are learning valuable skills and building the necessary foundation for successful careers. The practice of law is a *profession*, not a *job*, and to be true professionals and true advocates for our clients, it is essential that we understand and master every aspect of each matter in which we are involved.

To celebrate the seventieth anniversary of the Lawyer Referral and Information Service (LRIS), one of The Bar Association of San Francisco’s (BASF) greatest treasures, I thought it might be fitting to provide some insight and tips to the next generation of attorneys who will be involved in handling LRIS referrals.

To put things into perspective for those of us in the trenches and remind us of the importance of these tasks, which can sometimes seem peripheral to the big issues, I spoke with a few of the most respected and skilled members of our profession, who were once in our shoes.

These attorneys and judges were generous enough to provide their thoughts as to the value of the character-building rite of passage we all experience as young lawyers, as well as some tips on being the best and most effective advocates while working up a case.



**AMBASSADOR JEFFREY L. BLEICH,  
DENTONS**

One of the wisest things I have learned came from a senior lawyer who told me early in my career, “Every lawyer has the will to win; the best lawyers have the will to prepare.” As they say, “the devil is not in the details; God is in the details.” Learning how to be properly prepared for a case requires putting in those hours reviewing materials until patterns emerge, and you appreciate how the entire outcome of a case can turn on what may have seemed like an unremarkable detail.



**JOSEPH C. COTCHETT,  
COTCHETT, PITRE & MCCARTHY**

New lawyers should know that a successful practice is all built on a work ethic and a compassion for doing what is right. It has nothing to do with the salary or money.



**JAMES J. BROSNAHAN,  
MORRISON & FOERSTER**

For the first twelve years of my law practice, I did all of my trials without a legal assistant (they had not been invented) and without cocounsel. The advantages of doing document review, research, minor court appearances, and motions *in limine* are that you know the case better than anyone. That is something of enormous benefit to your clients, who are usually quite aware that you are making a very important contribution. Even the emails that now flood our litigation have important clues pointing to successful case analysis.

## BARRISTERS CLUB REPORT



### **JUSTICE MARIA P. RIVERA, FIRST DISTRICT COURT OF APPEAL**

---

It's all in the attitude. If you treat each and every assignment—no matter how boring or routine—as an opportunity, they will all have a payoff in the end. Some great opportunities abound, including the following:

- Show enthusiasm—accept *all* assignments, and demonstrate your value as a “team player”; establish yourself in the “no whine zone”
- Be creative—be the one who figures out a better/easier way to review/organize documents or develop better discovery templates
- Hone your research and writing skills—a life-long process
- Get to know the judges—yes, we all have our quirks
- Allow judges to get to know you—and, more importantly, to *trust* you
- Become comfortable in court
- Meet and get to know your fellow lawyers

I recall my first appearance in state court on a (relatively) routine discovery motion, on the day after I was sworn in to the bar. I won the motion and I became friends with opposing counsel on that day. As a result, my reputation as an honest and civil adversary was germinated not only with that lawyer, but with all who worked with him at his large law firm.

The bottom line is everything counts. Make the best of each and every opportunity.



### **JESSICA L. GRANT, VENABLE**

---

In my experience, preparation, a tremendous work ethic, and a commitment to always delivering excellent work product are keys to successfully resolving cases, whether at trial, mediation, or on motion practice. And it is important to take that approach to every task across the board, whether it is in front of the jury or behind the scenes. Because even something that might at first blush seem mundane, like a document review, can yield evidence that is critical for settlement, a dispositive motion or trial.



### **JUDGE JAMES P. KLEINBERG (RET.), JAMS**

---

Upon graduation, it's time to learn the practical skills the profession requires. Just like medical interns, new lawyers must know the law from the ground up and not just the abstract principles they learned from a professor: What makes for productive discovery? How to prepare for trial? What do judges want to see and hear? That is why clerkships and externships are so valuable. And that is where programs by the Barristers Club and others can provide invaluable boot-camp training.



### **JOHN W. KEKER, KEKER & VAN NEST**

---

Young lawyers do the hard work of litigation—research, writing, motions, and discovery. I wish more judges followed Judge William Alsup's practice of insisting that the people who wrote the motion also argue it.



### JUDGE CYNTHIA MING-MEI LEE, SAN FRANCISCO SUPERIOR COURT

Volumes have been written on how to be successful in the law, in trial advocacy, and other areas.

There is no “magic bullet” to being successful, but the advice I offer is that the value of preparation cannot be underestimated. This requires often arduous, tedious work at times, but the adage “the devil is in the details” is true. The more you understand the underpinnings and even minutia about a case, the better insight and strategy you will be able to hone.

Very few successful litigators are “born”; most are the result of hard work and dedication to excel. Essentially, you have to put in the time, whether it is the ten thousand hours on the piano, or the countless hours in trial prep. It’s worth it, so just do it! Don’t turn down assignments—it is an opportunity to learn and enlarge and improve your skill set, even if it doesn’t seem like it at the time.

Networking is essential to your development as a lawyer, and relationships—even between adversaries—are important. Don’t forget the human connection and don’t be afraid to initiate contact with the opposition. It is not a sign of weakness.

If you have the opportunity, watch as many trials and do as many motions as you can, even the boring motions to continue. Poise is essential to being a successful and happy lawyer. It is developed, not acquired.

Finally, don’t whine. It is unbecoming of a professional and it is irritating to listen to.

I am extremely grateful to the attorneys and judges quoted, all of whom took time out of their busy lives to share these pearls of wisdom. Their insight is a wonderful reminder that each and every task we do throughout the day, big or small, not only furthers our professional development as attorneys but also serves our clients, both of which are extremely valuable goals in the grand scheme of things.

Although the landscape of the legal profession will continue to evolve and modernize in the future, the traditional values of professionalism, work ethic, preparation, and the commitment to advocacy are timeless and will forever remain fundamental to our role as attorneys and zealous advocates.

If you are interested in learning more about opportunities to roll up your sleeves and sharpen these skills, the Barristers Club is an excellent way to network, build your connections, and just have some fun with other young attorneys. Please contact Barristers Club Director Kallie Donahoe at [kdonahoe@sfbbar.org](mailto:kdonahoe@sfbbar.org) for more information.

*Blair K. Walsh is the 2016 Barristers Club president. She represents victims of catastrophic injury and wrongful death at Abramson Smith Waldsmith. She can be reached at [bkw@aswllp.com](mailto:bkw@aswllp.com).*