

The Secrets of Superstar Associates

by Tom Hentoff

Long before litigation associates at a large firm stand up to argue a motion in a significant matter—or even sit down to draft that motion—they first must satisfy a special burden of persuasion. They must demonstrate trustworthiness and the ability to succeed at important assignments. There is a certain type of litigator who, from the early stages of career development, clearly, convincingly, and consistently carries this burden. Partners discussing “associates these days” immediately recognize these litigators and complain that they are in agonizingly short supply. They are the superstar associates.

Superstar associates are easily spotted. They are young attorneys whose reputation for reliability and care is so excellent that staffing them on a case gives a partner a deeper sense of relaxation than a two-hour massage. They establish that they can handle as much responsibility as is thrown at them, and want more. They find and make the most of opportunities to draft and argue significant motions, handle key witnesses, and take lead roles in cases that are important to the firm. And long before they are up for a vote, their election to the partnership is all but a foregone conclusion.

Most litigators—if they are not simply marking time until their devastating roman à clef about law firm life finds a publisher—want to be able to carry this burden of persuasion, too. But what separates the superstars from the rest of us? Why do some associates so clearly outshine their peers, even those with seemingly equal or greater natural gifts? Do superstars share certain “habits or routine practices,” *cf. Fed. R. Evid.* 406, foreign to the merely good, or even very good, associates? And do those habits and practices simply arise

from innate characteristics, or can they be learned? What can a young litigator, or any litigator, learn from superstar associates to help earn trust and gain responsibility?

In search of answers, I interviewed a dozen young partners whom colleagues had identified as former superstar associates. They practice at prominent litigation departments across the country. Many handle high-profile cases, have appeared on one or another “top lawyer” list, or already are leaders in their firms. In wide-ranging and candid discussions, they told me what they thought contributed to their success. They also gave advice.

Are superstar associates made rather than born? As with many complex questions, the answer is yes. And no. With an explanation.

Most of the “superstars” I spoke with agreed that talent and drive are necessary to excel in litigation, but are not sufficient in themselves. These lawyers all worked on medium- and large-sized cases, so contributing as a member of a team was key to their achievements. In addition to a strong desire to succeed in their respective settings, they seemed to share the ability to step back and view themselves, and their litigation careers, in the same way that they would analyze an important litigation assignment for a client.

They then used the tools of a good litigator (diligence, analysis, ability to put oneself in the shoes of one’s audience) to find opportunities for professional development, and they seized those opportunities to demonstrate talent and reliability. The superstars shared certain traits that helped make their success come more naturally, but they also adopted certain practices as building blocks for that success.

Tom Hentoff is with Williams & Connolly LLP in Washington, D.C.

Although one cannot bottle “essence of superstar associate,” one still can distill those traits and practices into ten “secrets” of success. These are secrets not in the sense that anyone has hidden them from anyone else but in the sense that many—even experienced—litigators seem unfamiliar with them. Some traits and habits may be emulated easily; others cannot. Each helped the superstars win the respect and reliance of the partners at their firms.

1. Superstar associates work hard. I apologize if you were hoping for a more ingenious insight, but don’t skip ahead just yet—this is an important one. Although you might say that the significance of hard work is not much of a secret, note four things about these lawyers’ approach to hard work that distinguished them from their peers.

First, the lawyers I spoke with emphasized that when they put in long hours as associates—as they often did—they did it not for “face time” but because it was necessary to do a first-rate job on the time-consuming projects that newer associates are given, and, thus, to demonstrate their reliability. “There is no substitute in litigation for digging down and understanding the documents. Anyone who’s a successful partner has done this as an associate. People who don’t take the time to do this right don’t have much of a chance for success.”

“Partners will have more confidence in the associate who has dug into the facts and has a command of her part of the case,” agreed another. “Then, *that* is the person who will get the opportunities—the depositions and the key client meetings on the issues they’ve mastered. And it is difficult to have that kind of command without putting in that kind of time.”

