38 Tips of Advice for Summer Associates (and Summer Law Clerks) That No One Ever Gives You: How to Be a Good Summer Associate and Not Get in Trouble

A. YOUR THOUGHTS ARE YOUR EXCLUSIVE PROPERTY. YOUR EMPLOYER ONLY CARES ABOUT WHAT YOU SAY AND WHAT YOU DO. HERE’S HOW TO SAY AND DO THE RIGHT THINGS!

Whenever you talk to employers about what they look for in people they hire, the qualities you hear the most often are things like “teamwork,” “maturity,” “professionalism,” and “good judgment.” You’ve probably heard them often, including at school. I remember interviewing with a big firm in an on-campus interview, one of many interviews I bombed in law school. Actually it was with one of the firms in this book. OK. It was Jones Day. And the partner who was interviewing me asked, “So what do you consider your best trait?” I immediately responded, “My sense of humor.” Ha ha! I was an idiot! Nobody wants a lawyer with a squirting flower boutonniere, but I didn’t know that. Anyway, that answer clearly didn’t go over very well with him, so I asked, “Just out of curiosity—what do you consider the most important trait for a lawyer to have?” He immediately brightened up and said, “Judgment.” Good judgment. If you have good judgment, it cuts across everything you do.”

He obviously gave me a great answer for every time I was asked that same question in other interviews, but to tell you the truth, when it comes to words like judgment and maturity and professionalism—they don’t mean a lot to me. When I think of the word “mature,” I think of retirees—or cheese. I don’t think that’s what employers are talking about.

So when I interviewed people for this book, I asked them exactly what they meant when they used those kinds of words. What kinds of traits do they want summer clerks and new associates to exhibit? And I’ll tell you some really good, I mean wonderful, news. When it comes to your thoughts, they’re your own. You can think anything you want. Now and for the rest of your life. Nobody cares about it. You’re completely free. They only care about the manifestation of your thoughts. While you have no control over your thoughts—at least, your initial thoughts, your instincts—you have complete control over how you act on those thoughts. And that means that your behavior doesn’t ever, ever have to drum you out of a job opportunity.

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When it comes to what you do, remember first and foremost that your employer wants you to succeed. They want to like you, so that they can make you a job offer (if they have permanent openings) or give you an honest review and help you find another job (if they don’t). The table is set for you. The only person who can yank out the tablecloth and break all the chains is you. But if you keep your wits about you and follow the rules I’m about to give you, that won’t happen!

1. Don’t walk around like a grinning idiot—but it’s important to smile and otherwise seem enthusiastic about the employer.

Part of what makes an employer want you is their feeling that you want them. If for any reason they get the impression that you don’t want to be there, that one reason—on its own—can be enough to tank your chance at an offer. Not only that, but if you smile and seem generally happy, it can have a “halo effect” with your work. As an attorney in the San Diego City Attorney’s Office says: “Employers will see you as more proficient if you smile more. I’ve seen innumerable instances where people who generally smile and are upbeat get the benefit of any doubt about their performance.”

With that in mind, heed the following advice:

a. Keep ambivalent feelings to yourself. As NYU’s Gail Cutter advises, “If you verbalize your uncertainty about the firm’s geographic location, practice, or atmosphere, your unhappiness may become a factor if the firm has to make some difficult offer choices.”

b. Whenever a partner casually asks how your summer is going, the answer has got to be a hearty “Great!” or “I love it here” or “I really appreciate being here” or something of that enthusiastic ilk. It’s kind of like when you say “How are you?” to someone casually. You don’t really want to hear about their aches and bumps and boils. You want to hear, “Great. How are you?” It’s the same thing with a summer clerkship!
LAWCROSSING CAREER ADVICE

Summer clerk at a large firm. He was rather introverted. He was walking down a hallway at work one day when walking past me the other way. The partner asked the clerk how he was doing. The clerk responded with a lukewarm answer, so the managing partner went to the firm’s hiring and said, "Say, is so-and-so unhappy here?" Of course as it spread around the firm it changed from a question to a statement, as these things do. "Is he happy?" became "He’s not happy." The clerk had a heck of a time correcting the misimpression.

2. Be accommodating about your office set-up, no matter what it is.

If you work for a public interest employer or a government agency, you might get a steel desk and file cabinet. If you work for a small firm, your "office" might be the table in the firm library. At a big firm, you might have to share an office. No matter what you get, shut up about it. The idea of the squeaky wheel getting the grease applies to work assignments, and I talk about that in great detail in the section on being your own career coach. When the issue is offices, taking what you’re given is part of what they mean by being a “team player.” Whining about your space will make your employer question your priorities, and you don’t want that!

LAWCROSSING CAREER ADVICE

Summer clerk at a large firm. He was given his own office. He called the recruiting coordinator, and said, "These walls look ordinary. They need paint. I need pictures." It was one of a bunch of arrogant things he’d done during the summer. When the recruiting coordinator hung up, she grumbled at the phone: "What you need is a good spanking.”

LAWCROSSING CAREER ADVICE

Summer clerk at a medium-sized firm in the Southwest. Because of size constraints, the summer clerks had to double up in offices. The summer clerk went to see the recruiting coordinator, saying, "I need my own space so I can concentrate." It turns out one of the attorney offices was temporarily vacant because a junior associate was out sick; in fact, she had been in a very serious car accident and was undergoing intensive physical therapy, and her recovery was going agonizingly slowly. The recruiting coordinator reluctantly walked the summer clerk to the junior associate’s office, explained the associate’s situation, turned on the light, and said, "You can sit at this desk and use the phone if you have to, but you cannot turn on this computer. She wants to keep up with some of her work, and the only way for her to do it is to dial in to this computer. We don’t want her to feel like she’s out of the loop. So if you need to use a computer, go back to your own office." Sure enough, the junior associate called the recruiting coordinator later that day, frantic that she couldn’t get into her computer. The summer clerk had ignored the recruiting coordinator’s plea—and used the computer. Despite producing good work, he didn’t get an offer.

3. Let your employer see only loyalty to them - no matter what other opportunities you’re contemplating.

Something that drives employers crazy is to see summer clerks “wheeling and dealing” offers. One large firm told me that “It’s so important to focus on the organization as the place you intend to make a long term commitment. When an employer can make offers to only 80% of their summer class, they tend to focus on people who have shown the most sincere interest in them. Don’t make the common mistake of ‘wheeling and dealing’ alternative offers during your current clerkship!”

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4. Be tactful about things that are important to the firm.

When anybody at your summer employer tells you about something that they’re particularly proud of, the only reaction is something like, “That’s great!” or “That’s really impressive” or even better, follow-up questions to show that you’re interested. Brushing off the sources of people’s pride will make them question...
your tact and dislike you—and neither of those bode well for your future at that employer.

**LAWCROSSING CAREER ADVICE**

Large firm in the Midwest. They are particularly proud of the fact that one of the associates made it on to "Who Wants to Be a Millionaire?" Although he didn’t make it into the hot seat, they talk about it a lot. The "Millionaire" associate and some of the other associates are at a summer function, and they’re chatting with some clerks. One of the associates says to the clerks, "By the way, did you know that Fred got on Who Wants to Be a Millionaire?" When they mention that Fred hadn’t made it into the hot seat, one of the summer clerks asks, "What was the question?" Fred tells him, and the clerk responds, "God, that was easy. I can’t believe you didn’t get that!"

The summer clerk’s mentor is standing nearby, and hears this exchange. He blanches. Later on, he comments, "I had no idea how to clean up for him after that. He was tainted from that day forward. He showed no professional judgment whatsoever."

5. Be appropriately deferential to senior attorneys. You wouldn’t treat your grandma the same way you treat your cousin. But don’t be perceived as a “suck up.”

There’s a very important difference between sucking up and honest flattery. When you’re an empty “yes person,” people will smoke you out and think less of you—including the person you’re sucking up to. As Pittsburgh’s Chris Miller says, “Avoid compliments that don’t seem genuine, offers to do tasks that are someone else’s responsibility, being there every time somebody important turns around.” Instead, seek out things that you can compliment sincerely about your superiors—and for that matter, everybody else as well. If you’re telling the truth, people you flatter will like and trust you. It’s a simple fact of human psychology that people like people who respect them.

By the same token, make sure you that while you show everybody respect, you’re more deferential to the more senior attorneys at work. As Kentucky’s Drusilla Bakert explains, “Some people are more equal than others. Know the status of every lawyer with whom you work. Associate? Senior partner? Department head? Senior attorneys expect to be treated with more deference than new lawyers.” She adds, “And if your firm has a hiring committee, be sure you know who the attorneys on that committee are—and that they know who you are!”

6. Treat junior associates with respect, even though they’re almost your age.

It’s easy to think that as long as you butter up the senior partners, you’ll get an offer. It’s not true. Assume that everybody at the office has equal say over whether or not you get invited back—because in most places, they do.

