Episode 45: Writing Effectively in Your Summer Legal Job

Alison Monahan: Welcome to the Law School Toolbox podcast. Today we're talking about writing effectively in your summer legal jobs with special guest, Doretta McGinnis, who's one of our law school and bar exam tutors and has taught legal writing for many years. Your Law School Toolbox host today is Alison Monahan, and normally I'm with my co host, Lee Burgess.

We're here to demystify the law school and early legal career experience so you'll be the best law student and lawyer you can be. We're the co creators of the Law School Toolbox, Bar Exam Toolbox, the Catapult Career Conference, and the Trebuchet Legal Careers site. And I also run the Girl's Guide to Law School.

If you enjoy the show, please leave a review on iTunes. And if you have any questions, don't hesitate to reach out to us. You can always reach us via the contact form on LawSchoolToolbox.com and we would love to hear from you. With that, let's get started.

Welcome back. Today we're talking about writing effectively in a summer legal job with special guest Doretta McGinnis. Doretta is one of our law school and bar exam tutors with tons of experience teaching legal writing, so we're very excited to have her on board to talk about this important topic.

Let's jump right in. Doretta, how is writing in a summer legal job similar to or different from the writing people might have done so far in law school?

Doretta McGinnis: Well, I think law students will be pleased, and I hope not surprised, to hear that writing in their summer jobs will be very similar to the writing done in law school.

Alison Monahan: Really?

Doretta McGinnis: Yes. And that makes sense because the purpose of legal writing programs in law school is to prepare students to practice, and their legal practice begins with summer internships, summer jobs so it makes sense that these programs are preparing you to write well beginning in your summer job.

Alison Monahan: Mm hmm. I mean, I guess that's true. Typically, at least in the first year, you're writing sort of an appellate brief at some point and also some sort of more like, I don't know, district court level brief, I guess you'd say. You know, trial court briefing. I mean, can students realistically expect to jump in and start writing an appellate brief?

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Doretta McGinnis: Well, they certainly won't be entrusted with writing an appellate brief over the summer.

Alison Monahan: I actually did, believe it or not.

Doretta McGinnis: Really? Well, that's unusual.

Alison Monahan: As a 2L.

Doretta McGinnis: That's, that's unusual, I think.

Alison Monahan: Yeah, I wrote a, I wrote a brief, oh gosh, I know you can tell how long ago it's been, I've forgotten what they're called.

Those ones that you file if you're not really the plaintiff. I don't know what it's called. Anyway, to the second circuit.

Doretta McGinnis: Oh, an amicus brief.

Alison Monahan: Yeah, an amic- thank you. I was like a friend of the court. Yes, no, I wrote an amicus brief to the second circuit.

Doretta McGinnis: Oh, okay. Oh, well, that, that's, that seems like a pretty unusual experience, but once again, I'd point out that's an amicus brief.

That was not, you know, representing the client.

Alison Monahan: Right. I wasn't. Yeah, exactly. True. Exactly. I don't think they would have entrusted me with the actual client briefing.

Doretta McGinnis: Exactly. And that, that's my point. I think over the summer, the most likely thing that you will be writing will be research memos. And that's particularly true for those of you who are working at large law firms over the summer.

So you may well be doing memos, and if you are, they are going to be very similar to the memos that you worked on during your legal writing class.

Alison Monahan: So what do you mean by a research memo? Like, what's an example of that?

Doretta McGinnis: I mean the classic, you know, open memo assignments that you did in law school where you are assigned an issue to research and then to write about it in an objective fashion.

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Alison Monahan: I mean, would this be, so this is not like a motion in limine to like suppress evidence or something? This is more like, is it internal? Is this stuff going to a client? Like, what is it?

Doretta McGinnis: It will have a long afterlife. These memos are really important. At the initial stage, they will be internal, but they live on because they may become the basis for a motion in limine.

They may become the basis for a summary judgment brief. You may be researching an issue that's relevant to an appellate brief and perhaps some portion of your memo will, you know, become reincorporated into an appellate brief. But the important distinction I'm making at the memo level is that at that stage it is internal and it is objective.

You're not, although of course you're an employer, you're a firm, you are representing a client, you're not writing in an advocacy posture, you're writing in a predictive, investigative way.

Alison Monahan: Okay, so this is sort of like, this is sort of the stuff that's kind of earlier in the process when, you know, maybe the partners in the case and the client and the general counsel, whoever, trying to sort of figure out, like, what's their case strategy, you know, what are their, like, what are their big issues, where do they have strong points, where are they weak, And then they kind of take this stuff and then decide what they're going to present in court.

Doretta McGinnis: Well, that's exactly right. So you raised the example of a motion in limine, and that's a perfect example where there would be underlying research perhaps to determine whether the evidence in question might be excluded and on what grounds. What precedent would support it?

