Episode 70: How to Decide What Type of Law to Practice

Alison Monahan: Welcome to the Law School Toolbox podcast. Today, we're going to be talking about how to decide which type of law to practice. Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. We're here to demystify the law school and early legal career experience so that you'll be the best law student and lawyer you can be.

Together we're the co creators of the Law School Toolbox, the Bar Exam Toolbox, and the Catapult Career Conference, and I also run the Girl's Guide to Law School in all of my spare time. 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'd love to hear from you. With that, let's get started.

Lee Burgess: Today we're talking about how to figure out what type of law to practice. There are more options than most people realize, and your career happiness and success can ride on these decisions. So, it's important to think beyond litigation or corporate. Ideally, you'll find something that uses your unique skills, interests, and background to set yourself apart from the pack.

Alison Monahan: Right, I mean, I remember in law school, it really felt like you did just have these three options. It was corporate, litigation, or maybe public interest. Was that your experience?

Lee Burgess: I think so. I think a lot of people at my law school seemed to focus on, were you going to do private law or some sort of criminal law?

Because I think a lot of people wanted to be DAs, PDs, things like that, and so that seemed to be a lot of where the dialogue was, too, but maybe that's just because I had criminal law attorneys in my family. So it was something I was used to talking about.

Alison Monahan: That was definitely not something you really heard a lot about at Columbia.

Lee Burgess: Yeah, I'm sure.

Alison Monahan: There was really basically like, oh, corporate litigation. And then maybe if you're really hardcore, maybe public interest. But like people, I mean, not even when people said public interest, it was like, oh, okay, that's like a job choice. I mean, I think it's really important for people to kind of drill down on this, like a lot.

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I mean, even, you know, even if you're like, okay, I mean, well, I guess, you know, it's almost like a flowchart. You know, I like flowcharts, but like, okay, are you going to do like, do you want to go into big law or not? Like, that's a big choice. Okay, well, if you are going to go into big law, which both of us did for some period of time, yeah, you do have to decide like corporate or litigation.

But even within those categories, You know, there's a lot going on, I mean, you know, to do like IP litigation versus product liability or to do M&A versus, I don't know, some other kind of corporate thing. I'm sure it's very different.

Lee Burgess: Right, or bankruptcy litigation.

Alison Monahan: Right, exactly.

Lee Burgess: There's so many different options, and I think a lot of people don't really know what those options are because a lot of people don't really talk about it, which is kind of crazy.

I guess maybe we should talk about what we mean by corporate versus litigation before we get into it.

Alison Monahan: Right, exactly. It's one of those things you start to realize, like, oh, you should just have an answer to that, but I'm not sure you really even understand, like, what does that mean.

I mean, well, I mean, in a nutshell, if you are a litigator, in theory, it means you go to court, but the reality is most people don't really spend very much time in court anyway.

But, you know, you're basically doing, like, these contested cases. You have cases.

Lee Burgess: Right.

Alison Monahan: I'm not really sure what corporate people do.

Lee Burgess: M&A? Mergers and acquisitions?

Alison Monahan: Yeah, exactly. Mergers and acquisitions, they, like,

Lee Burgess: Tax issues.

Alison Monahan: Yeah, well, tax is like a whole other thing.

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Lee Burgess: That's true.

Alison Monahan: I mean, then you've got like these really specific areas, like I remember one firm I worked at for the summer, they had like a group that was like expert in ERISA, which is some sort of retirement type thing or something like that.

Lee Burgess: Sure.

Alison Monahan: I don't really remember. I knew at the time. But yeah, point being, there was this, you know, there was a guy who was like literally the leading expert on ERISA in the entire world.

He had four or five people who worked for them, and they were also experts on ERISA, and you know, this is like some incredibly narrow area of law that I'm sure most law students are like, what in the world is ERISA? Certainly I was like, what is this?

Lee Burgess: Right. Another thing that corporates What transactional attorneys often do is business startup things, you know, company formation, helping make sure that you can set up doing business different places.

Alison Monahan: Right, like structure your stock options, things like that.

Lee Burgess: IPOs.

Alison Monahan: Yeah, that's again, like a whole different issue. I mean, the point being, like, just to say, like, oh, I want to do corporate, like, doesn't really mean anything. Or, I want to do litigation. It's like, okay, well, What type of litigation? Like, how do you see this playing out?

Do you want to, I mean, you know, you have things like, I remember once I went to an interview and I told this partner, like, oh yeah, I'm really interested in doing international arbitration, because I was taking an international arbitration course. It seemed cool. Like, it seemed like you get to travel, you know, these are like the thought processes.

And he looks at me, he goes, well, Do you like contract law? And I'm like, no, I hate contracts. He's like, then you shouldn't do this. Like, it's just a fancy way of saying we do contract disputes. And I was like, oh, I don't think I'd want to do that at all. And he was like, it sounds sexy, but basically it's contracts.

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Lee Burgess: You know, I think it's also something else that has a misunderstanding is people think that You know, corporate law, they don't actually work the crazy hours the litigators are supposed to work.