**LAWCROSSING CAREER ADVICE**

One junior associate reports that “My firm was running low on library space, and they had to store some old reporters on the bookshelves in my office. A summer clerk came to my office, looking for the reporters. I let him use my desk to do his research. When I came back, I found that he’d left books out all over the place, an empty Coke can on my shelf, and the furniture shifted around. When I tracked him down, he was very flip when I asked him to come back to my office to clean up after himself. It was almost as though he couldn’t believe I’d dare say anything to him criticizing his conduct. If he’d apologized, come back and tidied up, I wouldn’t have given it a second thought. But his reaction made me so angry that I reported the incident to the hiring committee. I subsequently found out that this guy had split his summer between two firms, and hadn’t received an offer from either one.”

If you’re friendly with permanent associates, that’s great. They want to work with people they like—and so do you! But don’t take that familiarity too far, because they’re your superiors first and your friends second, no matter how much you pal around after work. ‘You can be too cool and chummy. You aren’t in yet.’

**LAWCROSSING CAREER ADVICE**
Male summer associate gets friendly with a woman who is a mid-level associate at a large Midwestern firm. The mid-level associate is petite and has a very high-pitched, “girlie” voice. He does a writing assignment for her. When he goes to check on it, she says, in her Betty Boop voice, ‘Oh, I’m sorry, I haven’t had a chance to review your memo yet!’ He pats her on the head, and says, ‘Don’t worry about it/ Even though they’re friendly, she’s not to happy about being patted on the head by a summer clerk.

7. Seek out associates who are well regarded, and emulate them!

You won’t be at an employer very long before you hear through the grapevine that certain associates are regarded as superstars. Listen to what’s said about those associates, observe them, and do as they do. If you have the opportunity, work with them and/or pick their brains, asking for their advice about doing well. It’s a good idea to remember that lawyers inevitably like to give advice. When you ask someone for their advice, you’re paying them a compliment. You’ll not only learn what you need to do to get ahead at work, but you’ll also gather some powerful allies—and you’ll learn a lot about what the employer values, and whether those values match yours.

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8. Punctuality counts. Don’t keep lawyers waiting!

If you’re the kind of person who’s chronically late, your summer clerkship is the perfect opportunity to break yourself of the habit. You can infuriate lawyers if you keep them waiting. If you have an appointment with attorneys, whether it’s to receive or go over an assignment, or to meet with clients or anyone else, set an alarm on your computer or electronic organizer to alert you a few minutes earlier. Or if you have a good relationship with your secretary, you might tell them about your tendency to be tardy and enlist their help in curing you of your bad habit! One attorney characterizes punctuality with attorneys as “internal marketing,” and she says, “It will go a long way to advancing your career.”

9. Always carry a pad and a pen.

It’s worth repeating: Whenever you leave your office, carry a pad and pen. Every single lawyer in the world will tell you this! If you have a pad and pen in hand it’ll help you in two ways. First, you’re ready to take down any assignment, in case you happen to run into an assigning attorney in the hallway. And second, you always look busy. It’s good for your image.”

10. When they’re looking for volunteers—volunteer.

There will be times during the summer when some of the attorneys at work will be under a major time crunch. Maybe they’ve got to get a prospectus out tomorrow, and they need it proofread late at night. Or they have to collate and fax a bunch of documents to different parties in a suit. Or—you name it. If they’re looking for volunteers and you don’t have any very pressing assignments or engagements, chip in. When I talk about “teamwork” in the permanent associates section, you’ll find that this kind of mucking in is what people really mean when they talk about teamwork. You can say you’re a “team player” all you want, but your staying late one night to help out with something menial will have an incalculable effect on your reputation.

11. Volunteer for “observation opportunities.”

If you’re at a small firm or a government agency or prosecutor’s office for the summer, you’ll get plenty of opportunities to see—and help out— lawyers in action. If you’re at a medium to large firm, those opportunities might not be as obvious. But the fact is, it can be tough to get juiced about your employer if all of your working hours are spent researching and writing. On top of that, attorneys will view your enthusiasm to go to court, client meetings, and the like as an indication of your enthusiasm for the work. Go to hearings, oral arguments, depositions, anything you can. If they circulate a docket sheet, look it over, and tell people what you’d like to see!

12. Stay awake during meetings and presentations ... and here’s how.

“Well, duh,” you’re thinking. But you’d be surprised how many times summer clerks fall asleep during meetings, seminars, and presentations. One firm even told me about a summer clerk who fell asleep during orientation. The fact is, things can get tiring. It’s hot during the summer. You were out late the night before. What you’re listening to is a real snoozer. Before you know it... zzzzzzzz. How do you avoid it? One
recruiting coordinator recommended that you “Take notes. Even stupid ones. It keeps you from rolling over.”

13. When you are in the presence of clients, be observant—and be quiet.

If you are at a small firm or a public interest employer, you’ll likely have “real” contact with clients during your summer clerkship. If that’s the case, you should read the section on “Dealing With Clients” in the permanent associates section.

But at medium to large firms, you won’t have a “real” role to play with clients. When you’re around clients, there are three important rules to observe:

a. If you’re the only clerk present with attorneys and client(s), and there is no support person there to take notes, volunteer to take notes. Or take them without even volunteering. That’s one valuable role you can play.

b. You may not consider yourself a professional, but the client does. Behave accordingly.

c. Don’t talk unless expressly and specifically told to do so by an attorney you work for.

LAWCROSSING CAREER ADVICE

Female summer clerk. She is invited by a partner to sit in on a hearing. During a lull in the hearing, in the client’s and partner’s presence, she takes her cell phone out of her purse and makes an appointment with her hairdresser.

LAWCROSSING CAREER ADVICE

Large New York firm, partner takes a group of summer clerks down to Washington, D.C. to prep the CEO of a large corporate client for his upcoming testimony. One of the clerks has a Ph.D. in Psychology. After the partner finishes talking to the CEO, the clerk/psychologist pipes up, “Let me give you a few tips on how you should present yourself ...” and goes on to advise the somewhat perturbed CEO. The partner says nothing—until they leave the client. Then the beet-red partner rips into the summer clerk, saying, “Don’t you ever, ever, ever do that again!”

LAWCROSSING CAREER ADVICE

Large D.C. firm has a clerk who speaks fluent French. The clerk sits in on a client meeting with the executives of a French company, all of whom speak French more comfortably than English. The clerk listens to their conversations in French, and then cuts in and starts giving them advice in French. The attorneys in the room can’t understand what he’s saying. Subsequently, the French clients tell the most senior attorney that they were “a bit put off” about receiving advice from the summer clerk.

CAREER-LIMITING MOVE

As one partner recounted, “At law school, you are rewarded for speaking up. During your summer clerkship, don’t offer your opinion in front of clients. On a first conference call with a client, don’t offer a strategy or say, ‘Oh, I did that last semester. Here’s the answer.’ You just cost the firm thousands of bucks. And if you get it wrong, you bought us a malpractice suit.”

Finally, when it comes to clients, don’t ever take the initiative of calling a client yourself. Or anyone associated with a client. Or worst of all, the opponent of a client. Always check with a supervising attorney first!

Summer clerk at a large East Coast firm. She gets an assignment involving performing due diligence for a company, which we’ll call Alpha Company, involved in merger negotiations with a very large corporation. While culling through the files, she finds a letter from an attorney threatening to sue Alpha Company for infringing a patent that this attorney’s client
held. Instead of simply highlighting the document for her supervising attorney to review, she
decides to take the due diligence one step further and see if the attorney is intending to
pursue the lawsuit. She calls the attorney who wrote the letter, and asks, "Are you still
interested in suing Alpha Company for patent infringement? It seems to me that the statute
of limitations hasn’t run, and I need to sort this out because Alpha is in negotiations to be
acquired." Yes, the attorney was interested in pursuing litigation. And no, the summer clerk
wasn’t invited back.

14. It may only be a summer job, but it’s still confidential. Learn how to keep secrets!

Whether you’re working for the government or for a corporation or for a law firm, you’ll be exposed to
confidential information during your summer. And it may be really juicy, good stuff. And you may be dying
to tell people about it. Don’t. If it’s that good, save it for your first novel when you can change the facts
enough to protect the confidentiality of the client. In the meantime, be very, very careful with
the information you learn at work. It’s a secret.

Hardly any summer clerk dishes the dirt intending to hurt a client. It’s just that the story is so exciting that
you got to tell somebody. The problem is, the person you tell could be on the other side of the case or deal
you’re working on—particularly if it’s a friend at another firm (in a civil case or business deal) or a
prosecutor’s office or opposing defense firm (on a criminal case). Or maybe the person you’re talking to is
A-OK, but you’re sitting in a bar, or a restaurant, or a plane, or a train, or you’re standing in an elevator or a
public bathroom, and somebody who can overhear you turns out to be the “idiot client” you’re laughing at
—or their mother, father, friend, or 300-lb. bouncer of a brother, who’s going to disconnect your head from
your neck for telling tales out of school.