Alison Monahan: Yeah. And I think sometimes what people see too definitely in big firms are things that you might not have seen before in law school, so that aren't particularly difficult, but you just might not have seen them you know, like responding to discovery requests and that sort of thing.

Doretta McGinnis: Yes, I was just thinking of that. Exactly. The responses to discovery requests or you might even, you know, be asked to draft some interrogatories, questions that would be asked in a deposition you know, they're really, that's the difference. We started kind of with the similarities of legal writing over the summer and legal writing in law school, and again, memos, briefs, those things are going to be very similar.

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The differences, though, are that you might be asked to write some new type of document that you've never seen before in the scope of your legal writing class.

Alison Monahan: What would be an example of that?

Doretta McGinnis: Well, I think these discovery type things that we were just talking about.

Alison Monahan: Yeah, I remember starting as an associate after clerking and they sort of said, oh, can you respond to these requests?

And I was like, what are you talking about?

Doretta McGinnis: Right.

Alison Monahan: And is this maybe the partner kind of has this moment of like, how much are we paying you? Like, you've never seen an interrogatory response before, but like, you know, why would you if you haven't?

Doretta McGinnis: Well, right, exactly. Exactly. And these are things that, you know, are not, not frequently covered in in legal writing classes.

You could, of course, get hit with the classic busywork assignment of, you know, helping to research the, you know, 50 state overview of, you know, wrongful termination law, or something else where, you know-

Alison Monahan: Well, let's, let's touch on that one for a second, because I have, I have heard these stories of, you know, let's give the summer associate this research task, and sometimes, without really thinking twice about it, they go off and actually, you know, go to Lexis and Westlaw and start pulling cases from 50 states. Is that the right approach here?

Doretta McGinnis: Well, you know, I think the right approach for any summer assignment is to get clear direction from whoever is supervising this project.

And if the project, you know, we laugh about these 50 state research projects, There are certainly environments where, you know, maybe someone at the firm is writing a book chapter about this. Let's say, again, I'll use employment law, that was my field, you know, maybe someone is writing a chapter contributing to a book about wrongful termination.

So maybe that 50 state research is actually, you know, meaningful. I mean, it's been, it's been done before. These things are out there, but maybe you're updating it. Maybe you are-

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Alison Monahan: Right. Well, that, that was sort of going to be my point. I think if you get one of these sort of things, the first thing you need to do is think about has someone else already probably done a lot of this work.

Doretta McGinnis: Correct.

Alison Monahan: And I think that's one of the things that was interesting to me when I worked after my first summer is, you know, we, of course, I'd taken legal research and writing. We'd done some research. But I remember showing up to the firm and this was a firm, it was a relatively smallish firm in New York City and they were really trial litigators.

You know, these people, like, they were very good at what they did, and so they gave me this assignment of some sort of contract law question, and I was sort of like, okay, you know, luckily I thought to ask, like, well, you know, do you have any suggestions on how I might get started on this? And the guy kind of looks at me, and he goes, well, you should look at Corbin on Contracts, and I look back at him, and I said, what's that?

You know, and it was this moment, he's like, They don't teach you to use books anymore, do they? And so he literally took me to the library and he pointed out these horn books that I'd never seen or heard of in my life. And he's like, If I give you a contracts question, this is where you start. And, you know, somebody gives you a 50 state employment law research question.

You don't start by pulling cases. You go to the library and hopefully, you know, ideally you have a librarian who can ask this question too. But, you know, when you look for like, what is the horn book on this? Like, has anyone done this work? Because probably they have most of it.

Doretta McGinnis: Well, that's right. There is almost nothing that will, that you will encounter over the summer that has not been done before, whether that is updating research or writing a summary judgment brief in, you know, the format that's expected at your particular employer. or responding to discovery requests or whatever it is. So it's very important that you for any assignment have some guidance.

Alison Monahan: Yeah, it's an interesting point you said, because you'll never, you won't be given something that's, you know, never existed before, but I think there is actually this one subcategory that people get hit with a lot on these summer projects and it really can be confusing. And that's the basically like dead end research project that the partner or whoever's giving it to you knows is a dead end, and

for whatever reason, you know, the client insists that they need to track down this case that everyone knows doesn't exist or something. And so sometimes you get these like rabbit hole and you go down the rabbit hole and you're looking and looking, you're going, you're finding, and you're not finding anything.

And you go back to the partner and they kind of laugh and they're like, yeah, I'm not surprised. And basically they gave it to you because you're working for free, essentially for the client.

Doretta McGinnis: Right, right.

Alison Monahan: You know, it's like they're not going to waste, they're not going to like waste an associate or whatever on this thing, which they all know is pointless, but they will waste like three days of your life on it as a summer associate.

Doretta McGinnis: That's, that's very true. And hopefully those three days are Wednesday through Friday, not Friday through Sunday.