Alison Monahan: Which is totally not true.

Lee Burgess: Totally not true because my friends who work in mergers and acquisitions actually work incredibly insane hours because when deals like that are going through, there, it's like all hands on deck, 24 hours a day for multiple days, things are always happening at the last minute you know, IPOs,

Alison Monahan: Rereads of things,

Lee Burgess: Rereads of things,

Alison Monahan: Hundreds of pages long,

Lee Burgess: Filings, like, you know, so I think it's one of those things where when you think about the different types of law you want to practice, don't just think, oh, well, if I'm not litigating, that means I'm going to have a better work life balance, maybe, because you are doing, you know, more stable work.

I think there is attorney work that is more stable, but you better learn more about the niche that you're going into in the type of law and the type of work because, you know, even I have friends who worked in property law, and you would think, well, property real estate deals, you know, but corporate real estate deals, again, it was like the night before the deal was supposed to close, and there's some big fire drill, or somebody wants a new deal sheet, and it's 10 o'clock at night, I mean, it's-

Alison Monahan: I did some, I did some real estate work my first summer and yeah, it was like, it was sort of predictable. And then there was like the several days where it was not predictable because you're getting crazy calls from people being like, what? I thought we'd resolve this. And like, ah, it's not what I'm expecting. Go back to the blah, blah, blah.

Yeah. I mean, there's something, you know, begin like, you know, something like trust in estates.

I mean, not a whole lot of large law firms do that, but some still do. And like, that is a much more like predictable sort of practice.

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Lee Burgess: And even within that, I think there are the attorneys who, you know, do you want the predictable work of drafting trust in a state's plans and then there are trust in a state's Litigators.

Alison Monahan: Well if you're probate it's a whole other story.

Lee Burgess: You know, you're going to court to help work this stuff out. So even if you say how many-

Alison Monahan: And you get those phone calls, you know in the middle of the night, like someone died.

Lee Burgess: Right go to the vault get the paperwork like it's time to start moving stuff into action.

So I think family law is another one where people think like, oh, well, maybe it's, you know, more stable, but not my family law friends. You know, of course if you specialize in prenups, you know, prenups are probably not that dramatic prenups and postnups, but, yeah, divorce and dissolution.

Alison Monahan: Not gonna go on a like steady schedule.

Yeah, I had a friend who was a family lawyer and she said it was kind of ironic because people who tended to drop out said, you know, the things you'd expect them to say, like, oh, it's like, you know, my clients are kind of crazy and everybody's so emotional. She's like, you're doing divorce law. What did you think you were getting into here?

Like, if you can't handle that, and there are a lot of people who can't and understandably, like, this is not the right line of work for you. Like, you have to think about whether you can handle, like, very emotional people at their worst. And if you can, you might be a great family lawyer. If that drives you bonkers, this is not the right field for you to be in.

Lee Burgess: Yeah, I think that that's really true. And so when you're a new law student, or even you're thinking about going to law school and you're starting to wrestle with the different types of law you want to practice, I think, Alison, you make a really good point that it somewhat depends on like the type of person you are.

I mean, I had a professor in law school who said once that it was really important to decide whether you wanted to work in conflict every day or if you wanted to work, you know, to come up with solutions, really.

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Alison Monahan: I think that's a really fair point, and I think it's one that, Should be emphasized a lot more.

I mean, when I said repeatedly, oh, I'm going into litigation. No one ever asked me if I like to fight about things. I feel like that would have been a really obvious thing for someone to ask. Like, oh, do you want to be dealing with conflict every day? Because it's not, of course everybody gets again, like, yeah, of course you're fighting like big picture, but there's a personality type of people who become litigators and the way that they're trained to practice.

And a lot of them fight about everything.

Lee Burgess: Yeah.

Alison Monahan: Like. The best litigators I know like fighting, right? Like they just enjoy it. They get a kick out of it. They like to win. You know, I have a friend who started his own practice and is doing really well. And one of the things he said is like, you know, basically the clients for me are almost like a means to an end.

I just really like to win. And that's just not my viewpoint on the world.

Lee Burgess: Yeah.

Alison Monahan: You know, I'm more of a like, hey, let's come up with a win win solution. Like, Let everybody go home happy. That's not the way that most litigators operate in the world. And so it's everything from, you know, the big picture, like of course you're fighting but to, you know, that feeling of like I don't want to answer the phone because I know this person is going to be such a jerk.

Because that's just how they behave.

Lee Burgess: Right. And I think, again, even within litigation, you have to think about all the different types. So we talked about family law and the unique challenges that kind of creates with your clients. Criminal law, depending on whether you work for the government or you work for private individuals is a very different type of law, you've got to be willing to work with family members or victims or, you know, things like that.

Alison Monahan: Well, and also, like, who do you want to hang out with? Yeah. You know, during your day, like, are you someone who, like, enjoys hanging out with people who might have been, you know, guilty of criminal behavior? Maybe, maybe not. But,

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you know, I have friends who, like would be really happy for example like defending a bunch of drug defendants.