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The fact is, if you disclose confidential information in the presence of others, you’re jeopardizing the
attorney-client privilege, and that’s a big, bad boner. (When I wrote the Law In A Flash cards, I covered this
in a hypo set at a bachelor party, where the groom-to-be confesses embezzlement to the best man, while a
stripper waiting to pop out of a giant cake listens to the whole thing. God I’m funny.)

Privilege isn’t your only worry, by the way. You could have valuable information. If you tell a friend
something about a deal you’re working on, you could be liable for insider trading.

Finally, don’t ever use anything you write for work as a writing sample without getting permission first,
advises Gail Cutter. Even if you remove the parties’ names, if it’s still somehow identifiable, you’re in trouble.

The bottom line—when it comes to confidential information, keep your mouth shut. Who knows. You might
luck out. Maybe you’ll overhear somebody opposing one of your employer’s clients let something juicy slip,
and you’ll get to be the hero—while they get to be the goat.

LAWCROSSING CAREER ADVICE

Two summer clerks, working for the same firm, sit on a train together. They discuss their
work and projects so freely that by the end of their discussion, the name of their employer,
their clients, and their clients’ problems are all patently obvious—to the law school career
services director sitting in the seat behind them. At the end of the train ride, the career
services director leans forward, taps them on the shoulder, introduces herself, and says,
"What you just did! Don’t ever do that again."

LAWCROSSING CAREER ADVICE

Summer clerk, large West Coast firm, uses a writing sample to apply for a job. The particular
writing sample he chooses is the highly confidential memo outlining a client’s strategy for
dealing with an investigation by a federal agency. He thinks the memo will be a particularly
effective writing sample, because he’s applying for a permanent job with that very agency.
"He removed the names," said a lawyer for the government agency. "But because we were
familiar with the case we knew exactly who it was. The guy thought he was being clever, but
I’ve never seen such a bad mistake."
15. Don’t sit on your hands when there is downtime between (or during) assignments.

No matter how well organized a summer program you enter, there will be times when you’re “at liberty.” Maybe it will be between assignments, or maybe it will be when you’re waiting for a document to be word processed. No matter why it occurs, don’t sit in your office waiting for your next assignment. Walk around, introduce yourself to people you don’t know, see if there are any small ways to make yourself useful. This not only shows initiative and enthusiasm—two highly-prized traits—but also gives you more of a chance to get to know the employer, and determine whether this is where you want to start your career after law school.

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16. Don’t seem afraid or anxious. Project an attitude of humble confidence.

Your summer employer knows you’ve never done this before. They know that can be scary. As one recruiting coordinator points out, “Most clerks are more fearful than anything else.” But as the old deodorant ad said, “Don’t let them see you sweat.”

If you’re there in the first place, they assume you’ve got the raw material to be successful. As the lawyers at the firm Akin Gump advise, “Take for granted you belong there, that your credentials are fine. Relax! Interactions with anxious people don’t inspire confidence.”

One of the things that is a tip-off to anxiety is seeking constant reassurance. It’s a good idea to seek out feedback (I talk about that elsewhere in this book), but that means asking for criticism—not the constant stroking of “Gee, you’re great.” If they’re not telling you something is wrong, and you’re not getting any subtle signals that something is wrong (like not having enough work when everybody else is very busy), then you can assume you’re doing fine. As one recruiting coordinator at a large firm pointed out, “Your employer isn’t going to conspire against you. We’re not going to get five hundred lawyers in a room and say, ‘Let’s make sure Johnny doesn’t get a job.’”

Anxious, high-maintenance summer clerks also seek validation for what they ought to be sure about. Again, this involves a bit of line drawing. There will be assignments with issues that are hard to tackle, and you need guidance on those. But some of your work will be straightforward. If you constantly ask “Have I got it right?” when you pretty obviously do, your employer will resent the hand holding.

Another dead giveaway of insecurity is turning a simple assignment into a Law Review note. In your summer clerkship, there can be too much of a good thing. And as with feedback and the complexity of issues, there’s no clear rule here. On the one hand, your employer wants your research to be thorough and accurate, and they don’t expect you to be as efficient as people who’ve been at it for a while. Assigning attorneys, especially if they’ve been practicing for a few years, quickly forget how long it takes to do an assignment when you’ve never done one like it before! But there’s a limit. If you beat relatively simple issues to death, turning a two-hour assignment into a two-week ordeal, they’ll question your judgment. If your research takes longer than the time estimate you were given when you received the assignment, check back with the assigning attorney to make sure you’re on the right track.

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17. Don’t view the first couple of weeks as an acid test of your desire to be an attorney.

It’s very easy to get impatient with your summer, and figure that if the first week goes badly, you weren’t meant to be a lawyer. Even an entire summer isn’t long enough to come to that conclusion, let alone an awful start. It could be that you’re working with the one person in the organization with whom you’d just never be able to get along. Maybe you got a rotten or boring assignment. No matter what it is, don’t ring down the curtain on your career before it’s even started.

One law firm advised that “You have to expect a ‘mood slump’ toward the beginning of your summer. That is more likely related to the fact that it’s summertime, you’d rather be outside, you haven’t had a ‘real job’ in maybe two years, you’re used to a flexible student lifestyle and not working ten-hour days in a suit, nylons, or uncomfortable shoes. Give yourself the whole summer to draw conclusions.”

Another firm added that “Most people spend much of the summer battling overwhelming feelings of stupidity and incompetence. Remember that you aren’t incompetent or stupid. Be patient with yourself! Law is a difficult profession and you have a lot to learn.”
When they say “Be yourself,” they don’t mean it. What they mean is: “Be yourself within reason”

Everybody will tell you to be yourself. Whenever I hear “Be yourself,” I ask, “What if I’m a drunken, unethically, lecherous, sexist, racist, disrespectful boor who doesn’t get going before noon?” Well, of course, you can’t be that, I’m told.

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What they really mean when they say “be yourself” is, “Be yourself, as long as your behavior indicates that you are hard-working, respectful, ethical, friendly, enthusiastic, situation-appropriate, and smart.”

During the summer, you actually have to bend a lot more than you do once you have a permanent job. Even if you’re very shy, you simply have to go to social events, at least the most important ones. You don’t have to talk to lots of people, but make a point of chatting one-on-one at big affairs. But it’s important to remember that at most offices, there will be a whole range of personalities. If you tend to be more quiet and pursue more subdued social activities, there’ll be some lawyers you can hang out with. If your idea of a good time is skydiving, well, you’ll find your level, too. Don’t convince yourself on the basis of just a few personalities that you don’t “fit in,” or that you’ve got to behave in an unnatural way to get along.

The areas where you really should feel free to “be yourself” actually concern whether you tend to be outgoing or reserved, serious or light-hearted—those kinds of things. Ultimately the most important thing for you to do is to find a work environment that makes you happy, where your personality meshes with your colleagues so that you all enjoy working together. If you pretend to be a hard partier to fit in, or you pretend to be serious and sober because the office is very formal, people will see through your act—and you won’t be doing anyone a favor, least of all yourself.

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19. When they say “Ask me anything,” they don’t mean it.

A lot of firms will encourage you to ask questions. And in some contexts, it’s not only advisable but extremely necessary. But no matter how appropriate questions are, you’ve still got to show tact, discretion, respect, and a lack of greed when you’re told you can “ask anything.”

LAWCROSSING CAREER ADVICE

At one firm, the managing partner was a Vietnam War veteran. At a Q & A session with summer clerks, one of them asked him, “What’s it like to kill people?” (His response: “Don’t tempt me.”)

LAWCROSSING CAREER ADVICE

At one largish Midwestern firm, the managing partner would take out a few clerks every Friday for an “ask-me-anything” lunch. The firm paid its clerks the going rate for the area, considerably less than New York firms were paying. One of the clerks, from a prestigious East Coast law school, asked: “We can go back to the East Coast and make double what you’re paying new associates. Why should we stay with you?” Once the managing partner regained the ability to speak, he sputtered, “I’ve got news for you. If I paid you what you’re worth, you’d pay me for the first two years—then I’d pay you $150,000 a year!”

20. Take advantage of chances to have fun. But be careful with practical jokes!

Nobody wants to work with a stick in the mud. Yes, the work is serious and you should take it seriously. But people want to work with people they like, and you need to show them your relaxed side to encourage them to do exactly that.

Of course, there are limits to what’s appropriate when you’re around people from work. I go over a lot of those when we talk about handling social events a little later on. One area that’s rife with potential pitfalls is practical jokes. Most of the time, they’re fine. I’ve heard all kinds of stories, about people putting a velvet Elvis painting in another clerk’s office, or sending a live lobster through the inter-office mail, or replacing a
clerk’s husband’s photograph on her desk with a picture of Lurch. Pretty harmless stuff. Most people enjoy those kinds of diversions, and like working with people who come up with them. Humor is a great way to cut stress and keep people loose.

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But use your—here’s that word again!—judgment. If nobody else in the office is a joker, you might be stepping on thin ice. (And if you are a joker, it’s telling you something important about the culture that might change your mind about working there after law school.) And sometimes even the most innocent practical joke can spin out of control!

