

Successful Articling

**Hon. Justice J.E.L. Côté
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SUCCESSFUL ARTICLING

A. INTRODUCTION

Some students do well in their year of articling in a law office; others do not. Those who do well often have little real idea how that happened; students who are not kept on by the firm often are puzzled why that was. Many a lawyer does not learn what will make articles successful or not, until he or she becomes a partner in a law firm, or the principal of a student.

The object of these notes is to help you achieve good results when you article.

B. AIMS OF ARTICLING

It is hard to reach where you are going if you do not know exactly where you want to go. Therefore, there are two questions. What should you hope to achieve during your articles? What do law offices expect from every articling student?

You want to complete articles and get called to the Bar, but that is usually not very hard to achieve.

For the long run, the most important thing you should get from articles is good training, advice, experience, and habits. That includes learning what the outlook, philosophy, and operating methods of a law office might be or not be. It also includes learning what working day to day in several different areas of the law is really like. What you disliked in law school can often prove interesting in practice.

The second most important thing for you is to get a job after call to the Bar, or at least lay a good foundation for getting a job easily.

There are other aims of articles, such as getting to know other lawyers and court staff, and getting a feel for the community and how it works. But they are less important and are not discussed here.

C. HOW TO LEARN MANY THINGS DURING ARTICLES

Some of the ways to learn a lot during articles are fairly obvious. For example, work fairly hard, keep your eyes and ears open, and read the whole contents of a file when you have access to it. Another is to watch lawyers perform in courtrooms, in examinations for discovery (questioning), and in negotiations.

However, some other important ways to learn a lot are less obvious. Here are eleven:

1. Be easy to contact. Try to be at the office during times when lawyers are likely to be there. If you go out, make sure that the receptionist, likely assistants, and your voicemail know or tell how to contact you, and when you will be back. When out, check your email periodically. Or phone in for messages.
2.
 - (a) Offer to help with files or tasks, especially in areas where you otherwise might not get much experience, or where you have some special interest. Offer to sort out papers, organize or summarize something, or do other boring clerical tasks. Failing that, ask if you can borrow overnight and read a file, or can accompany a lawyer to a hearing or meeting, just to watch.
 - (b) When you finish a task, think about what the next step on the file will likely be. Offer to help with it, or anything else desired.
3. Be slow to express or demonstrate a dislike for certain areas of work. Do not hint that some type of task is beneath you (so long as it is professionally related).
4. Look and be organized. Plan your time. Do not have a messy office, and do not forget appointments. Always dress neatly and professionally; you may have to go to a client meeting or courtroom on short notice. Turn in work on time; indeed try to complete and deliver it early.
5. Be energetic and positive, without being obsequious. Try to act unfrazzled. Think of every assignment as a compliment and expression of confidence in you. Show that by your response and how you do the work. Lawyers like to give work to those who eagerly accept it, and tend to bypass those who seem less eager, maybe even begrudging, in their response. As you become more senior, the same applies to clients. No one wants to hire a lawyer who does not seem interested and eager to take on their work.
6. Use each task given as an opportunity to learn more broadly about the area. For example, see if some statute applies to the topic, and read the whole statute, or at least learn its structure and find the relevant part and read it. If a lease, contract or trust indenture is available, read the whole thing.
7. Let people in the office know what legal or business topics interest you, and what previous work experience you have, even in simple summer jobs.
8. Take every opportunity to talk to and listen to clients, however humble or routine the capacity you are acting in.

9. Make some notes of what you are learning; note-taking should not stop when you leave university. Photocopy or scan documents such as contracts or court pleadings which would be useful precedents to adapt and use later.
10. Do not be afraid to ask questions (picking the appropriate source). Do so if an assignment is unclear. And do so later if you are puzzled. Do not try to act sophisticated and all-knowing. No one expects that of an articling student, and it leads you to erring from ignorance. However, do not ask too many questions until you are at least part way into your work, such as your basic research. For example, do not ask a question which shows that you have not even read the governing statute. Thought and some research should shape your questions and eliminate some of your initially-planned questions. Show that your questions are well thought out, not a way of dodging work. For example, think of possible tentative alternate answers to your questions and show what produces your uncertainty about each. But do not ask the same question of five successive people. Lawyers will learn that you are second guessing their advice.
11. Try to get feedback on your work, so that you can do the next task even better.

D. GETTING A LONG-TERM JOB

How can you persuade the law office to offer you a job to follow your articles? The answers overlap a lot with Part C above; what produces opportunities to learn also elicits from senior lawyers satisfaction, esteem and attraction. For brevity, I will not repeat any of Part C.