Alison Monahan: Yeah, exactly. So I think one thing to keep in mind is if you get, if you are, you know, in this position where you're feeling like I'm really not finding something, it might not actually be your fault.

I mean, it might be because you might not know what you're doing, but, you know, you might also be going, you might be in the classic rabbit hole of like the bottomless summer associate pit of an assignment that you're never going to find a case on.

Doretta McGinnis: That is true, and if you're in that position, or even if you're not, for any research that you're doing, it's very important to maintain a record of what you did.

Alison Monahan: Yes. Yeah. You can't just go back and be like, well, I spent three days looking and I didn't find anything.

Doretta McGinnis: Exactly.

Alison Monahan: Because their first question is like, well, what did you do?

Doretta McGinnis: What did you do, that's right.

Alison Monahan: You know what data, and literally like what databases did you search? What queries were you running? Like, you know, reconstruct your research.

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So I can basically say, okay, everything you did makes sense. Yes, I think that like there really is not a case out there. Or, the person who gave you the assignment or someone who's helping you can be like, you know what? I think that you need to go look at this. I think you need to use these search terms.

I think you need to, you know, go, whatever it is. But if you just show up three days later with nothing, that's not really going to make anyone very happy.

Doretta McGinnis: No, it is not.

Alison Monahan: So, I mean, on that note, what are employees really looking for from summer employees? Do they expect perfection? You know, are they going to fire you on the spot if you don't find the case?

Doretta McGinnis: They're not. They're not expecting perfection. And they understand that you are a law student, not a, graduate, or not an associate with several years of experience. So I would put it this way, I think they're looking for competence, professionalism, and trainability. And they want you to be competent for your status as a law student.

Alison Monahan: Right, so what does that mean? What should people be able to do?

Doretta McGinnis: People should be able to do basic legal research and to do it accurately. And the supervising attorney should be able to rely on that research and that dovetails with the point we just made about keeping track of what you have done so that you can support your findings.

Alison Monahan: Yeah, there's nothing more annoying than having like a summer associate come to you and say, well, you know, I spent a couple of days looking for this thing you told me to find, in which case, like, I actually thought there were cases on this. But you know, I didn't really find anything.

Doretta McGinnis: Right.

Alison Monahan: And it's like, okay, well, you know, and they're like, well, what did you look at?

Well, you know, I was looking at this, that, oh yeah, I was looking at, you know, these like state databases for the state. And it's like, we're in federal court.

Doretta McGinnis: Right.

Alison Monahan: You know, like, what are you doing? Do you remember anything from CivPro?

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Doretta McGinnis: Right.

Alison Monahan: And you know, there's just like, that's not competent.

Doretta McGinnis: Well, exactly.

Exactly. So, so you, you want to do that, the research competently and, and the writing should be competent.

Alison Monahan: Right, so what does that mean?

Doretta McGinnis: What does that mean? It should follow all of the basic principles of legal writing that you've been learning during the year at law school. It should be well organized.

Alison Monahan: Do you have to worry about, you have to worry about the blue books and stuff?

Doretta McGinnis: Oh sure, absolutely.

Alison Monahan: Oh really? I can't just like have my secretary deal with that?

Doretta McGinnis: Oh yes, famous, famous question. No, you need to, you need to follow the, you know, the conventions of the profession. So your memo needs to look like a memo.

It needs to have the components of a memo. It needs to have the tone of a memo. We were just talking about objective writing. It needs to make appropriate use of cases and of the facts, if you've been given a factual scenario, and if you're not given one of these, you know, just abstract, what is the law in 50 states, if you're, if you've been given a factual scenario, you have to understand and make good use of those facts.

So really, again, all of those skills that you've been working on in law school, both in legal writing and in your other classes, of course, you made the point about remembering civil procedure all of that is part of competence as a summer associate or a summer intern.

Alison Monahan: Yeah, and I think a lot of this, and we'll talk about this a little bit later, but a lot of this goes to asking questions, right?

I mean, the first step in any good writing project is you've got to figure out what questions you need to ask to get the information that you need.

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Doretta McGinnis: Yes, you do.

Alison Monahan: Yes.

Doretta McGinnis: And, and, and some of those questions, just the mere fact that you're asking those questions will reflect well on your professionalism. It will show that you know what the right questions are to ask.

Alison Monahan: Right, and it can be something as simple as like, let me just confirm that what we're looking for here are New York federal cases in the Southern District of New York.

Doretta McGinnis: Right.

Alison Monahan: You know, or like, you know, in the Second Circuit or whatever it is. At least that shows like, okay, you understand, like, there's a difference between a state court and a federal court.

These things matter.

Doretta McGinnis: Yes, yes.

Alison Monahan: We can't file a brief in federal court citing a bunch of state cases if they're not relevant, you know.

Doretta McGinnis: Right.

Alison Monahan: Stuff like that.

Doretta McGinnis: Right.

Alison Monahan: And what about deadlines?