The partner at one large firm tells the following story: 'When I was a clerk here, I thought my career was over. I go into my office one morning. It’s a mess. I find a note on the desk that says, ‘Keep your office neater.’ It’s signed by the firm’s managing partner. I’m about to go and apologize to him when I recognize the handwriting. It’s another clerk’s, a guy I’ll call Carl. He’s spending half his summer with the firm before moving to another firm for the rest of the summer.

"At a clerk-versus-attorney basketball game the day before Carl is due to leave for his other firm, he decks a mid-level associate, sending him sprawling on the ground. I fake an e-mail to him saying, ‘Sorry to hear about your conduct on the basketball court. Have your things packed up by five and security will walk you out.’ I figure out how to remove my own name on the e-mail as the sender, and replace it with the managing partner’s name. Carl immediately picks up on the gag, and shows it to people, saying ha ha, I’m fired.

"Carl moves on to his other firm. The maintenance guys come by his office to tidy up, and see the e-mail from the managing partner with Carl’s writing across the bottom, reading ‘I’m out of here.’ The maintenance guys are concerned, and take it to the managing partner. He’s confused, and asks the recruiting coordinator, ‘Who wrote this?’ As soon as I find out about it, I go to the managing partner to apologize. I explain it was a joke, but he doesn’t get quite the laughs out of it that we had. The next few days are very uncomfortable.

If you do enjoy practical jokes, remember that you should never, ever do a practical joke that has a malicious element to it.

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LAWCROSSING CAREER ADVICE

Large firm in New York has a summer clerk who pulled in a plum assignment: two weeks in Spain with a partner and associate from the firm, reviewing documents being produced for litigation. He developed a friendship with an associate from another firm who was also participating in the document review. They were both jokesters, and that’s fine—but they seemed to spend more time talking and joking than reviewing documents. At one point during the review, he offered the partner a chair. The partner sat on it, and the chair promptly collapsed under his weight. The summer clerk’s cohort from the other firm guffawed, saying, "Isn’t that the chair you wouldn’t sit in because it was too unstable?” The summer clerk just smirked. As one of the lawyers at the firm commented, "A career-limiting move if ever there was one!"

LAWCROSSING CAREER ADVICE

Medium-sized firm. Mid-level female associate makes a point of inviting a different summer clerk to her house every few days, so she can get to know them. One of the male clerks is due to have dinner at her house one day. That day, flowers are delivered to her at the office. The card reads, ‘I can’t wait for our dinner tonight. I really want to get to know you better. Love— and the card is signed with the clerk’s name. The mid-level associate is furious. She storms into his office brandishing the card, asking, "What the hell are you thinking about?” He stares at her, clueless—because he is clueless. The flowers aren’t from him—they’re from two other summer clerks, playing a joke on him. She could have a better sense of humour about it, but she doesn’t. She fumes for days, and questions the summer clerks’ judgment to anybody who would listen.
What if the tables are turned and a practical joke is played on you? Have a sense of humour about it, even if your feathers are ruffled. Realize that many times when people play a joke on you, they’re telling you that they feel comfortable enough with you to be less formal. One junior associate told the story about her summer clerkship, where two associates told her, “Partner Harvey has a nickname. Not a lot of people know it. It’s ‘Spit.”’ He loves it when people call him Spit. You should call him that.” Next time she ran into Partner Harvey—a rather formal man—she casually addressed him as “Spit.” “Well, Spit, I’m almost done with the assignment you gave me...” She kept calling him that. He stared at her incredulously. Finally, he said, “Why, might I ask, are you calling me ‘Spit’?” She immediately realized that she’d been had. She explained what happened, without ratting out the names of the jokers, apologizing to him but not betraying any particular dismay about being the victim of a practical joke. The associates who’d pulled the wool over her eyes explained to the partner that it was their idea, and made sure he was OK with it. They spent the rest of the summer speaking glowingly of how she was a “good sport.”

If the joke that’s played on you is malicious, what you should do about it depends on who the joker is. If it’s another summer clerk, drop word of it to other clerks or junior associates, without editorial comment. “Did you hear about what X and Y did to me...” Leave it at that. If it’s malicious, the firm will pick up on the inappropriateness and address it for you, so you don’t look like the bad guy. If it’s a lawyer or two who pick on you, and other people in the firm view the joke favorably, you’ve learned something very valuable about the culture.

21. What to do if you’re swimming outside of your law school credential gene pool.

One of the beauties of interviewing a bunch of really great people when you write a book is that sometimes they’ll come up with topics you never thought about. That’s what happened here. I was interviewing a really delightful guy, and he was talking about the importance of making a strong first impression on your work assignments, and he added “... it’s especially important if you’re at a Harvard firm and you’re not a Harvard guy.” Hmm, I thought. I wonder if things are any different if you’re either (1) not from a school your employer usually recruits from, or (2) your grades are lower than they usually demand?

Well, here’s what I found out. Sometimes they care, and sometimes they don’t. But what you have to do is the same regardless of how they feel.

First of all, you need to know that a lot of employers pointed out to me that clerks with lower credentials often turn out to be stars. As one hiring partner said, “Sometimes, if things come easily to people, they don’t make an effort and they don’t stand out. Last year we had a clerk who was a star from Day One. She wasn’t the most brilliant clerk, but she sought out work, she was responsive and attentive and fun. She gave the proverbial 110%. She was our most successful clerk by far.”

Also remember that even if you were #1 in the class at Harvard, if you turned in crappy work you still wouldn’t get an offer. So don’t tell yourself that anybody has a completely free pass—a little more wiggle room maybe, but not a lot. And the other thing to remember is that if you got the job in the first place by convincing the employer that your grades really don’t reflect your ability, now’s the time to put the pedal to the metal and prove it! Remember that you do have the candlepower to do the work or you wouldn’t be there. As one career services director said, “You can’t feel deficient and let it erode your confidence. You can get in your own way if you dwell on it. Go in there with your head held high!”

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If you’re surrounded by a whole bunch of fellow clerks who all went to distinguished schools and you didn’t, give them credit. They did something you (and I, too) didn’t do to get into those schools. And when I say give them credit I mean do it out loud. Say something like “Hey, I know you go to Harvard, you must have worked really hard to get in there.” Which is true. You’re paying an honest and well-deserved compliment. You’re not suggesting they’re smarter than you and certainly not that they’ll be a better lawyer. But what you are doing is taking the possibility of one-upmanship off the table. Nobody will try to lord their credentials over you if you’ve already acknowledged how wonderful their credentials are. OK, maybe not nobody. But the kind of person who goes on ramming their superior grades and/or school down your throat after you’ve already said “uncle” is the kind of person who’ll alienate everybody else, as well. So even if they’re your colleague now, they won’t be for long.

Needless to say, if your credentials aren’t flawless, don’t screw up at work. I mean really, don’t screw up. If they feel they’re taking a chance on you the first time you make a mistake, you won’t get the benefit of the...
doubt. So prove them wrong, and do whatever it takes to turn in excellent work! After all, as one hiring partner dryly commented, "Clients don’t accept C work."

One career services director summed up what you ought to do to overcome any preconceived notions about your grades or your school: "If they pay attention to your credentials once you get there, those in the firm who did not think they should hire from your school, or someone with your GPA, will be looking for something to carp on. They can’t wait to say ‘I told you so.’ You have to be particularly conspicuous about working longer hours, turning in great product, and fitting in every way, especially during the first four weeks of your clerkship, since much of this is an initial impression problem. After that, you can back off a little. You should also remember that whoever first interviewed you and recommended you to the firm will be looking for you to succeed, since their reputation is on the line as well. If that person gives you advice you need to follow it, and if that person seems to be avoiding you, look out—they may be trying to put some distance between themselves and what may be perceived as a hiring mistake."

So if your credentials are wanting, go in and do what I would have told you to do anyway—blow them away with the quality of your work and your social savvy. Many lawyers told me that clerks they had who "felt they had something to prove" often turned out to be superstars, rather than people who felt they were so well qualified that they could coast through their summer clerkship on their resume as though it was a magic carpet. If you always feel like you’ve got to prove yourself, regardless of your credentials, you’ll always be a better, more successful lawyer.

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22. Being at the top of your class, and on Law Review, doesn’t mean you can get away with doing anything you want

No matter how sterling your resume is, trust me—law firms have rejected people who look better than you do on paper. It’s possible to be great and acknowledge your flaws, you know. Frank Lloyd Wright, the greatest architect of the 20th Century, freely admitted that the furniture he designed was hardly perfect. As he said in his autobiography, “I have been black and blue in some spot somewhere almost all my life from too intimate contact with my own furniture.” Theodore Roosevelt said that even the smartest person in the world could only expect to be right seventy-five percent of the time. So even if you’re a freakin’ genius, a little humility would look good on you. “Humble confidence” is what employers want to see: You’ve got the raw material to be great, but you’ve got lots to learn.