Second, they said that working hard gave them more control over their own dockets and, thus, more choice about the work they did. They explained that if they were proactive and volunteered for the work they wanted to do, and were legitimately busy doing it, they could avoid being sucked into the bottomless cases in which they had no interest. One associate advised: “The more you embrace work, the more you have the ultimate control over it. The successes volunteer for the work they do; they don’t get it assigned to them.”

Third, many in the group said that some of their best career opportunities came when they already were fully committed but said yes anyway to work that gave them great experience. “When opportunity knocks, you need to take it,” said one trial specialist. “There’s a strong human incentive not to, but the best opportunities seem always to come at the most inconvenient times. Injunctions never come in when you have time to work on them. But those are the spots where an associate will most often get the most opportunities.”

Fourth, they said that at the end of each year, despite their hard work, they rarely were among the top-billing associates in their class, because they refrained from working for work’s sake and got off the treadmill when case commitments permitted.

When asked about balancing work and personal life, several admitted that it is especially hard in a litigator’s early years to do a great job on cases and have a lot of time for other things. They emphasized, however, that once you establish a track record of success and reliability, partners don’t feel a pin in their stomachs when you leave at 5 PM to

play volleyball, or go to the beach for a week.

The hard truth, though, is that many successful associates “balance” work and personal life by having less of personal life in their early years and more of it in their later years, at a time when they’re also more likely to have families. In the words of one: “It was easier when I was an associate because I didn’t have kids then. I have empathy for mothers who are associates.” Even later in their careers, the hours they work will be a sacrifice for them and their families. “Be successful and have a life?” asked one. “What’s the life you want? My view is that people think that they can have this tremendous legal career *à la carte*—when you want it, if you want it. It’s not that easy. There is no question that being a successful litigator at a top firm requires sacrifice.”

2. Superstar associates care about building an excellent reputation and understand its benefits. Unlike many of their peers, superstars understand that from their very first assignments as new associates, partners judge their performance and discuss it with other partners. As one respondent cautioned: “Your reputation is set early on. You will spend the rest of your career fighting or benefiting from your early reputation.” “Assume early on,” advised another, “that the first few projects you do will have an overwhelmingly important effect in creating a reputation for you. You will create a reputation—are you a ‘go-to’ associate or not?”

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A third explained that she viewed every matter as an opportunity to instill confidence and make a partner want to work with her again. “I did my best job on everything,” said a fourth. “This included little things like making even the first draft look professional, with a correct caption and signature block. Seeing things like this gives partners an immediate sigh of relief.”

Little things wrongly handled can also send the message that you’re not worthy of trust. One superstar said he tells young associates: “Never come talk to me without a pad and pen. Nothing makes a partner more anxious than not taking notes.”

Superstars know or learn that although most litigation partners are chronic worriers, they find worrying unpleasant and hate the anxiety it causes. Thus the successful associates from early in their careers appreciate that an important part of their reputation is whether their work habits *cause* anxiety or *relieve* anxiety in partners. They understand that the answer determines whether the partner will call them for work again and, if so, whether the call will be to draft a brief in the Second Circuit or to review documents in a warehouse in Schenectady.

One of the superstars reported that he helped build his reputation by showing that, like the partner, he, too, worried about all issues in the case. “As I saw big-picture issues and brought them to the partner’s attention, I realized that the more I contributed, the more responsibility I got.” That part-

ner recommended him to others, and he made more big-picture contributions. "Then I got a reputation: Staff a case with me; I won't miss things because I consider the case my own."

3. Superstar associates think like partners do. The group members told me again and again that as young associates, they won the confidence of partners by "thinking like a partner." This concept is also commonly expressed as "taking ownership of your case."

From the earliest point in their careers, these lawyers gave themselves assignments in addition to those the partners gave them. One advised: "It's important to figure out what else should be done on the case, to participate in the team's strategizing. Don't be afraid to look into an issue on your own and spend a little time with it, to see if it should be suggested to the team."

As another explained, discussing his role today as a partner: "I expect to receive unsolicited ideas from associates about the best way to handle a case or part of a case. I get those ideas from superstars, not from others. And those are the people I want to work with." By offering suggestions and worrying about all aspects of the case, associates send an important signal—that the partner can relax a little, knowing that she is not the only one up at night thinking about how to win the case.