Doretta McGinnis: Yes, deadlines are a key component of professionalism, and requesting a deadline, if you haven't been given one, is a very good question to ask.

You really want to know when your work is due, and you absolutely must meet any deadlines that you were given.

Alison Monahan: Right. I mean, you might, you know, it might be the case that, you know, say when the brief is due, but presumably that's not when your work is going to be due.

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Doretta McGinnis: That's right. Well, that's exactly right.

You need a deadline for your component. And you need to have your work finished well in advance of that deadline so that you can proofread it and perfect it and make it as final as you can.

Alison Monahan: Right. One of the things I really like that people do sometimes if they're really on the ball is I would, you know, sort of give them this assignment, maybe it was due like, you know, officially due like a week or so away.

And they would say something either in an email or in the initial meeting like, okay, so I'm going to circle back with you in a couple of days and kind of update you on where I am. Is that okay with you?

Doretta McGinnis: Yes.

Alison Monahan: And I think that's a great approach because it makes me feel better as a person giving you the assignment.

They're like, okay, I know what their plan is. I know that I should expect to hear from them. I don't have to worry about this. Because if somebody just goes away for a week at some point, you know, four or five days in, I'm going to be like, what are they doing? Are they at summer lunches all the time?

Like, have they done this work? Am I going to end up, you know, in the end with nothing to show for it? Am I going to get yelled at, you know. So just keeping people, like, more in the loop than maybe you think you need to, I think can be really useful.

Doretta McGinnis: I think so, too. And that gets to a very important point, I think, Alison, which is that you need to look at whatever assignment you're doing from the perspective of your supervisor.

Alison Monahan: Definitely. I remember a partner I worked for once yelling at me and saying, your job is to make me look good.

Doretta McGinnis: Exactly. Yes.

Alison Monahan: I know it's sort of obnoxious, but it's really true. Like that was my job.

Doretta McGinnis: It is true. It is true. And that is a really good attitude for summer associates and summer interns to start cultivating.

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Because if you, there will be a domino effect. If you turn in your assignment late or sloppy, that is going to impact the, you know, senior associate who is supervising you and then that's-

Alison Monahan: And let me tell you that person is not going to give you very good recommendation at the end of the summer and people need to understand anyone they've worked with over the summer is going to be asked to fill out basically like a questionnaire.

Doretta McGinnis: That's right.

Alison Monahan: Essentially saying, you know, should we hire this person?

Doretta McGinnis: Exactly.

Alison Monahan: And it, you know, I mean, obviously they're all different, but, you know, presumably it's going to have stuff about, like, did they turn things in on time? Were they responsive? Did they do the work? Like, was their work of high quality?

And you need to get checks on those.

Doretta McGinnis: That's right. That's right. So so you should really think about it. Think about satisfying the needs of the supervisor. How much time is that person going to need then to review your work?

Alison Monahan: Yeah, absolutely. You do not want to leave that person, like, waiting for your stuff at the last minute.

Doretta McGinnis: Right.

Alison Monahan: Because I can guarantee you, whoever's given you this work is already stressed out, and the last thing they need to be worrying about is whether there's summer a person is going to get this work done or not.

Doretta McGinnis: And I liked your point earlier about kind of checking in, because there's some supervising attorneys who get very nervous.

I mean, I worked with a guy like that who would, you know, give an assignment and then it seemed like he would call, you know, every hour, how's it going? Are you doing it?

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Alison Monahan: Right.

Doretta McGinnis: Are you working on my assignment? And, you know, that was a little neurotic on his part, but-

Alison Monahan: Sure. But a lot of lawyers are pretty neurotic.

Doretta McGinnis: That's true.

Alison Monahan: Let's face it. But you gotta take it-

Doretta McGinnis: But if you have to manage someone like that is, as you suggested to say, hey, I'm going to be working on this and I will touch base with you on, you know, Wednesday morning and let you know how far I've got.

Alison Monahan: Yeah, exactly. You just gotta, you gotta get out ahead of like whatever issues the person you've giving you work has.

Your job is to sort of, this kind of goes along the same lines, is like your job is to figure out whatever their issues are.

Doretta McGinnis: Yes.

Alison Monahan: You know, is this person like extremely stressed out? Are they a micromanager? Are they very hands off and they don't really want to deal with you calling them 16 times a day?

So maybe you put everything in one email, like once a day, all of your questions, things like that. You know, a lot of this is basic people skills, but I think if it's your first time in a professional environment, these things aren't necessarily intuitive.

Doretta McGinnis: Well, that's right. And it gets to, again, one of the differences between legal writing in law school and legal writing over the summer, you always have to satisfy your audience. You have to satisfy your reader. You have to keep that person in mind. And the, you know, the, the legal writing professor is trying to help you to build your skills and learn how to how to write competently and effectively and is of course grading your work, but the people over the summer are depending on your work in a completely different way.