A partner at one large firm said that “We’ve had clerks come in here figuring if they don’t take a swing at the managing partner or make a pass at his wife they’ll get an offer. It’s not true. Park your sense of entitlement at the door.” Another lawyer added, “Nobody’s got room to be arrogant or smug. Your s*** does stink.” Another partner at another large firm added, “When it comes to being a lawyer, summer clerks don’t know anything. Most summer clerks realize that and they’re here to learn. But a few of them just don’t get it. Don’t come in thinking you’re the cat’s meow.”

What’s even worse is that if you’ve got great paper credentials and you get bounced by your summer employer, every other employer subsequently will look at you and think, “With those credentials, (s)he should have been a shoo-in. What’s wrong with him/her that we need to know about?” Don’t go there!

Follow the same rules that apply to everyone else as though they apply to you. Because they do.

Summer clerk, large firm, at the end of the summer he doesn’t get an offer. He goes back to school on the West Coast, completely stunned. He goes to career services and sits down with a counselor. “I can’t figure out what happened,” he says. “I got great reviews on all my work, I didn’t get drunk at social events ... I just don’t understand.” She asks him, “What do you think might have happened?” He thinks a little bit about it, and then says, “I guess ... I might have come off as a little bit . . . arrogant. But isn’t that what they want? Don’t they want to see that you’re confident?” It turns out that when he got good reviews, he’d make comments like “I never expect anything less from myself” or “My work is always perfect.” Not only did the employer find him arrogant, they found him insufferably arrogant—and it cost him an offer.

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LAWCROSSING CAREER ADVICE

Summer associate from a prestigious Midwestern law school, at a big firm in California. He’s pretty pleased with himself. The first week he’s there, he asks a senior associate out on a date.
She turns him down. He’s incredulous. He goes around saying unflattering things about her, how she was after him and he turned her down. He doesn’t get an offer. Convinced that she had blackballed him, he gets his law school to call the firm and see what happened. They respond, “Sure, we weren’t happy about that, but his work product wasn’t all that great.” He wasn’t getting any other offers, and convinced himself that it was because this firm was badmouthing him all over town. He goes to his career services director and sits down to vent. He rants and raves, and finally says, “How dare they turn me down? I’m on Law Review!” At the end of her rope, the career services director blurs out, “Big f***** deal.” He is ashen. He leaves her office. He returns two days later, and tells her, “Nobody ever talked to me like that before. But I thought about it, and you were right.” He’d been arrogant, but when he finally realized it, he turned around on a dime.

23. Don’t assume that because you worked there last summer (or during the school year) that you’re “in.”

No, you’re not. You’re still being judged until the day you receive a permanent offer. Attorneys don’t want to see you being an arrogant know-it-all with the “new” summer associates. You’ve got a leg up because you know how things work—but keep your confidence in check.

24. Greed may be good, but it doesn’t play well when you’re losing money for your employer.

If you’re being paid more than a few hundred dollars a week for your summer clerkship, your employer isn’t making money on you. They’re making an investment in you. They hope that (1) you will go back to your school and say good things about them, and/or (2) you will come back to them permanently, and after a couple of money-losing years, you’ll develop into a moneymaking asset.

As I was interviewing lawyers for this book, I heard story after story about how ill-advised summer clerks occasionally abuse their firms’ generosity. A piggy bank without a bottom! A credit card without payments! The lawyers went on and on and on. I usually just join in the lament.

“How could people be so short-sighted? What could they be thinking about? I would never—” and then I thought back to my summer clerkship with a large firm, and realized—not only would I, I did.

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The way I took advantage of my law firm’s generosity was easily as stupid as any story I heard from anybody I interviewed. And since I’m going to tell you a lot of those stories, I might as well start with my own, the biggest, worst boner of them all. And just to be fair, I’ll treat it like all the rest...

LAWCROSSING CAREER ADVICE

I spent my summer clerkship at a very large, incredibly generous law firm. Not only were we clerks paid more money than I’d ever dreamed of earning, the firm held fabulous social events and offered us all kinds of little perks. A cab home if we stayed at the office past five o’clock (five!). Dinner on the firm, anywhere in the city, if we stayed past six. Free tickets to any concert or sporting event in town. As many tickets as we wanted. It was an Aladdin’s cave of goodies.

One of my summer clerk buddies (whom I’ll call Buddy) and I couldn’t believe the free tickets. We started out by calling the social director and asking for two tickets to the next day’s baseball game. A messenger would come to our offices to drop off the tickets. We soon upped it to four. Then eight. Then sixteen. We were just doing it to see if they would really give us all of the tickets we asked for. We quickly learned that they meant it—we could have whatever we wanted.

Now, we were a little bit too thick to appreciate that the purpose of these tickets was for us to invite permanent associates and partners to baseball games so they’d have a chance to get to know us. We just thought—I don’t know, we didn’t think at all, I guess. It was like manna from Heaven.

Buddy came up with an idea we both thought was brilliant. “Hey—if they’re just going to give us these tickets—why don’t we go to the ballpark ahead of time and scalp ’em?”
And that’s exactly what we did. We ordered sixteen tickets each, went to the ballpark, and scalped the tickets—all except for the two we wanted to use. We got a good price for them, because they were great seats, field boxes. When we went in to see the game, our section was full of the people to whom we’d sold the tickets. We glanced up at the firm’s skybox, and saw some partners squinting in our general direction and nudging each other, as though trying to figure out who the heck was sitting in the firm’s field box seats.

Aaah. Confession is good for the soul. We were never busted, but it was stupid anyway. Those baseball games would have been a perfect chance to get to know lawyers at the firm, and we blew it.

The bottom line is this: Be sensible with what your firm offers you. Whatever they’re giving you by way of perks in the summer, it pales in comparison to an offer. If you blatantly abuse their generosity, you won’t get that offer. And it’s as simple as that.

LAWCROSSING CAREER ADVICE

Summer clerks in the legal department of a Fortune 100 company. The company gave the summer clerks free housing that was very roomy and luxurious.

The clerks called and complained that they didn’t get maid service.

LAWCROSSING CAREER ADVICE

Summer clerk at a large New York firm. He goes to the recruiting department the day he arrives and asks when he will be receiving his business cards. One of the recruiters explains to him as gently as she can, "Summer associates don’t receive business cards. They are reserved for permanent hires.” The summer clerk pitches a hissy fit and gives them a hard time. "But what about when I meet people at social events? What about when I’m at community functions? I need business cards!” The firm’s recruiting coordinator pointed out, "He wanted to come off as hard-charging. He actually sounded like a spoiled brat."

LAWCROSSING CAREER ADVICE

Summer clerk at a large firm takes her sister to a summer party hosted by a partner at the country club where he’s a member. The clerk and her sister were too hungry to wait for the buffet to begin, so they both ordered food and charge it to the partner’s account.

LAWCROSSING CAREER ADVICE

Summer clerk at a large firm wants to get all of the clerks together to discuss how their summer is going. Not a bad idea if it’s conducted outside of the firm. However, this particular clerk reserves a conference room for the meeting, and orders lunch to be charged to the firm.

LAWCROSSING CAREER ADVICE

Summer clerk at a large firm finds out those other firms in town have just upped their summer associate salary. He sends e-mails to the office computer to the other summer clerks, rallying them to demand more money, "just what we need,” commented a lawyer at the firm. "A rabble rouser.”

LAWCROSSING CAREER ADVICE
Three summer clerks, large firm. They’re researching in the firm’s library. It’s a hot day. They call the catering company that caters firm events and order ice water to be delivered to the library. There is a drinking fountain in the hallway.

**LAWCROSSING CAREER ADVICE**

Summer clerk at a large West Coast firm bragged to another associate, “I spent last summer at another firm in town so I could go through the restaurants that were rated 1-25 in the Zagat Guide. This summer I want to do number 26-50. I’ve already made it to number 37.” The firms paid for all of these meals, of course. The summer clerk in whom he confided quickly spread it around, and soon the clerk was known solely as “the lunch guy.” As the firm’s hiring partner commented, “No matter how good his work was, he was just ‘the lunch guy.’ When we had a talk with him about it, he claimed other clerks were egging him on. He refused to take responsibility.”

**LAWCROSSING CAREER ADVICE**

Summer clerk at a Midwestern firm. One summer clerk had a birthday coming up. Another summer clerk wanted to take her out to lunch to celebrate. “A nice gesture,” commented one of the lawyers in the firm. “We like to see that the summer clerks are making friends with each other.” Problem: she came back with the receipt for the lunch, and tried to expense it. “Not such a nice gesture after all,” the lawyer said. “We’ve got fifty summer clerks here. We have social events all the time. Birthday lunches aren’t one of them. We offered to get one big birthday cake for every summer clerk with a summer birthday.”

**LAWCROSSING CAREER ADVICE**

Before the summer even starts, summer clerks-to-be for one large East Coast firm pelted the hiring partner with e-mails featuring salary information from other firms in town that they’d downloaded from the Internet. The hiring partner was so chuffed he sent them all an e-mail reading, “We’ve seen it, too. Please spend the rest of the semester paying attention to your studies.” “Not the wisest move,” he commented. “They come in with a mark against them before they even set foot in the door.”