Because they happen to think the drug war is bad and that these people haven't really done anything horrible.

But if you're defending, like, a rapist or a murderer or someone who's been accused of something really bad. Like again, like, do you have the constitution to handle that?

Lee Burgess: To go into the jails and spend your day in prisons and things like that.

I mean, it's like,

Alison Monahan: It's a lot.

Lee Burgess: It's not work for the faint of heart, for sure. It's important work, but you have to really know that that is something that you are going to enjoy and get something out of. And I think the best way for you to try and try that out is through internships and externships.

Alison Monahan: Oh yeah, I think you definitely should not commit to being like a criminal defense lawyer or a family lawyer, any of these things, without actually having those experiences.

Lee Burgess: Yeah.

Alison Monahan: Because some people do enjoy it and you know, they find value in it. It's a calling. But if that's not you, it's probably not the right line of work.

Lee Burgess: And again, I think even in those lines of work, you know, there are different ways that you can work within parts of that system that some may be more challenging than for others.

You know, if you want to be a prosecutor, And you do an externship where you work in the domestic violence unit. You might find that that is not something you can do long term, but maybe you are really interested in white collar work because you love accounting or something like that. Well, white collar work might be a totally different situation.

The only way you're going to learn about that stuff is by hanging out at those offices and talking to the attorneys who do that sort of work and getting

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exposure. I think that's the more you can do that in law school, the more you're going to be set up for making the best job decisions in the end.

Alison Monahan: Yeah, absolutely. I mean, you know, I think, like, for me, I did pro bono work in law school, and part of it was just to kind of, like, see how this stuff works. Like, hey, you know, I might have some interest in, like, saving the world by being a family lawyer. Why don't I sign up for a pro bono case and go to the Bronx Family Court and see what that's about?

You're like, wow. This is really different from like what I'm reading about in my Ivy League Law School. I'm not sure this is really what they're preparing me to do.

Lee Burgess: Exactly.

Alison Monahan: You know, it was interesting and like on some level I enjoyed it, but at the same time I was like, I'm not sure I want to do this every day.

Lee Burgess: Yeah. So let's go back to this discussion about, you know, big law or even just firm life. I think one of the things that a lot of people don't think about when they are looking at those jobs or dreaming about those jobs is what the future looks like for them. I think for so many people the idea is oh well, I'll just get in, pay down my debt and get out.

Alison Monahan: Or like once I get this job, I'm totally set, my life is gonna be awesome.

Lee Burgess: Right and it was interesting I was just at a panel where they were talking about career paths in Big Law And they were talking about the fact that Big Law is set up so You know, it's a pyramid. They are planning on and, you know, hiring more associates,

Alison Monahan: Attrition.

Lee Burgess: Yeah.

Alison Monahan: Lots and lots of attrition..

Lee Burgess: And creating lots of attrition to get people up to partner. And you know, there is the attrition of, like, I don't want to live this life, I want out, but there's also the you're not good at what you do or you're not partner material. We want you to get out. I mean they do force people out or suggest that they leave, and I think it's really important for you If you think that that's the career path you want is

you learn about the realities of becoming a partner but you also learn about learn about the skills and the requirements of that, because I think a lot of people who go into the law really hate the word sales, and are very uncomfortable with that.

And one of the problems is, is that actually, if you want to be a law firm partner someday, be it a small firm, medium firm, or a big law firm, you better be comfortable with the word sales, because rainmaking is just a fancy way of saying selling stuff. And one of your major job requirements is generate business for the firm and generate business for the yourself, and manage client relationships and things like that. And if that makes you uncomfortable, then that's a huge problem.

Alison Monahan: Yeah, and I think that's an issue for a lot of people because there are a lot of like very good lawyers in these firms whose only real desire is to sit in an office and write some excellent briefs to you know, the appellate courts or whatever it is. and they have literally no interest and, basically not really any aptitude, for getting out there and hustling and like selling stuff and like telling everybody why your firm is like the better firm for this business. Like that just makes people uncomfortable and they don't want to do it. And unfortunately that's just not enough to be a partner at most of these places anymore.

Lee Burgess: And I guess, you know, when you're in the firms, you might meet a lot of people who are of counsel.

Alison Monahan: Sure.

Lee Burgess: And that's basically who these people are.

Alison Monahan: Right. Or you might meet older partners that don't seem like they're real salespeople, but that's because they became partners in a different era when basically, you know, as someone explained it to me once, they're like, when I started, basically, if you showed up for 8-10 years, you did decent work, you didn't hit on anyone's wife at the Christmas party, you were gonna be partner. They're like, it's not like that anymore. You know, now instead of whatever, like basically anyone who sticks around and seems reasonable making partner, it's extremely competitive.

I mean, you might have like a couple of percent of the people who start in one of these big classes. and making partner if that, because there are more people are lateraling over and that sort of thing. There's not a lot of like loyalty on the parts

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of the firm. So I think people just have to realize like this is a business and, you know, lawyers like to pretend it's not, but it is.