And they are, you know, they're not there to support and help you get better. They are there in much more-

Alison Monahan: That's an incidental sort of benefit.

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Doretta McGinnis: Exactly.

Alison Monahan: No, I think that's right. And I think that's actually, I remember that being a shock to me. You know, cause you come out of school and you're like, oh, this is all kind of pretend, like we write these little memos and we get some feedback, and then I remember one of the first assignments I had after my first summer. And you know, he'd given me some research question on like a very specific area of contracts for a brief that this guy was filing. And I went off and I did the research and, you know, I did what I thought was a good job on it and, you know, came up with a section and basically wrote a little section that could go into the brief and, you know, emailed it to this guy, had given it to me, he was a very, like, short, you know, turnaround deadline.

I got three hours or something because he had to file it that day. And I get a phone call like half an hour later and he says, how sure are you that this is right? And I said, well, I'm pretty sure. I've had one year of law school and I use the book that you showed me how to use last week to find the answer.

Why? And he says, well, because I don't really have time to read it and I'm getting ready to file the brief. Wow. And that was one of those moments of like, oh, this is real life. Like, this is not pretend.

Doretta McGinnis: Well, that's right.

Alison Monahan: And in the end, he actually told me he did end up reading and it was fine. I was like, cause I think you might be committing malpractice otherwise, but you're like, but that's sort of, you know, people expect to rely on you.

Doretta McGinnis: Well, they do. And again, that's why everything that you hand in should be as perfect as you can make it.

Alison Monahan: Yeah, absolutely. Well, let's talk about that a little bit. So. Say I'm working, I get a call from my supervising attorney, or maybe some person I've never even heard of, or you know, the person who gives out work calls me and tells me that, you know, person X has a new assignment.

What am I supposed to do?

Doretta McGinnis: Well, you, you need to go and meet with the person who is giving the assignment, you know, connect with that person,

Alison Monahan: So you think generally you should try to go in person?

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Doretta McGinnis: Oh, definitely, yes.

Alison Monahan: Yeah, I agree with that.

Doretta McGinnis: I'd definitely try to meet face to face with the supervising person.

Yeah, I think, yeah. I mean, I think that's just better for communication reasons. And also, as you point out, everyone who reviews your work is going to have some input into whether you're going to be hired. So you want to make connections, make a good impression on as many people as you can.

Alison Monahan: Yeah, absolutely.

Okay, so I'm there, you know, I call and say, hey, I've got this new assignment. Sometimes the response will be like,

Doretta McGinnis: Oh, really?

Alison Monahan: So I mean, let's face it. Sometimes they're kind of making up stuff for, you know, people to do over the summer, but often it'll be like, okay, great. You know, I really need you to get started on this right now.

Come down to my office. So you show up and you're there. All right. Do I need to bring anything with me? Like, what's the deal here?

Doretta McGinnis: Yes. Well, again, kind of like being a good student, you should be prepared to take notes.

Alison Monahan: Yes, never ever go to a meeting with someone who's going to be giving you work without a notepad and a pen.

Yes. That was advice I got my first week and it's definitely held true. If you show up, I mean, I remember sometimes people would show up, even associates, you know, at the law firm, they'd show up like, oh yeah, so you're giving me an assignment. I'm like, are you going to write anything down about it? You know, because are you just going to remember everything I'm going to tell you in the next half hour?

Because I don't think so.

Doretta McGinnis: That's right, that's right. And again, I, you know, you see the same thing in school. I see people show up for class without, you know, a paper or a laptop or any ability to take notes. How can that be?

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Alison Monahan: Yeah, I mean, even if you're drawing doodles, always pretend to be taking notes.

Doretta McGinnis: Exactly. So you want to be prepared to do that. And you need to figure out exactly what it is that you are being asked to do.

Alison Monahan: Yes, that's probably, it's just like answering an exam question. What is the question asking for? Here it's like, what does the person actually need from you?

Doretta McGinnis: Right, and that may take a little drawing out on your part, because it depends on the person who's, who's giving the assignment.

I mean, some lawyers will have a very precise question for you to answer, and we'll give you lots of information, and-

Alison Monahan: But a lot of them won't.

Doretta McGinnis: A lot of them won't. A lot of them-

Alison Monahan: And a lot of it is really vague, like, yeah, we kind of need some cases on this, and it's an area you've never even heard of, you know, you're just like what are you talking about?

Doretta McGinnis: Right, so you need to-

Alison Monahan: And oftentimes, like, you know, this stuff rolls downhill, like, The person who's giving you the assignment might have gotten a fairly vague assignment from someone above them who got a vague assignment from like the GC who has some weird idea about the case law, you know, so they might not even really know exactly what you're supposed to be looking for.