Many of the superstars distinguished themselves from the "task-oriented" associates who waited for an assignment, completed it, and then waited for another. Successful associates understand that the partners never treat the task-oriented associate as a peer, even if he does good work. Rather than being a participant in planning and strategy, the task-oriented associate becomes almost a task himself,

another responsibility on the partner's plate, or a boulder that the partner must keep pushing forward.

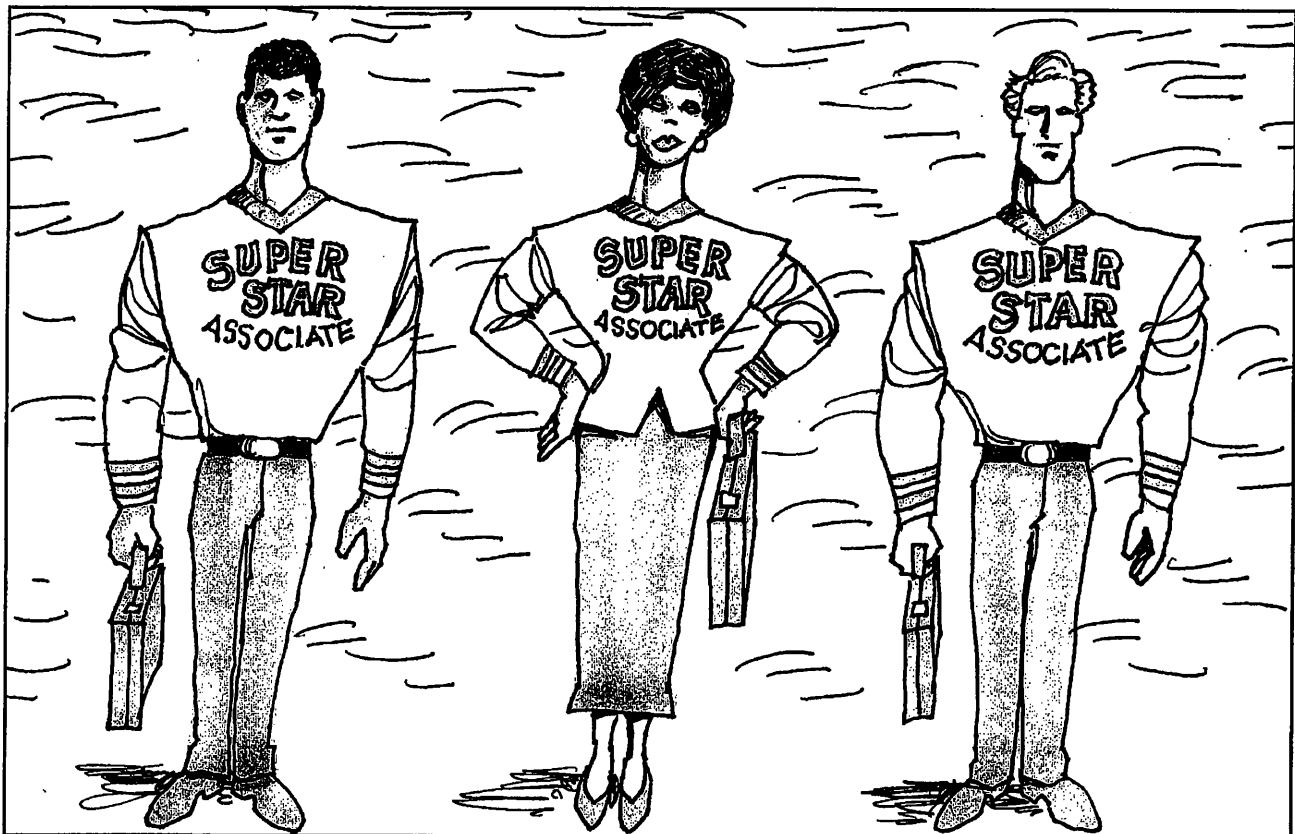
Many agreed that "partners want an associate who takes ownership of a case. They don't want to always have to check in and check up on the associate." Cautioned another: "If the partners feel they are managing you and double-checking on you, you are not on track."