One recruiting coordinator at a Southern firm complained, “Sometimes no matter what you offer clerks, it’s not enough. We have a gym in our building. Last summer, it was being renovated, and it wasn’t available. So we struck a deal with a local gym so that all of the summer clerks could have a free membership for the summer. One clerk called and beefed, ‘That gym you got us isn’t anywhere near where I live. Can you pick up the membership at a club closer to home?’ When the hiring partner heard this, he said, ‘If it’s a close vote on this guy, he’s not going to get an offer.’”

**LAWCROSSING CAREER ADVICE**

Lawyer at a large West Coast firm: “We’ve got a huge summer budget. Huge. ‘Do what you want!’ is what they tell the summer clerks. But they don’t mean it. Two summer clerks went out to dinner together and ordered a $700 bottle of wine. $700! Neither one of them got an offer.”

**LAWCROSSING CAREER ADVICE**

Partner at a West Coast firm, has to travel to the East Coast to prep the executive of a corporate client for a court appearance. The partner is going to take along a paralegal, and offers to take along a summer clerk so he can observe. “It’s a real plum, that kind of trip for a
summer clerk,” the partner pointed out. The deal was that the clerk was to meet the partner and paralegal at the airport at seven o’clock Thursday morning to fly out. The partner and paralegal get to the airport on time. Seven o’clock comes and goes. . . . seven thirty . . . the partner is frantic. He calls the firm. They track down the summer clerk, who has overslept after a hard night of partying. The clerk calls the partner on the partners cell phone at the airport, telling him, “I’ll get to the airport and take a later flight. I’ll meet you there.” The partner and paralegal take their flight as scheduled. The clerk shows up an hour later, books himself on the next flight—and upgrades himself to first class, on the firm’s credit card. When he gets to the city, instead of taking the room that was assigned for him, he upgrades to a suite—again on the firm credit card. He cleans out the mini bar to the tune of $300. When the three of them are through with the client, the partner assumes the clerk will be flying back with him and the paralegal. The clerk says, "Oh, no. I want to stay a couple of extra days. I’ll fly back separately." The partner is surprised, but says nothing. The clerk again upgrades himself to first class at firm expense. When the partner finds out about it, he’s flabbergasted. "Sometimes," he ruminates, "you get the feeling that they’re trying to tell us, ‘Don’t make me an offer. Please.’"

25. Don’t think that the “one bite” rule applies to your behavior. One big bad boner can finish you off.

You know the old “one bite” rule about dogs. If you don’t remember it, it’s the rule that says you aren’t liable for your dog’s bites until you are on notice of the dog’s “bite” propensity, which essentially gives you one “free” bite.

Well, when it comes to your summer clerkship behavior, don’t make that same assumption. One really boneheaded maneuver can tank your offer. Now mind you, an awful lot can be smoothed over but it’s a mistake to take that too far. Turning in just one writing assignment, citing a major case that’s been overturned, offering your opinion to a client, one racist comment, anything that could be characterized as sexual harassment, or a single disrespectful incident to a partner or even a partner’s spouse—that’s all it takes. As one hiring partner at a large firm says, “It doesn’t take ten things to piss people off.” And if you’ve done something horribly egregious to one partner, that partner may be willing to filibuster when the offering decisions are made to make sure you aren’t invited back. You do have a lot of latitude in the summer, but it’s not boundless no matter who you are. Keep your behavior in check all the time.

26. Don’t demand to be called “Mr.” or “Ms.”

It may be that the employer you’re going to is quite formal, and everybody calls each other by their last names. If that’s the case, you do the same. But let the attorneys decide for themselves what they’ll call you. If you insist on formality, you’ll rub lots of people the wrong way. As the hiring partner at one large firm commented, “We had a summer clerk who demanded that staff personnel address him as ‘Mister.’ That was an unforgivable mistake around here. We’re an informal group.”

27. Don’t criticize attorneys, other clerks, or support staff.

“Joe is an idiot,” “Sue never gets my work done on time,” “Candy drinks too much.” It’s tempting to complain about the people you work for and the people who work for you. And it may seem as though you can make yourself look better by pointing out the inadequacies of other summer clerks. But as one law school career services officer advises, “It’s inappropriate for you to comment on other people’s work, habits or behavior. That kind of criticism reflects badly on you.”

If you have a problem with a superior or staff member, and you can’t resolve it yourself, approach the appropriate person and look for a solution. For instance, if you can’t seem to please an attorney with your work, go to the recruiting coordinator, your mentor, or junior associates who’ve worked for the attorney. Seek their advice on handling the situation in a positive way: “I don’t seem to be giving Joe the kind of work he wants. You’ve worked with him in the past. Can you help me out?” They may come back with, “Oh, Joe’s an idiot,” confirming your original belief. But at least you didn’t say it!

28. In the words of ZZ Top, “Keep your hands to yourself.”

You may be a very friendly person, and that’s a great quality to have. At the office, make sure that your friendliness doesn’t express itself inappropriately. For instance, if you’re in the habit of putting your arm around people you talk to, even if it’s only a friendly gesture, you might ruffle feathers. One West Coast firm had a male summer clerk who lost out on an offer by putting a friendly arm around the shoulder of every woman he talked to.
It’s even tougher if you have a naturally flirty personality. That can be very attractive socially but at the office, it can be poison. If people frequently misinterpret your friendly conversation as a come-on, go to your Career Services Office at school for help before you start your summer clerkship. They’ll coach you on what’s appropriate. If lawyers at work perceive that you’re coming on to them, it can torpedo your chances there—even if you’re totally innocent.

Finally, no matter how attractive a man you are and how many willing nubile young women fall at your feet, don’t make passes at women at work. Maybe they’ll respond positively, but if they don’t, you’re exhibiting really bad—here’s that word again—judgment. No one wants to hire a potential sexual harassment suit.

29. Don’t swear.

It may be that around your friends, you swear like a sailor, and they don’t care. There’s nothing wrong with that. But it’s a mistake to use foul language around anyone you work for, no matter how comfortable you feel with them. And if they swear, don’t you join in! You’re the one who’s being judged, not them.

LAWCROSSING CAREER ADVICE

Young female summer clerk. She got the job at the firm because she knew a partner socially. Before she joined the firm, whenever she saw him in a social setting, they’d be sitting around with a group of people, and a lot of times they’d tell lewd jokes and use bad language. When she got to work, she assumed that that kind of behavior was OK because it had always been OK around him socially. What she didn’t realize that he was two different people, one person at work and one person socially, and she had to follow that lead. She told dirty jokes at firm events, and swore up a storm—f*** this and f*** that. As one lawyer at the firm commented, "We just couldn’t take her seriously. We said to ourselves, 'Is this the type of person we want in the office? How will she seem around clients?' What students sometimes don’t realize is that we’re not just evaluating them on their work but also on their character and their judgment. The swearing, the jokes—you don’t want a bad image! It’s a mistake to jettison your good judgment for the sake of trying too hard to engage and fit in."

30. Think twice about the things you don’t think twice about at home: the Internet, the phone, and e-mail.

The use of office goodies like the computer and the phone reflect heavily on your—here’s that word again!—judgment. As a simple rule of thumb, assume that Big Brother is always watching you at the office and listening in on your phone calls. Don’t say, send, or visit anything that you wouldn’t want your employer to know about.

a. Internet usage

Your employer is a giant cookie. They have the ability to track your Internet usage, and according to the American Management Association, many of them do. You can’t safely assume that your employer doesn’t. What that means: No visiting sites for yourself while you’re on the clock. While a minute or two spent checking stock quotes or headlines is OK, hours downloading MP3 files or watching 24-hour 01gainherpanties.com is not

LAWCROSSING CAREER ADVICE

At one company’s regional office, all several hundred employees were summoned to the cafeteria for a meeting. The President of the Company stood up and said, "It has come to our attention that some of you must not realize that we track Internet usage, and we consider hours spent at inappropriate sites a theft of company time." More than a dozen of the employees blanched. The offenders were fired on the spot and walked out of the building by security guards, in front of their stunned coworkers.

Inappropriate computer usage is particularly bad if you list as billable the time you spent visiting inappropriate sites or playing around. And I’m just as addicted to Solitaire as anybody else, but if an attorney you work with walks into your office and finds you playing on your computer, your reputation will suffer accordingly. Don’t let it happen!
b. Phone calls

It’s easy to think that with so many phones at the office and such a huge volume of telephone traffic, nobody will notice a long-distance call or two. But they will. Employers look at every long distance phone call to determine which client or account to bill. Many times a summer clerk has been stunned to be presented with a phone bill for long-distance calls made at the office. It’s not only expensive, but they’ll be mad that you were chatting personally on their time. Everybody makes a few personal calls. But don’t stretch the point!

c. E-mails

Assume that every e-mail you send and receive is being read by your employer. What does this tell you? First of all, pay attention to what other people at work use e-mail for. As one career services director says, “It’s a cultural thing. Certain information is passed by e-mail at certain firms.” Look and see what’s sent, and ask if you don’t know what’s appropriate. It may be that the attorney you’re working for doesn’t check their e-mail regularly, and will be really furious if you send them an e-mail stating that you need a couple of extra days to complete the work you’re doing for them. They’ll just think you blew the deadline.