Doretta McGinnis: That's right. That's right. So you need to probe that. As much as you can to have some idea of what you are expected to do. Things like jurisdiction things like the final product. Are they looking for a memo? Are they looking for a section of a brief? you know, what use is going to be made of your written product.

Alison Monahan: Right, like if you're writing, you know, an objective memo to the client, that might look really different or sound very different than if you're writing a small section of a brief, which is not unheard of.

Doretta McGinnis: Exactly, exactly. So you need, you need to find that out. And as we mentioned earlier, you have to be sure that you get a deadline.

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Yes. And one of the things I think is, is most important is if it's possible, you want to get a sample of whatever this thing is that you're being asked to write, particularly if it's something that you've never seen before.

Alison Monahan: Yeah, you know, but even if it is something you've seen before, I mean every firm has a different way of doing briefing, you know, so say that, you know, some small section of like a summary judgment brief or something.

Doretta McGinnis: Exactly.

Alison Monahan: You know, I think. You definitely want to say, look, you know, are there any briefs for this client or for like similar ones I could take a look at that doesn't make you look incompetent. It actually makes you look competent.

Doretta McGinnis: It does. It makes you look competent in several ways. You're sensitive to the fact that there are variations. among these kinds of documents and that you need to conform your writing to the expectations of this particular firm. So that's important or the, the expectations of the client. So it helps you to appear competent in that regard.

And also it goes to efficiency. You're going to do a better job. in less time if you have some kind of a starting point to work from and you're not spinning your wheels wondering how to format your document.

Alison Monahan: Right, or like what case law to bring in for, you know, the standard for summary judgment in this jurisdiction.

It's like, I can pretty much guarantee you there's one case that more or less every brief in like particular jurisdiction cites as the standard for summary judgment.

Doretta McGinnis: Exactly.

Alison Monahan: You don't need to research that case.

Doretta McGinnis: And that gets to another really good point about samples. I mean, I am a big fan of using samples, but the question is, You know, kind of what's the appropriate use to make of a sample.

Alison Monahan: You can't just sort of copy it.

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Doretta McGinnis: You can't copy it. That's right. You want to look for things like structure. You want to look for the way it is formatted. You know, again, does this firm have some preferences? What if it's something like a client letter that perhaps you haven't written in law school? There may be some standards for, for setting that up.

Citations to the record. I mean, there's a lot of variation, I think, in how, how different different jurisdictions or even different lawyers like to do citations to the record. So you want to see what that, that accepted format is. That may be a particular issue if you are dealing with you know, with local rules, maybe in a jurisdiction that's different from wherever your legal writing assignment was set.

Alison Monahan: Right, that's a great point, is some of the local rules are just loco in terms of like what they actually require. I remember in New York it was like, you had to, I mean, this can't possibly be true today, I would imagine, but you know, you had to file like blue paper and just like, I mean, all of a sudden you're like, this is insane, but if you don't do it correctly, your stuff is not getting filed.

Doretta McGinnis: Well, that's exactly right. And even the differences between state and federal, I mean-

Alison Monahan: Yeah. And it might be, I mean, you know, sometimes they do actually ask the Summers to deal with stuff like this just because no one else wants to deal with it. It's like, you know, particularly if you're filing like out of normal jurisdiction, it's like, okay, you'll find out what we need to do to file in Massachusetts, which seems crazy to tell someone who doesn't really know that much law to do that.

But, you know, they figure like, well, you at least can call some people or like pull out a book or do something to figure out like, do we need blue paper or red paper? Should it be like, you know, numbered or not numbered? Like this is not stuff that, you know, the associates or the partners on the case really have the mental energy to be dealing with.

Doretta McGinnis: Well, that's, that's exactly right. So, so again, you need to be sensitive to those local rules and, you know, samples are helpful too. You know, maybe somebody's filed. You know, in that jurisdiction. I mean, I practiced in Philadelphia, most of my practice was in federal court and if we ever had to do anything in state court, you know, that was like a bit of a panic, even though, you know, the courthouse is just a few blocks away, how, you know.

Alison Monahan: Yeah, I was admitted to Massachusetts, but I only clerked there. I never actually really worked there. And so occasionally, like when I was working in California,

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you know, people would call me to be like, how do I file this in Massachusetts? I'm like, how would I know? And they're like, well, you're admitted there.

I'm like, I don't know. Like, I never filed anything. Call somebody else.

Doretta McGinnis: Exactly. So that's why those samples are are really useful if you can find them. But you can't, you know, plagiarize from someone else's work, even within the firm. I think that's really bad form.

Alison Monahan: Yeah, but, and particularly the analysis.

I mean, you can pull things like, okay, what's the standard for, not that you would necessarily be doing this anyway as a summer, but then, you know, they might ask you to do like a portion of a summary judgment brief. It's just like, get the standard law set up, you know, and that you can basically plagiarize.

You still need to check the cases and everything, but you don't need to get creative. But the analysis and things like that, I mean, obviously, you've got to do that yourself.