Lee Burgess: Yeah. Another thing I think, you know, we we've done whole episodes on this, but another thing that's important to think about is, you know, if you're a woman and you're looking at your career path and if you think that you want to start a family, you should also be realistic about what that means. I was just at a meeting where I met someone at a big law firm who said that they're now trying to experiment with part time partner tracking so that some women could maybe have access to the partner track while they're part time, which let's be honest part time in a law firm is 40 to 50 hours a week.

Which is better than 80 hours a week or 60 hours a week, but you also get a fraction of the pay. So, you know, there are some interesting models out there, but I think it is, again, it's important to meet people in these law firms while you're working there, and look at what their lives look like.

I think that's something that people really forget to do when they're trying to figure out what they want to do with their life, is spend some time, you know, imagining being in the shoes of the people that you work for. You know, do you want their lives?

Alison Monahan: Oh yeah, I mean, if not, you should query whether it makes sense for you to start down that path.

Because, you know, the path that you jump on the treadmill, more or less is going to kind of spit you out at the other end at some point. And either you're going to be someplace you didn't want to be, or you're going to be back at square one going, gosh, what am I going to do next? Right. And you know, I think there's a good study about this where I think it's University of Michigan Law School has studied their graduates over time and they see that the people who are most happy and most content with their career are not the people who make the most money.

You know, it's the people who have figured out like a way to do meaningful work. And still somehow support themselves.

Lee Burgess: Yeah.

Alison Monahan: You know, so I think that's one of the things people have to really look at is like, what are your values here? You know, if you value prestige and money and being

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like, you know, top of the top and whatever, like maybe gunning for partners is great.

But if that's not your personality, there's nothing wrong with just admitting that, like, you know what, I don't really think this is like where I want to go.

Lee Burgess: Right. And it's all really about having those, you know, goals and evaluating them. You know, if you decide that you want. That's that life, then make sure that you're taking the steps to go get it.

You know, just make sure that you really want it and you meet those partners at the top if you want to be the managing partner of a law firm, figure out what that means, and then be gunning for it.

Alison Monahan: What do you have to do to get there? Are you willing to do those things?

Lee Burgess: And I think that that's very important. And I think, you know, all of us have to evaluate that as we go along because It takes a lot of sacrifice and focus to do that.

Alison Monahan: Yeah, those people didn't end up there because they were like taking weekends off.

Lee Burgess: Right, or taking long vacations in Europe with their family or something like that.

Alison Monahan: Yeah, or like going to the kids soccer games in the day. That's pretty much not what happened.

Lee Burgess: No, and there's no judgment around that. It's just be deliberate about it. Make a choice. Decide what's authentic to you.

Alison Monahan: Yeah, exactly. Well, I think there's also this whole huge world outside of big law. And that can be really, I mean, the big law world can be hard to access in some ways, but in certain schools is actually pretty easy. You just get a summer associate position, and then you're like, oh, okay, now I'm an insider. I can like, see what this, how this works.

But I think that world outside of that, where there are all these other options can be really hard to access. So, I mean, you know, we talked about, again, like, I want to do public interest work, or I want to work for the government. It's like, well, what does that mean?

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Lee Burgess: Yeah. I mean, again, I think there's just an amazing array of things that they can do. I mean, we have a great podcast episode with Adrian, who founded Bayview, I'm going to say Bayview Hunters Point Legal but we'll link to it in the show notes. But, you know, he always knew he wanted to create his own legal nonprofit.

And that is a very specific thing, and he hires attorneys to work for him but he's running a non profit, you know, I think there are also attorneys who work at legal aid, attorneys who work for all sorts of government agencies it's amazing to me sometimes how many government agencies have lawyers.

Oh, yeah. You run into somebody who's like, I work for,

Alison Monahan: Like the EPA.

Lee Burgess: The EPA, or I had a friend who worked for the Department of Homeland Security doing, like, internet privacy research, you know, things like that where you're like, the Department of Homeland Security has a group of lawyers? But then you think about it, and you're like, yeah, I guess you're supposed to be hired, and you probably do.

Alison Monahan: I think they probably have a bunch of lawyers. I hope they have a bunch of lawyers.

Lee Burgess: But I think it is important to learn about all of these. And you know, maybe one of the things that you can do while you're in law school, if you're really exploring what all the possible jobs are, is to research job postings. You know, look at the job postings that come through career services, look at who comes to recruit on campus, go to public interest fairs.

Alison Monahan: Yeah, we haven't even mentioned like the in house option, where you actually work for basically like any sort of corporation in the entire country, almost all of whom have lawyers on staff that are also very specialized. I mean, I had a friend, for example, who I worked with at the firm who realized she hated being a litigator because she hated fighting and she, you know, very smart girl, went to Yale Law School.