Thinking like a partner, especially for young attorneys, also means carving out areas on the case they can take over, gradually becoming indispensable. Almost all of the superstars had stories about volunteering early in their careers to master some large, complex, and often unpleasant aspect of a major case. They learned the critical facts better than anyone else. Then, as junior associates, they found that they, rather than more-senior associates, were selected to travel with partners to depositions and arguments.

"Working up and knowing the facts on the case, and knowing them better than anyone else, frequently put me in the position to get the trial experience I wanted," explained one. Another described how the partners appreciated his zealous efforts to tackle an assignment that was lengthy and mind-numbing but, as the associate knew, near to their hearts—preparing three years of bills to submit to an arbitrator so that the firm could be reimbursed for its work on the case.

In sum, thinking like a partner signals to the partners that you understand not only your job but also *their* job, and that you want to help them do it well.

4. Superstar associates view everyone as a client. In thinking like a partner, the successful associate anticipates the partner's expectations and delivers on them, in essence



making the partner a client. One of the group said that he expressly advises young associates to “treat the partner like a client. By that I mean learn all the facts, analyze them, figure out the legal issues, anticipate questions, and propose reasonable alternatives about how to go forward. Whether it’s a memo or a deposition, do what you think the partner would do, and then present reasonable alternatives for her to choose among, because she’s in charge. If you do that right, it will lead her to trust you—because you will have thought of many of the things she would have thought of. The next time an important matter comes around, she’s thinking, This guy thinks the way I do.”

The superstars provide this type of client service to everyone with whom they deal—not just clients and partners but also fellow associates, staffers, judges, and even opposing counsel. They listen to other people’s problems and then make the effort to understand and present solutions. Thus, one respondent, asked to name a trait he believed uniquely contributed to his success, answered: “Probably the thing I’m best at is I’m a good listener.”

Generally, giving client service to non-clients means conveying respect, appreciating urgency, understanding real and perceived needs, and making sure to meet and exceed expectations. “You can always tell how people treat others. The very best lawyers treat their secretaries and legal assistants impeccably. I’ve always found it to be uniform in that regard. By treating the people who work under you with respect, you empower your team members and make them an effective team.” Even seemingly minor points make for client service—promptly returning phone calls and e-mail, arriving on time to meetings, and making good on promises about when you will submit a draft to a colleague or a discovery letter to an adversary.

5. Superstar associates treat their professional development like a case on their docket, with themselves as the client. These lawyers extend the idea of client services to themselves. Unlike most other associates, they plan for their own professional development, set goals, and examine big-picture and small-picture items to achieve those goals. Many associates, said one, “don’t realize they can apply their talents and hard work not only to their cases but also to planning and controlling their work life.”

Superstars seek out the cases they want to work on, and plan ahead to be too busy—legitimately too busy—to take on the less satisfying cases that will do less to develop their talents. “Take initiative for your own caseload,” advised one. “Don’t wait to be called by the assignment partner. Make the assignment partner your last resort. For me, my first assignment from the assignment partner was my last.”

Another superstar with a tremendous amount of trial experience pursued in-court opportunities from the beginning. “The minute an injunction hearing would come in, I’d jump on it. I’d jump on intellectual property experiences because they’re quick. I’d also look to mix my docket as much as I could. Like smaller matters—if I screwed up, it wouldn’t be the end of the firm,” he explained.

Another said he got his trial experience because as an associate, he tried to select cases based on a single criterion—whether they were likely to go to trial. A third, who realized that she enjoyed managing cases and running teams, looked for matters that gave her leadership opportunities.

Some of the respondents marketed themselves within their firms by figuring out where there were unmet needs, for instance, in a specific practice area, then setting about to fill them. One made himself an expert in electronic discovery because he knew that would benefit everyone in the litigation department. Another worked on regulatory litigation that was important to the firm even though his colleagues found it boring. It turned out that he enjoyed the federal court issues the cases raised, and he sought out more of them.