Doretta McGinnis: Exactly, exactly. But those citations, I mean, that, that's those standard citations or that, you know, standard setup for the standard of review for summary judgment or de novo review on appeal, whatever it might be, you're exactly right.

There's no reason to recreate the wheel on any of that.

Alison Monahan: No, and speaking of citations, another thing Summers might ask you to do that relates to legal writing is that you might be asked to check the citations in a brief.

Doretta McGinnis: That's true.

Alison Monahan: I mean, that would be a super common assignment. So you want to make sure you understand your bluebooking.

Doretta McGinnis: Yes.

Alison Monahan: Because that is not something that people look favorably on if you screw it up and it gets filed incorrectly.

Doretta McGinnis: That is true. Right, and they may expect you to have a more you know, fresh and deep appreciation of bluebooking as a law student than they do after years of practice.

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Alison Monahan: Which hopefully you do if you've done some journal work, but you know, if it's after your first summer, you might not feel that familiar.

So, you know, you definitely, you know, you need to, this goes to bigger questions, you need to find out who you can go to with this type of questions. And you really need to think about who it makes sense to go to with these type of questions. You know, if I have a question on like how to do a citation, to the record, I'm probably thinking it's not a question to ask a partner.

Doretta McGinnis: Well, I think that's exactly right. I think that's exactly right. You know, my favorite people to ask for help were people who had been at the firm for maybe three or four years. I think that was sort of the sweet spot where they were junior enough to be sympathetic to law students and summer associates.

They weren't very far removed from that experience, but they were steeped enough in the culture and ways of the firm. And knew all the players, knew the partners, knew people's expectations that they could be very, very useful resources. So I would look for, for those those people. I'd certainly encourage bonding with alumni of your law school because those ties are very real and valuable and alums might be, you know, very much inclined to to be kind to you and help you out at the firm.

And you know, at a lot of the big firms there are, some are associate committees and those people who are those associates who are on the committee really are your designated go-to people.

Alison Monahan: Right. And this isn't just like a firm question, I mean, anywhere you're working,

Doretta McGinnis: It's, that's right.

Alison Monahan: You know, you're gonna have someone either officially as a mentor,

Doretta McGinnis: Yes.

Alison Monahan: And those people are great to go to 'cause they've basically been assigned to help you.

Doretta McGinnis: That's right.

Alison Monahan: Or people who are, you know, ideal mentors.

Doretta McGinnis: Mm-Hmm.

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Alison Monahan: Whether it's, you know, alums of your school as you said, or people a few years ahead of you, or just someone you connect with. You know, you've got to be looking for these people and really, you know, asking them for help in a way that's respectful, but basically make, you know, they're happy to help.

Like, they also want you to do a good job because otherwise, you know, it's probably going to make more work for them or for their friend or whoever it is that you're working for.

Doretta McGinnis: That's true.

Alison Monahan: And one thing I think too when you have an assignment, you're getting an assignment. Sometimes it's hard for the people who are, like, deep in this case or this deal or whatever it is to remember that you don't actually know anything about what's going on.

So I think you want to try to get that backstory to the extent you can, just so you have some understanding of what's going on. It might not be that they have to explain it to you, but I think it's a fair question. Say, you know, is there, are there documents I can look to that would give me, like, a basic background here, or could you spend a few minutes, like, explaining the players?

You know, you've got to be respectful of people's time, of course, but even just five minutes of like, okay, this is the basic lay of the land. This is who these people are. This is the relationships between them. I think can really help you when you're sitting in your office going, oh my gosh, like what is going on here?

Doretta McGinnis: Right, right. That is right. . Mm-Hmm.

Alison Monahan: And speaking of time, I mean also if you're talking about a firm situation, you wanna make sure you know how much time you're expected to spend on this, and also how much research time? I mean, research time in, in terms of like Le- you know, Lexus, Westlaw, like actually online time that's being, 'cause that can get really expensive.

Doretta McGinnis: It can, and it's very important to get that expectation, you know, clearly expressed to you from whoever is assigning you the work. And we, you know, we're speaking earlier about going to a meeting to get that assignment. That is a very important question to ask. How much time should you spend? And, you know, the reality is, That you are working almost, you know, for free, that a lot of your time as a law student is going to be written off.

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You're not going to be probably as efficient as someone with more experience, but regardless, some of your costs might get, you know, passed on to the client and, and you want to be efficient and mindful of that.

Alison Monahan: Yeah, and you just want to be careful with these databases, too, because that's what we'll call, that's what will get you the phone call to get yelled at.

It's like, you spent 30, 000 researching this question, and you're like, you know, you have no idea because they don't tell you in school that, I mean, I can remember some of these databases, it's like, thousands of dollars to run a single query.

Doretta McGinnis: Well, that's right. And it's all free, you know, in, in school you have your student account and you develop your brand loyalty to Lexus or Westlaw and it just all seems like, you know.