No one had ever asked her this question. In fact, she's done a very interesting series for my Girl's Guide site on like this transition. But she took, you know, several months after deciding that like this was not the career path she wanted, and tried to figure out what to do next. And she volunteered, I think, for the DA's office and, you know, tried that out, realized, like, no, this is not right for

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me either, tried a bunch of stuff, talked to tons and tons of people, did lots of interviews, talked to, you know, everybody she knew about, like, you know me, like, what do you think would be a good fit for me? I'm starting from scratch. Ending getting a job in house at a start up. And I think she was like the second or third lawyer and she loves it.

Lee Burgess: Yeah.

Alison Monahan: You know, and she's just like, it's totally different. Like I work in a business environment, my bosses are totally different than my bosses, like in a legal environment, the way they think is different. And what I do is like, we're building something, you know, we're not just fighting about everything.

Lee Burgess: Yeah.

Alison Monahan: And, you know, I think. Now she's very happy, but it took a while to get there.

Lee Burgess: Yeah, I mean, it's just fascinating to really research all of your options. I mean, I have friends who are big law employment lawyers, and now that they're in house, almost every company that's of a decent size has some sort of in house lawyer who focuses on employment issues.

Alison Monahan: Yeah, the thing about, too, is if you, if you know that, okay, I'm just going to big law because I need the money for a little while, think about these exit options. Like, it's much easier to exit doing corporate work than doing most litigation, but, then you have things like employment law. It's like okay, well yeah, maybe you switch sides, but you're going to be, you know, people need that sort of skill set so you know I think, or say you do white collar criminal stuff in a firm and then you go off and do criminal defense work. Like that's an easier transition then like oh, I'm an IP lawyer, like I did patent litigation. What do I do with that outside of a firm? Like, nothing, basically.

Lee Burgess: Yeah.

Alison Monahan: There are no options.

Lee Burgess: Yeah, it's really interesting. I'm on a Facebook group of a bunch of lawyer women, and people will post anonymous posts about kind of work transitions looking for advice from, you know, like other random women who are also lawyers that are in this group. But I think some of the questions are very telling.

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And a lot of it is, you know, people trying to find a better fit, and they feel kind of stuck, you know, and they're trying to-

Alison Monahan: Because you have this, like, very specialized skill set that's very valuable, but only in one very specific way that you don't want to do anymore. So it is, you know, if you haven't really considered, like, what kind of exit strategy am I setting myself up for, I think it can be a lot harder than some. You know, I had some friends in school who, like, went into firms with, like, a five to ten year plan. And most of them basically executed, more or less, that plan. They were like, you know, I want to, know that I want to do, like, I want to work for the government, so I'm going to, like, do this sort of firm practice that enables me to get experience, and then get me hired.

Like, that's not rocket science. It's just like, you have to think ahead.

Lee Burgess: Or I want to work in a court system, and so I'm going to go make sure I clerk, so I can try and get a research attorney position, or various other things.

Alison Monahan: Yeah, I mean, you know, there's a lot of stuff. People, I guess, you know. It's easy to sort of fall into like corporate or litigation or public interest, but you, you know, if you create your own path, I think ultimately, and this is the, you know, it's true throughout school, like the people I know who are happiest typically being lawyers now are people who came in with a clear goal, set themselves up to do that by like the choices they made in terms of, you know, classes to take, clinics to take, and then got that job, and then they like it.

Lee Burgess: Yeah, you know, I mean, like most things, if you can figure out what your goals are and execute on a plan, it's going to go better for you than kind of just floundering around without a plan.

Alison Monahan: Well, let's talk a little bit about that. I mean, this all sounds great. Like, okay, I should have a plan, but I mean, what should people even be thinking about to figure out what's going to be a good fit?

Lee Burgess: I mean, I think it's important for people to take some time and think about what makes them unique.

What are you really good at? What do you love? What are you passionate about? You know, you can be passionate about the law for sure, but are you passionate with like helping people solve their problems?

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Alison Monahan: Or like animals, or sports, or whatever.

Lee Burgess: Right, or art, or fashion, or whatever it is.

Alison Monahan: I wonder who are like, ooh, an art lawyer.

Lee Burgess: I know, right? But there's gotta be like-

Alison Monahan: No, there are. I mean, all the, like, that's the thing. It's like, you know, people make fun of like law and whatever classes in law school, but the reality is law touches basically everything.

Lee Burgess: Oh yeah, I have friends that work in, have worked for big media studios doing entertainment law. Again, negotiating contracts and deals.

Alison Monahan: Well, that's another one. It's like entertainment law sounds so sexy and then you're like, yeah, you're like, what are you really doing? Or like sports law. It's like, you're not hanging out in the locker room.

Lee Burgess: Right. So true. You know, so, but I think you should think about like what, what gets you excited, you know?

And I think. What gets you excited is going to be different than the person sitting next to you in the room. You know, if your passion is like sitting in a room and doing research and writing, there's a place for you in the legal profession. I mean, when I was at my firm, we had one lawyer whose job was basically to write the appellate briefs.

Alison Monahan: Oh yeah. For the firm. That's another sexy sounding one that's like almost impossible to get. I love telling people for all like, oh, I'm going to do appellate law. And then I talked to like an actual appellate lawyer. He's like, do you understand how few of us there are? He's like, I'm not saying you can't do it, but you just need to understand that like, this is not something you just like roll out of bed and decide to become.