Here are more ways to make a firm want to keep you:

1. Try to exceed expectations, and try very hard not to disappoint reasonable expectations. Here are several ways to help that “expectations” process:
 - (a) Do not promise or undertake more work than you can accomplish within the existing deadlines plus the new deadline suggested for the new task. You must arrange your life to allow for some long hours and some unexpected evening or weekend work. It is better that you do it, than that a senior lawyer do it. Or that the client’s requests be ignored or disappointed. But you can work harder only up to a certain point; burnout or revulsion from practice are in no one’s interest. Nor is a mistake caused by fatigue. Practising law is a marathon, not a sprint. It is better to point out your conflicting commitments to others, than to say "yes" and then not deliver on time.

- (b) When you are given (or offered) a task, always ask for and get an expected deadline. Also ask for a clear statement of what form the final product should take, or the degree of work or thoroughness expected. Doing far too little, or far too much, both create disappointment or worse. Writing in a firm is fairly concise and confined to advancing specific goals. Lawyers often do not communicate their precise expectations. Misunderstanding the task will usually lead to bad guesses about the deadline.
 - (c) Do not play favorites; do not disappoint lawyers earlier in the queue in order to satisfy a newcomer whom you think is more pleasant, more important, or has a more urgent task. Sometimes you can negotiate an extension of the deadline for the existing commitment, but it is usually better to negotiate with (or decline) the newcomer. But such negotiation has its limits. It is often better to decline a task than to beg a lot of time extensions.
 - (d) Presentation, written or oral, electronic or printed, is often as important as substance. Whether the document is an email, letter, pleading or brief, sloppiness in spelling, punctuation, etc makes it less credible and less appealing, and thus less effective. So plan beforehand, and then later edit to improve arrangement and format. Your memos should be crisp, organized, and well proofread.
 - (e) Lawyers are usually very busy. So do not give them memos or drafts which obviously need error-correcting and redrafting, or are prolix.
 - (f) Think of senior lawyers as your clients, and keep them happy. Try to learn their expectations, e.g. their drafting style, work habits, and philosophy. If your work matches the style of the final product desired, that is a big help.
2. Be accessible and visible, both to get new tasks and also to receive communications or answer questions.
 3. Be pleasant, polite and helpful to everyone (not just to senior people). Treat everyone considerately, especially the non-lawyer staff. They all deserve respect, kindness, and cheerfulness from you. Some young law graduates radiate self-assurance, but it is easy to overdo that. Ironically, many a legal assistant is much more valuable to the firm than an articling student. Besides, their help and their approval of you, can work wonders with the senior lawyers.

4. Treat your fellow articling students well also. A law firm choosing which students to keep on does not look on that as judging a gladiatorial contest. It wants team players. There is also an old saying: it is a long road which has no turning.
5. Neglect no chance to hang out or socialize with other lawyers or students in the law office. Human qualities matter a lot, and you will learn the personalities, culture, unspoken needs, and assumptions of the organization.
6. Be especially astute to learn what the organization particularly and really values, and how great are its true expectations, e.g. the amount of work expected, or keeping clients happy.
7. Get and make known some involvement in the community, some people-based activity, hobby or interest, but one that you genuinely like or care about.
8. Try to do some repeat work for, and become very useful to, some lawyer whom you admire. He or she will be able to attest personally to your value and potential. But in most firms, a number of people will decide your fate. So also try to get work from a number of different lawyers.
9. Do not let a senior lawyer get a nasty surprise. Warn early of likely bad news (such as delays, unhappy clients, or unreasonable clients). Find ways to keep the lawyer informed of other developments without taking up much of his or her time. For example, over coffee or in the corridor, mention finding a new issue, or a new development on the file.
10. Do not tell tales about other students, staff, or lawyers. Things get back to people. And even if they do not, a gossip engenders no confidence.
11. On occasion, you may disappoint one of the firm's lawyers. There are no hard and fast rules as to how to deal with this, and much depends on personalities. But here are some techniques which often help:
 - (a) First, speak to one of your contemporaries or other junior lawyers about the issue and how to try to deal with it.
 - (b) Also speak to your principal; he or she will guide you.
 - (c) After getting that advice, speak to the lawyer disappointed, and try to deal with the reason for his or her displeasure. Explain if there is a good reason for what happened. Apologize, if you erred; promise you will do better, and ask for a chance to make it up.

- (d) Work at dispelling the reason for the displeasure. If you were late with a task, do the next one far ahead of the deadline; wow the lawyer with the next work product.

J.E.C.