Secondly, never send a colleague an e-mail that you wouldn’t want everyone in the office to read. There are plenty of stories about people pushing the “send to all” command when what they really want to do is say to Maria, “Can you believe what Cindy did to her hair?” Even if you don’t “send to all,” once you’ve sent an e-mail you have no idea who’ll wind up getting it. You’re releasing it to the world. It could be forwarded to anybody. So “be judicious with the use of the ‘send’ button,” as Fred Thrasher recommends.

Thirdly—and this is going to seem really obvious, but you might need a reminder—if you send an e-mail from a certain account, people will assume it’s OK to respond to that account. One career services director told of how she routinely gets e-mails from summer clerks asking about other jobs—from their employers’ e-mail account! You don’t want an e-mail coming to you at the office with a message line that reads “THAT JOB YOU WERE ASKING ABOUT...”

Finally, watch the funnies you receive and send, for a couple of reasons. It’s very easy to glance at the first couple of lines of a joke and automatically forward it to someone else—or even worse, to forward it without even taking a look at it. I’m pretty sure that happens with at least some of the joke e-mails I get, because some of them are just appalling. I like raunchy jokes as much as anybody I know, but some of that Internet stuff—yikes, it’s really disgusting. I know everybody who sends me jokes, and I know that a lot of what they send me is forwarded automatically, so they sometimes have no idea of exactly what they’re sending me. You can’t afford to put anybody you work with on the list of people to whom you automatically forward jokes. You need to be your own filter. More than one summer clerk has lost an offer by sending inappropriate e-mails.

Also, tell your friends to send you jokes and cartoons to your home computer, not your office. You don’t want to be caught receiving raunchy stuff at work anymore than you want to send it. On top of that, you might run into systems problems. One summer clerk told me he had a friend send him a cartoon file so large that it crashed the entire computer system at his office for several hours. “It took me days, and a lot of groveling, to get over that one,” he said.

31. What to wear to work... and why “business casual” is a dirty word.

What you wear is a personal statement. At your summer clerkship, that statement should be, “I want to work here, so while I’m here, I’ll dress the way you dress.” No matter where you work, you’re more likely to get an offer if you dress like the attorneys for whom you work.

I talk about social dressing when I talk about handling social events. When it comes to choosing what to wear to work, on the other hand, here are a few rules to remember.

a. Call before you start for guidance on what to wear.

As a career services director from the Midwest says, “Ask! It won’t be held against you. The whole idea of appropriate dress is out of control right now. Some employers are ‘total casual.’ Others don’t have casual Fridays yet. The government has always been more casual than private employers other than litigators, but that means Dockers, not cut-offs. Nobody expects you to know any of this while you’re still in school!” Don’t flounder around in the dark. Call and ask. They’ll respect the fact that you cared enough to find out before you showed up in your “I’m With Stupid” T-shirt.
b. You don’t have to blow your budget to fit in.

Nobody expects you to stuff your closet with Armani just for the summer, no matter what the lawyers at work wear. Get a feel for the kinds of things that go over all right. There will be a range from casual to conservative, so head for the middle or err on the side of conservatism. Buy the best quality you can afford. At the end of the summer, you don’t want what stood out about you to be your wardrobe.

LAWCROSSING CAREER ADVICE

Summer clerk, large New York firm. He insists on wearing five-dollar suits from Goodwill to work … and they look like they’re worth about that much. He shrugs off hints to “conform” by buying a “decent suit.” Rather, he brags about how much money he’s saving and how it’s important “to be true to myself.” As other summer clerks and junior associates grow more concerned about him, they offer to loan him suits. No luck. At the end of the summer, he’s furious when he doesn’t receive an offer.

c. No matter what the dress code is, neatness counts.

Everything’s got to be clean, stain- and wrinkle-free. “Casual” never means “grunge.”

d. Don’t let your clothing sense slip as the summer slips away.

“Casual” doesn’t mean “more casual” in August. As Drusilla Bakert warns, “Your employer will remember best how you looked at the end of the summer, not the beginning.” Maintain your sense of what’s appropriate until your very last day at the office. After that—heck, frost your naked body in chocolate if you want. Just don’t let anybody from work see you.

e. If your office is casual, bring in something formal and leave it at the office—just in case!

I’ve stressed to you the importance of taking advantage of “observational” opportunities, like client meetings and court-centered activities—and also the value of accepting social invitations from lawyers you work with. The rub with “business casual” dressing is that if you’re dressed too casually, you can’t meet a client or go to court or go to lunch at some ritzy places. The solution? “Have something at the office to change into when you need something more formal,” says Carlton Fields’ Kevin Napper. That way you need never miss anything you want to attend—and you’ll be able to dress casually much of the time.

LAWCROSSING CAREER ADVICE

Summer clerk, large Texas firm with “casual dress” Fridays. One female clerk took advantage of this policy to show up in ripped jeans. A female partner had arranged with the clerk to take her to a county women lawyers’ lunch meeting that day. The partner was mortified. “I couldn’t take her dressed like that,” she said. “And apart from that, I felt as though it showed she had no respect for me.”

f. If you clerk for a public interest employer, don’t assume that casual dress is the norm.

Before your clerkship starts, take the opportunity—if your interview didn’t present you with one—to observe the way your colleagues dress. As one public interest employer advises, “It’s not unusual for public interest employers to expect jackets and ties. Pay attention to grooming! We expect you to dress appropriately, and to observe, or ask questions, to find out what the norm is.”

g. Don’t assume that someone will tell you if you’re wearing the wrong things.

Unfortunately, lawyers are very reticent to say anything if they think you’re dressing inappropriately. If what you’re wearing is too tight, too bare, too bright, too casual or too cheap looking, don’t tell yourself, “It must be all right, nobody at the firm has said anything about it to me.” Unless you are way out of line, most lawyers won’t say anything about it. They will just consider you unprofessional. They’ll be disinclined to make you an offer or put you in a situation where you will meet clients.

32. Dealing with jerks, screamers, and other difficult people.
If you’re at a small office for the summer, you’ll get to know all of the personalities, and whether they’re nice or evil or a mixture, what you see is what you get. Decide if you can, and want to, work with them after you graduate. If you love the work or the location or some of the people so that you want to go back, work at the place regardless of a troublemaker or two.

If you’re at a large summer program, you’ll find that the employer will make a special effort to keep you away from the jerks. As one recruiting coordinator commented darkly, “We know who the jerks are. We keep them far away from summer associates.”

But sometimes you might find yourself working for a jerk in a large organization. They might circumvent the assigning attorney and come straight to you with work to do. Or, if your employer thinks you’re cocky, your firm might throw you to a difficult partner “to take you down a notch,” said one hiring partner. No matter how it happens, don’t be too shocked if you wind up working with Simon Legree on a project. As one recruiting coordinator points out, “Be realistic. Not everybody is someone you want to spend a life with.”

What do you do if you do get a real turd assigning you a project? First of all, read the section “Dealing with Jerks” that I mentioned a couple of paragraphs ago. If you can tame the evil beast, you’ll look like a master of people skills. (In essence, the dealing with jerks section tells you to do your best, CYA, and keep calm.) On top of that, go to the hiring partner or recruiting coordinator, and wording it carefully; ask for their help. Don’t say, “God, X is such a butt munch!” Instead, say something like, “Is it me, or is X challenging to work for? Can you give me some advice about doing work for him/her that (s)he’ll like?” Their response will either be “Oh, grow up” or “Hmm. I didn’t know. I’ll investigate it.” Either way, you’ve alerted other people to your plight without being negative, and that’s precisely the way you want to handle it.

Never let a bad project with one attorney color your impression of the entire office (unless the office is very small). Recruiting coordinators all know of summer clerks who endure a bad project and leave with negative feelings about the firm, and if they get an offer they reject it. Remember, your employer wants you to succeed and wants you to come back. As McGuire Woods’ Pam Malone says, “The recruiting staff is invested in the success of the process. Give them a chance to help you!”

33. Don’t let your partying interfere with your work.

Don’t get the reputation as a partier. It’s a fine line to walk. Your summer employer wants you to attend and enjoy social events—but not too much. They’ll expect you to be at work, every day, fully functional. If this strikes you as a drag, remember it’s not forever. As soon as you’re back at school—party on, dude! But while you’re there—everything in moderation.