Alison Monahan: Yeah. And you know, you, one thing people may not be aware of is you can actually call people at these firm, at these like research places and they'll help you, you know, structure your queries and things. So if you're thinking, you know. I don't feel like I should be running the same expensive query like over and over.

They'll probably be like, no, you shouldn't, you should run it once. And then you use filters to do X, Y, and Z. But, you know, you need to, like, keep these resources in mind and actually reach out to them because that's what they're there for is to help you be effective in your research.

Doretta McGinnis: And I don't know if this is still the case, but, you know, when I was at the firm, the reps from the, from the big research companies would come once a week and give us free time.

Alison Monahan: Yeah, or they would do like, they often did, I think every firm I worked at, they did like an intro session and you handed out their cards. You should use those resources so that you're not sitting in your office by yourself going, oh my gosh, I have no idea how to get started on this.

Doretta McGinnis: Right. Right. So you should use those resources.

And as we mentioned earlier, library resources. Yeah. Like if you have a library even if there's like a law library in your town, I know in San Francisco, like you can go to the courts and they have law librarians who can help you, you know,

that might be, you know, depending, you know, you probably want to ask someone before you do that.

Well, sure, because then you wouldn't be, you know, at the office being present.

Alison Monahan: Right.

Doretta McGinnis: So if you're going to take a field trip to the law library,

Alison Monahan: Yeah, don't just go on your own. You know, sort of say like, hey, I'm running into a wall. Like, do you think it's okay if I go over and do this? I mean, you might get some crazy stuff.

I had crazy assignments. Like, I was working in London and they had me go And a New York attorney had me go to, like, the Law Society Library in London, and I was looking through all this stuff from, like, the 1700s. I mean, it was nuts. It was fun, I liked it, but, you know, I had the books on the pellow like, looking for what the law of trespass was in 1780 whatever.

Yeah, you might get some weird stuff assignments. All right, well almost out of time, I want to ask you one more thing. Is it ever okay to turn in like a really incomplete or just not very good first draft if they said that, oh yeah, just give me a draft by Tuesday, can I just turn in one that's like kind of crappy?

Doretta McGinnis: No, you can absolutely never do that. Everything you hand in should be as perfect as you can make it. You know that it will be revised, you will you know probably get get comments on it, or maybe not. Maybe it will just disappear and you'll never you know.

Alison Monahan: Maybe they'll just file it with the court not bother reading it.

Doretta McGinnis: Exactly, maybe it will be filed without, without any feedback at all but it needs to be as, as excellent as it can be. Because your summer is one long audition and you really, really want to get a job, especially in the current employment market, we know it's very competitive and you, you really need to do everything you can to maximize your chances of being hired post graduation and one way to do that is by always, always handing in quality work. You know, the only exception to that would be if you had an absolutely dire, like, I don't want to end on a, on a sour note, but some kind of, like, horrible, tragic situation that caused you not to be able to complete the assignment, in which case you'd want to apprise, you know, your supervisor of what had happened.

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Alison Monahan: Right, and you want to do that absolutely as soon as possible. And you know, things do happen. Everybody knows that but, you know, sitting around and waiting until you miss the deadline is definitely not the situation. And you know, this is a good thing for people to keep in mind, is you actually need to have the contact information for people you're working with.

Doretta McGinnis: That's a good point.

Alison Monahan: And, you know, at a minimum you probably need to have like a cell number for someone for an emergency situation, whether it's, you know, the summer associate coordinator, or your boss, if you're in, you know, not at a firm. but, you know, these things happen and you need to be able to get in touch with people.

And, you know, sometimes email is just not sufficient.

Doretta McGinnis: That's right. That's right.

Alison Monahan: Well, that was definitely a downer of a note.

Doretta McGinnis: Sorry.

Alison Monahan: Yeah, but you know, I think the key things to keep in mind are behave like a professional. Think about how you can be helpful to the people who are asking you to do work. And just really keep in mind that this is, this is for real.

This is not a pretend legal writing assignment anymore. And that needs to be the mindset that you're approaching it with.

Doretta McGinnis: That's right. That's right. But apply all those skills you learned in the pretend world of law school.

Alison Monahan: Yeah, but you do know how to do this.

Doretta McGinnis: They were pretend assignments, but they were real skills that you're now going to transfer into your summer job environment and then get a job after graduation.

Alison Monahan: Yeah, and think of this as a learning opportunity too, and one of the things we didn't really touch on is taking criticism, but you know, it's good if somebody's willing to give you some constructive feedback on your work, and you know, being open to that and being eager to learn more, really encourages people to help you and that's what we're looking for here.

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So on that note, unfortunately, we are out of time. Thank you so much, Doretta. This was awesome. Well, thank you, Alison. I was really happy to be here. Great. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on iTunes because we would really appreciate it.

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