6. Superstar associates think litigation is fun. In the 1984 comedy *All of Me*, Steve Martin plays a lawyer unsure about his career. In one scene with an exceptionally difficult client, Martin pinches his faces, flails his arms and legs in frustration, and fumes: “Youuuuuuu . . . take the *fun* out of being a lawyer!” It’s a funny line, not just because of how Martin delivers it, but because being a lawyer, according to common perception, isn’t supposed to be “fun.”

Yet nearly all in the group volunteered that they really enjoy the ins and outs of litigation, and that they did so from the beginning. One claimed: “I’m easily fascinated by

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life in general,” said one. “I can get enthusiastic about anything. I like digging in and trying to come up with the most persuasive cases.”

Another recounted a story similar to that of many others: “During my summer associate year, I thought I’d be a professor. But I realized I love the facts in litigation matters, love learning about an industry. That’s what’s kept me hooked on it. If you love learning about an industry, diving into it, you’ll always find something interesting. Putting together the story—I hadn’t even realized it was part of our job, but when I did, it really resonated with me.”

Given the familiar career-counseling advice to “do what you love,” it shouldn’t be surprising that those who excel at litigation have a passion for it. A number of the superstars made this very point: People who love what they do are happy to immerse themselves in it.

7. Superstar associates think like students but don’t act like they’re in school. They consider their litigation work to be an extension of their education and constantly take the opportunity to learn by example—whether by seeing how a senior attorney analyzes a case or by seeking to work for an excellent brief writer.

A superstar who as a partner specializes in criminal law talked about the benefits she gained by accompanying a talented senior partner to meetings with prosecutors. “How does a top criminal lawyer talk to the U.S. Attorney? This is a great learning opportunity. And then afterward, I asked questions: Why did you do this? Why did you do that? Why didn’t you do this?”

One reason young, successful associates are proactive in seeking work is that they want to learn more about all aspects of litigation. They are more interested in learning

than in protecting their time or their feelings. Thus, more than one said that associates should try to work with that talented but difficult partner whom others avoid (the one rumored to have thrown something at an associate several years ago). Advised one respondent: "Always seek to work with the best people. A lot of associates shy away from partners who seem difficult—tough. I'd urge the opposite. Seek them out; those are the people you learn the most from."

Many emphasized that "student mentality" is rampant in law firms—and a major impediment to success. Associates with a student mentality treat completing an assignment as a goal in itself, rather than as part of a larger effort. They act as if they are submitting work in exchange for a good grade (or, worse, exchanging merely passable work for a passing grade).

By contrast, the superstars understand, again from their early years, that they are members of a team working for a common goal—the best result, within ethical bounds, for the client. Said one: "The idea of it not being school

hit me as a summer associate. After a team meeting I had this epiphany; it was a different dynamic from school—a team working together to accomplish something together. The goal was not to be individually evaluated." Most young attorneys, he said, "don't act like they understand this difference."

And partners are not merely professors handing out grades. "The partnership isn't a bunch of people who are perfect," another recent partner observed. "They are imperfect people who work together and help each other. It's a collaborative enterprise that depends on you" to succeed.

8. Superstar associates are enthusiastic. Partners are people, too. Like anyone else, they want to work with someone who appears to respect them and enjoy the work they do together. Superstars know this and typically convey enthusiasm when they are given a project. This is different from merely enjoying litigation, because it reflects their ability to put themselves in other people's shoes and convey that sense of enjoyment.

Speaking in their roles as partners, the interviewees agreed that it is depressingly common to give an associate an assignment and be met with a sigh or other off-putting body language that implies the partner or the work is viewed as unpleasant. "I really don't need to see associates roll their eyes when I give them an assignment. I will take a trouper over a prima donna who [requires my] climbing over a wall to deal with each time." What you should want to communicate, she explained, is that "you are a pleasure to deal with and you can be taken seriously as someone who could have a position of leadership."