Lee Burgess: No, you know, and if that's your goal, then you better talk to those people and find out how you hone your craft. You know, but I, but I do think it is important to figure out what you like. You know, if you want to be, let's say a law professor, then you better make sure that you... But also, you know, like, work on your public speaking skills.

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Like, do you like working with students? You know, I mean, I've definitely, met some law professors that I, I don't really think loved working in a school environment and working with students. And then you shouldn't be a law professor.

Alison Monahan: Yeah. And I think also, you know, something like that, like, I mean, in reality it's really hard to become a law professor.

Yeah. But if your goal is to work with students, there are probably other ways that you can do that. For example, like we hire tutors.

Lee Burgess: Right.

Alison Monahan: Most of those tutors did not expect, I can guarantee you, in law school that this is what they would end up doing, but it's a great fit for like their skills and their personality.

And, you know, I think being open to those ideas about like, oh, maybe it's not like I get to be an appellate lawyer for, you know, like federal cases, but like they're probably, I mean, you can be, you know, state cases or whatever, like there are lots of options.

Lee Burgess: Yeah.

Alison Monahan: I think people should also think about what skills and knowledge they have that makes them uniquely marketable.

So, for me, for example, like, I was a programmer before I went to law school, and there wasn't any, like, grand plan to that. I didn't, like, become a programmer thinking I was going to go to law school so I could practice IP law. But that's fine.

Lee Burgess: Right.

Alison Monahan: Because at some point when I was sitting, you know, in my clerkship and had the, the code to, like, a very famous product on my desk, and I could basically understand it and explain it to the judge, he was sort of like, Huh, have you ever thought about doing patent litigation?

Because I think this would be a really good fit for you. And I frankly never really thought about it. I had not taken any IP courses in law school, but it was one of those things where it's like that light bulb moment of like, oh yeah, like this is actually a really valuable skill set. This can get me a job.

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Lee Burgess: Yeah.

Alison Monahan: And I think, you know, a lot of people have those sort of skill sets that they may not be thinking about in the context of like the legal profession. But, you know, that's what's going to set you aside.

Lee Burgess: It's true.

Alison Monahan: And, you know, I could have gone a different way. Like, I also went to architecture school.

So lots of people are like, oh, you should do construction law.

Lee Burgess: Right.

Alison Monahan: But I'm like, construction law is fighting about contracts. Right. Like, I don't want to do that. Right. Whereas the IP stuff is like, oh, I can like basically talk to engineers and read code. And like, this sounds kind of fun. So, you know, you don't have to, like, go in a direction just because, like, your background would point you that way, but I think if you can figure out a way, it's like, oh, I find this inherently interesting, you're going to be a lot more employable.

Lee Burgess: Yeah, and I think for me, I was a consultant in a technology consulting company. Granted, nobody wanted me to code anything. Like, that was, like, the quickest thing they learned, was I should stay in my client facing role, which is what I was hired to do. But I had a lot of client management experience. My job at that consulting firm was to be the buffer between the programmers who they didn't allow to talk to the client.

Yeah, with good reason. With good reason and the client and firms were really attracted to that because I knew how to talk to people and I knew how to like solve problems and I knew how to be that buffer. And so that made, you know, that made that skill set and the fact that I'd done that made me very attractive, and I actually do like client facing work.

I still do client facing work. If you sign up for tutoring, you end up probably talking to me at some point. That's something I enjoy because I'm a people person, but I have a lot of friends who don't like talking to people all the time and would not want to do that on their daily life.

Alison Monahan: So I think it's just like you got to think about the things that you're good at and sometimes people discount those things because they're easy for you.

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Lee Burgess: Right.

Alison Monahan: But if I've learned one thing in life after a lot, after trying lots of things I was not good at because I thought somehow there was more valuable, it was more valuable to do something really hard. You're always like, you know what? It's actually a lot easier just to play to your strengths. It's a lot easier to play to the things that you actually enjoy doing, and that you're pretty good at doing, and that you're willing to spend time getting better at doing.

Lee Burgess: I think that's a key though, is like cultivating the things that you, the skills that you might have, to really turn them into marketable skill.

Alison Monahan: Exactly.

Lee Burgess: We were just talking about like learning a foreign language, which is something you have to learn. And it's a really good tool, I've recently been working on.

Alison Monahan: And failed at.

Lee Burgess: But but you know, we were talking about, you know, if you want to do immigration law, if you want to do certain types of family law or criminal law, you may need to know a second language if the population that you're serving mostly speaks a second language.

Alison Monahan: Right, I think you can learn that, but also if you already speak one of these languages,

Lee Burgess: Right.

Alison Monahan: Use that to your advantage. You know, it's not like, oh, I have to like, hide this aspect of my personality that I grew up speaking Spanish at home or whatever. It's like, oh no, that's a huge benefit. Like, figure out how some lawyer can use that. You know, like, who wants to employ you because of that, not in spite of it.