LAWCROSSING CAREER ADVICE

Hiring partner, large Midwestern law firm: “We had one summer clerk, a young woman, whose work product was fine. But when the hiring committee met to decide on offers, there were some questions about her. To be perfectly blunt, she was a party girl. We all like to have fun, but she was only willing to work if it didn’t interfere with her party habits. For instance, she was working on a big case for a very senior partner. The partner asked her to show up at 9:30 a.m. on Saturday to help him out with a brief. She didn’t come in until the middle of the afternoon, and even then, she was clearly hungover. She couldn’t work at all. He told her to go home and dry out, and to meet him at eight o’clock on Sunday morning instead. He emphasized that he needed her help this particular weekend, because the brief in question was due in federal appeals court on Monday. That Saturday night, one of the partners ran into the summer clerk at a local nightclub. He took off at one a.m., and she was still there when he left. She didn’t show up at the office at eight a.m. In fact, she came in at two o’clock. The partner was furious. “Sometimes,” he commented, “an otherwise bright person just doesn’t have the sense to figure it out.”

34. You can maintain your personal social schedule during the summer—if you’re smart about it!

During your summer clerkship, there’s no question about it: you’ve got to fit your personal social schedule around your summer clerkship, not the other way around. But that doesn’t mean you have to be married to your summer employer. It just means you have to be savvy about handling outside interests.

For instance, it may be that you have regular social activities of your own—maybe a bowling league, art
classes, dance classes, whatever. There’s no reason you can’t do what you want as long as you arrange it so that your activities don’t interfere with your work. It may be that you’re facing a tight deadline and you miss a class or two or need a sub for your bowling league. You need to anticipate that. And even if you do have work that potentially interferes with something you want to do, it’s not so much what you say to your supervisor but the way you say it.

Always approach your supervisor with requests to bail out as though they’re doing you a favor. “I have a French class I usually go to on Thursday nights. Is it all right if I leave tonight by six o’clock?” It’s the assumption of being able to leave that’ll torque off your employer, not the fact of it.

**LAWCROSSING CAREER ADVICE**

Summer clerk at a large West Coast firm. He’s working in the corporate department on a deal that is set to close. All of the attorneys are exceptionally busy. The clerk wants to play in a softball game. Instead of asking, he shows up, in his softball uniform, in the supervising attorney’s office, and says, “I’m thinking of going to the game—is that OK?” The attorney, thoroughly aggravated, responds, “Fine. Go.” He crucified the clerk in his evaluation. The attorney said, “I wouldn’t have been so bothered, except he showed up in that goddamned uniform. And he didn’t offer to come back after the game, knowing how busy we all were.”

Social activities are one thing. Days off are another. Of course, if you have a wedding or funeral to attend, no one’s going to argue with you taking time off to go. For graduations and events like that, Carlton Fields’ Elizabeth Zabak advises you to “Give the firm as much lead time as possible.” In other words, as soon as you know you’re going, let them know.

As a general rule, you shouldn’t plan on being able to take a week’s vacation during your clerkship. You probably think that chomps, and if you’ve never worked during the summer before, maybe it does. But as Elizabeth Zabak points out, “Keep in mind that this is essentially a three-month job interview.” Instead of risking annoying your employer with a request for time off during the summer, consider taking a week before school starts up again to satisfy your vacation needs.

If a particular week off is really important to you, it may be that if you approach your summer employer tactfully, you can do it. William & Mary’s Fred Thrasher says, “If you’ve always spent a week at the beach house with your family in July, clear it with your employer before the summer even starts.” Don’t take the weenie way out and slink away unannounced. As an attorney in the San Diego City Attorney’s Office advises, “There’s a big difference between saying ‘Would it be convenient if I were to be out of the office for these days?’ instead of announcing ‘This is when I’ll be gone.’”

Similarly, if work comes up on the July 4th weekend—it’s not likely to, but sometimes client crises arise and law is a client-driven business—you may find yourself canceling holiday plans. One law firm talked about a summer clerk who indignantly responded “I can’t work the holiday weekend. I have company.” What she should have told us was, ‘I have company flying in. Let me see how I can move them around.’ If she’d said that, we probably would have scrambled to find a way to accommodate her. But her attitude made us not want to help her out.

**CAREER-LIMITING MOVE**

A small firm on the East Coast reports, ”We had a summer clerk who made us ask ourselves, ‘What’s with this woman?’ She had good credentials, but otherwise she was unbelievable. One of her antics was asking on Thursday if she could take off Friday and Monday to go to a beach house a couple of hundred miles away. We told her it was OK, but only reluctantly, because she had an assignment due Tuesday afternoon and we didn’t think she could finish it in time if she took off for a long weekend. She called on Tuesday morning—from the beach house, no less—and said, ‘Can I stay the rest of the week?’ We wanted to tell her, ‘You can stay the rest of your life!’”

35. Don’t lie. Particularly about things that are easily verifiable.
Your reputation is the most valuable professional asset you have. Once people learn anything about you that impugns your integrity, you’ll make them wonder, “What else are they lying about?” It’s not worth it. Don’t lie.

LAWCROSSING CAREER ADVICE

Summer clerk, working for a large firm down South, mentions to a junior associate that he played football for a very prominent state university football team. She responds, "What a great fight song!" Throughout the summer she mentions the fight song to him. The summer clerk never sings it, and never even hums it, which she finds increasingly curious. At the firm retreat in August, the associate mentions to the firm’s hiring partner that the summer clerk played football for X state university, but that he doesn’t seem to know the fight song. The hiring partner is very curious and looks into the clerk’s story. It seems he did play football at X state university, but not at its main campus—he played third string at a small satellite campus. The hiring partner didn’t appreciate the deliberate misperception, and the clerk didn’t get an offer.

36. As a summer clerk, don’t choose sides in office politics.

We’ll talk a lot about office politics later on. In short, no matter where you work, your office will be political. Unless you work alone, there’s no way to avoid it.

As a summer clerk, the thing you need to know about office politics is this: “Don’t choose sides,” as William & Mary’s Fred Thrasher advises. You don’t know enough about the issues to make your own decisions. And besides that, you can’t afford to make enemies as a summer clerk. You need all the support you can get to ensure that you get an offer!

37. Recognize that if you hate what you’re doing, you only have to make the best of it for a few weeks.

Despite your best efforts in finding a great employer, you may in fact find that you’ve hitched your wagon to a slug, not a star. What should you do? Use it as a learning experience, and get what you can from it. And remember that the people you work with aren’t fixtures. They could well go on to work at places you would enjoy, so if you make an effort not to alienate them no matter how bad a time you’re having, you may find yourself open to opportunities down the road that you can’t anticipate right now.

Comfort yourself with the thought that summers do end, so your agony is temporary. John F. Kennedy used to say that he could tolerate any pain if he knew it would come to an end. And in Alcoholics Anonymous, people are advised to “look past the drink”—look at the long-term benefits of restraint now. So if you’re miserable at work, focus on a time when you will be happy, when the bad experience will be over. It’s so much easier, and more productive, than wallowing in misery.

38. Be careful when you’re asked to critique the summer program.

Don’t think that if you make it unscathed to the end of the summer, you’re home free. Many employers will have you fill out a critique of your summer experience. As NYU’s Gail Cutter advises, "Be selective in the comments you make! Present any suggestions in a positive and constructive spirit. You are still under evaluation; here, your judgment, diplomacy and tact are under scrutiny. It’s not unusual for firms to uncover disgruntled employees or people with perennially bad attitudes from critiques.”

Please see the following articles for more information:

- Top 10 Reasons Why Getting a Summer Associate Job with a Large Law Firm is Crucial to Your Legal Career
- The Structure of a Summer Associate Program
- Succeeding as a Summer Associate
- Responding to Summer Associate Job Offers
- Be a Star Summer Associate - By Having a Purpose
- Summer Associating Gone Right: Tips for Turning a Summer Associate Job into a Career
- Words of Wisdom for Summer Associates: Summertime!
- Making Good Use of Summer will Benefit Law Students
- Landing the Perfect Summer Associate Job
- How to Get and Learn from Feedback in Your Summer Associate Job
How to Determine if the Law Firm Where You Were a Summer Associate Is a Place in Which You Really Want to Work
The Firm's Annual Summer Charade
Interview Advice for Second Year Law Students Seeking Summer Associate Jobs
Should I Summer for a Law Firm Where My Boyfriend Works?
Summer Associate Class Sizes of Top Law Firms
Second-Year Summer Associate Work
Along with the study of Law: The Summer Experience
Types Of Summer Jobs And How To Find Them
Summer Jobs for Law Students
Tips for Being a Successful Summer Associate
Alternate Routes to Joining a Summer Associate Program
Finding a Summer Job After The First Year of Law School
Worked as a summer associate, but didn’t get an offer. Your options?
Summer Associating Gone Right: Tips for Turning a Summer Associate Job into a Career
How to Make the Most of Your Summer Associate Job
Summer Positions with Small Firms and Public Interest Groups
Split-Summer Program Lets Law Students Have the Best of Both Worlds
Making good use of Summer will benefit law students
Campus Hiring by Law firms for Summer jobs
Summer Associate Boot Camp: You Call That a Deposition?