Lee Burgess: Right, and it can be all different types. I mean, I have another friend who does business startup law, but he works specifically with Latin American entrepreneurs who are trying to move their businesses into the U.S. And so, I mean, he's bilingual, and it's, you know,

Alison Monahan: And bicultural a lot of times, too.

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Lee Burgess: Right, at that point, and, but it's like, it's amazing that he could say, okay, well, I have these skills, but maybe a lot of people would say, Well, then maybe immigration is a really good fit for you. But his passion was corporate work, and he was able to, you know, create a unique set of skills that really sets apart his solo practice from another practice because he can, you know, communicate in those ways.

Alison Monahan: Yeah, and I think it's like, where are you going to have credibility? You know, think about like, maybe you're from like, a distinctive cultural background. And, you know, you might think that doesn't really help you, but it probably does, like, in certain ways, if you're creative about it.

Yeah, I mean, there are some obvious sources like, oh, you know, you're an immigrant, do immigration law, but it doesn't have to be that direct, like you're saying.

Lee Burgess: No.

Alison Monahan: You know, a lot of these, a lot of these, like, characteristics can really be helpful in a lot of different ways.

Lee Burgess: Yeah. Something we talk a lot about when we talk about careers is what kind of work environment do you want? You know, I think it's really important for you to think about that As well as how much you want to work.

What do you want your life to look like?

Alison Monahan: Yeah, and it can be even literally like what does your office look like? I read an interesting article this morning, they were they're hypothesizing that Facebook's huge open office plan drives engineers crazy, and they're actually having to pay like a pretty significant premium to get engineers to work there.

Lee Burgess: One of my my senior thesis in psychology was actually on how office physical environments can influence the creativity of teams.

Alison Monahan: Yeah, no, I mean, one of the things that drove me the most nuts about the law firm was actually having my private office with a door because everybody just sits in their office and like, you never talk to anyone.

Lee Burgess: It's creepy quiet.

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Alison Monahan: It's like creepy quiet. It's like It's weird for people to stop by, like you basically only speak to your secretary, and it's just like, why do I even have to be here? Like, I could be sitting in my living room for the amount of interactivity I have with anyone else in this office.

Lee Burgess: It is, it's very true.

So when you go visit places for interviews, but also when you do your internships and externships, start paying attention to that kind of stuff, because work environment, you know, has a lot of an effect in your in how you feel about things. It's interesting. I was just touring a new co working space that's opening here in San Francisco that's kind of a smaller co working space, and it was interesting how they were making various specific decisions about, you know, how to build out the space to create a the community that they wanted and the interactivity, and for some people, you know, all the offices are glass, they're trying to let in light, but then for some people it's like, I don't want my office to all be glass.

What's the point of having a glass office if I want an office? I don't want to be watching people watch me, you know, all day. But some people think that that's great.

Alison Monahan: People have different preferences and I think you know figure out your preferences and really paying attention to that can just make you happier on a day-to-day basis.

Yeah, and that's definitely where like getting out there and we're gonna talk in just a second about sort of how to test this hypothesis about what it is that you wanna do, but you know, the reality is the best way to test it is to try it.

Lee Burgess: Yeah.

Alison Monahan: And you know, if you find yourself, you know, working in whatever job it is and you find like, gosh, I really hate having to go to court every day or like, I really wish I had more interactivity, I don't want my own office, you know, whatever it is, you've got to pay attention to that. Cause these are the things that just can drive you absolutely batty like over the long term.

Lee Burgess: And thinking through what you fundamentally value, I had a coach friend once who was saying, I think it came out of one of those like, you know, things, 10 things successful people do or whatever books, this idea that you have to create your own mission statement, which sounds really cheesy, but if you have never

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tried this, it's actually a very worthwhile exercise because you're going to have to decide like what's important to you.

And, you know, when Alison and I sat down and really started to realize that we had a business, one of the things that we had to talk about was what was kind of the mission statement of this business. What were the core principles of how we were going to grow and create, especially one of the things that was important to us was a work culture that would meet certain criteria for both us personally, but also the people who work for us, and we make decisions based on that.

Alison Monahan: Yeah, I think that's the thing about the mission statement, is it, you know, it allows you, when you've got the next shiny object, or you've got this choice between two or three different jobs, and you have no idea what to choose, you're like, okay, well let's, which one, which of these is most aligned with my values, with my mission? And that's probably the one that ultimately is the right choice.

Lee Burgess: Yeah. And it's not that you do this once and then you're just like, you know, every decision has to be measured against it, but it's a worthwhile exercise. I think if you're in the beginning of law school, you should start to think about this and then constantly test it when we talk, get to our testing the hypothesis.

But this idea that. You know, challenge this mission it's is the still which you want or what if your life situation changes?

Alison Monahan: A lot of people start law school, and they're like free and single, living the dream and then you know by the end of school, or even a few years later, it's suddenly like okay, maybe you're like with a partner, maybe you have kids you have all these other responsibilities. Suddenly you know working until 10 o'clock at night and then going to a bar doesn't seem like what you need to do You know the people's lives shift, and they change.

Lee Burgess: Yeah, I mean I met my significant other between my second and third year of law school and boy that changed my view of big law. Because before I mean,

Alison Monahan: Well, and also like a recession hit.

Lee Burgess: Yeah a recession. That changed my view on big law life and that definitely changed my big law experience, but you know when it was just I was only worried about myself and I'm like, well, maybe I do want to work or travel and do these things around work because I don't have a lot tying me down and then

all of a sudden you meet people or you have a family member that needs help and you start, you know, investing in family members or whatever it might be, your mission statement might change, and that's fine, but you need to thoughtfully make those decisions.

Alison Monahan: Absolutely. So, we're running short on time. So, let's give people a little bit of an idea. So, great, you have some theory, like, okay, I've looked at, I've looked at my life, I've looked at my skills, I've looked at the classes I like, I looked at what I enjoy, I think this is what I want to do.

I'm sure that what I want to do is, like, you know, domestic violence defense work. Okay, great. You need to test that.

Lee Burgess: Yeah, so this is what the summer is for. This is what the semesters are for. This is what networking's for. I mean, you should try and go out there and get one of these, get a job in one of these offices, or at least do informational interviews and talk to these people.

Alison Monahan: Yeah, I mean, I can link to a series on, like, doing informational interviews. I think that's a great, great, great way, and you have to listen to what people tell you. You know, you want to have basically a process, and you want to really listen. And I think ideally people should try to find people who have done this sort of work and left so that you're getting a more balanced perspective.

But yeah, I mean, you've got to try to get a job that can get you in the door so you can really see what it's like day to day and then talk to people, you know, whether it's informational interviews or joining sort of an affinity group. Which might have an event or a conference. I mean, conferences can be an amazing way to sort of test this out because you can go and sit through panels.

And if you're bored out of your mind, maybe this is not the right fit. You can talk to people if you like them. Great. If you don't like them, that's a signal.

Lee Burgess: Bar Association.

Alison Monahan: Yeah, Bar Association. Your school might even pay for you to go to conferences and events, which can be kind of fun. You know, go to Chicago for like this conference on whatever, IP law.

Lee Burgess: I even took a mindfulness class that had some, either brand new lawyers or somebody who was doing the apprentice program and they were taking a lot of other people taking the class. There were prosecutors, there were, yeah, civil

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litigators. There was a family law attorney and everybody was being very honest in that class about what their realities of their work were.

And I think. You know, you could get a really interesting perspective from folks by even doing something like that.

Alison Monahan: Yeah. One of the things I like to do too is go to like CLEs, like out in the world, if I was a law student or like a brand new lawyer, you know, actually to meet people who were like presenting and, you know, people who were in the audience always had interesting, interesting things to say.

Cause I mean, ideally once you've committed to this, you want to become an expert. You know, you need to be reading the magazines and the blogs that are in this area because again, like what's going to set you apart? Like the ability to like talk the talk and walk the walk and be like, oh yeah, I saw this case come down, you know, about trust in estates from the California Supreme Court last week.

Like, I understand that. That's going to be impressive in an interview. Not like, oh, yeah, I took this one class and thought it sounded kind of nice.

Lee Burgess: Right, exactly. And I need a job.

Alison Monahan: So I heard that you're hiring for this sort of area of law, so I'm interested in it. It's like, you know, maybe you get that job, but you want to be the person who goes in and that you walk out and they're like, this person is perfect for this position.

Lee Burgess: Yeah.

Alison Monahan: Like, you know, and taking these options seriously can really help you make the choices that are best for you, but also to position yourself to get that job.

Lee Burgess: Yeah, because people like people who are excited about what they do. I mean, when they're, when you're doing an interview, if you are interviewing at a firm that does fashion law, and your fashion is your passion, and has been for a really long time.

Alison Monahan: And you probably don't want to show up in a Brooks Brothers suit to that interview.

Lee Burgess: Right, exactly. But you know, if you're excited about it, and they're talking to you about it, and you just, you can't even stop talking,

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Alison Monahan: The interview like goes past and someone's knocking on the door, and you're like, oh my gosh, I can't believe it's already over.

Lee Burgess: Right. Then that's, they're going to think, Wow, this person really wants to do this sort of work and it's gonna be excellent at it because they're passionate about it.

Alison Monahan: Yeah absolutely. Well, unfortunately, with that we are out of time. We've gone over time. In fact, because we're so passionate about the topic.

Lee Burgess: I know right!

Alison Monahan: If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review or rating on iTunes or any other option of your choice. We would really appreciate it. Be sure to subscribe so you don't miss anything. We release new episodes Mondays. And if you have any questions or comments, please don't hesitate to reach out to Lee and Alison. Lee@LawSchoolToolbox.com or Alison@LawSchoolToolbox.com. Or you can always contact us via our website contact form at LawSchoolToolbox.com. Thanks for listening, we'll talk soon.