Nor should this attitude disappear when the going gets tough. "An associate who's smiling at 2 AM, that's what I remember. That's how I was. People who still have a great attitude even while under pressure," one respondent recalled. "I had a reputation for enthusiasm about my cases. Most partners enjoy what they do. If you do, too, they see you as a kindred spirit. And a client likes to see enthusiasm, too. They're more comfortable handing something to someone who is enthusiastic about it," advised another.

9. Superstar associates know that good judgment is vital and work to cultivate it. The successful associates consistently emphasized that good judgment was possibly the most important quality for success in litigation. Said one: "If I had to boil down being a superstar to one quality, it's good judgment. That's something I've been learning in my ten-plus years. The real superstars cut through the legal and other issues to evaluate the clients' needs and recommend the best course of action."

At a junior level, according to another, good judgment means remembering to "watch, listen, and learn." This includes figuring out what to say—or not to say—in a client meeting, what to do when something ugly happens in a document production, when to ask for help, how much work to take on, and a hundred other things.

But can someone with bad judgment learn to exercise better judgment? Some I spoke with said that there are habits that can help. For instance, practice listening more and thinking longer before speaking. One remembered that an early review criticized him for making decisions too rashly. He took the criticism to heart and set up "stop signs" to review before sending a letter to opposing counsel, for example. He added that taking on early responsibility and



ownership of cases gives the opportunity to develop good judgment: "Judgment and ownership overlap. When you want to be involved, the partner will involve you in key decisions. That's how you develop judgment, and clients want judgment."

An important part of exercising good judgment is knowing you will make mistakes. One superstar told of arranging a trip with a more senior colleague to visit a prospective expert witness, only to learn after landing that she had contacted a person in the same field, with the same name, but not the intended expert. Another told how his misplacing an insurer's coverage letter led the insurer to try using the ensuing delay to deny coverage to the firm's client.

How you deal with a litigation mistake early in your career can have great consequences. How to deal with mistakes is one area in which the respondents were unanimous: Address them quickly, fully, and without defensiveness or finger-pointing.

Two speakers voiced the view of many: "When you've made a mistake in a matter, raise it immediately," advised the first. "If you don't know whom to talk to, figure that out quickly. Share the problem, as much as you might not want to do it. Time has a way of turning small mistakes into permanent mistakes." Explained the second: "Develop a plan of action, and go to the partner. Say, 'I made a mistake, I screwed up, I should have asked for this from the other side. But here's my plan to fix it, what do you think?'" Hiding mistakes is very tempting but a bad idea. They almost inevitably come out, and then you look not only sloppy but also sneaky, which is fatal."

The superstar who made the mistake with the insurer's letter brought it to the attention of the partner immediately, proposed a plan of action, and implemented the plan. Ultimately, the insurer agreed to provide coverage, and the partner appreciated the associate's integrity in owning up to the mistake.

10. Superstar associates cultivate informal mentors. They emphasized that they didn't figure out everything on their own. They were helped, they said, by talented colleagues who gave good advice about solving particular problems and helped them with career development in general. Indeed, they learned many of these secrets from their informal mentors.

But the superstars said they did not seek out mentors in a Machiavellian way—they genuinely respect the older attorneys and value their opinions. And they are perceptive enough to realize the tremendous resources available to them at their firms—skilled, experienced attorneys with plenty of opinions.

"This was very, very important to me," said one. "I found it extremely helpful to bounce ideas off senior attorneys, even if they were not affiliated with my case." Added another: "My success has depended a lot on mentors. Not everyone understands the importance of this. Sometimes you even offer to mentor someone, and they don't accept it."

Superstars appear to understand two things that many other associates do not. The first is that, from an associate's perspective, the partner-associate relationship should be a collegial one, not a facsimile of a union-management dispute. No one with whom I spoke even started out with the "us vs. them" mentality that some associates seem unable to shed.

Second, most partners *want* to be asked for advice and will make time to give it even when they are busy. To hear that someone values your opinion is a tremendous compliment. And asking a partner for career advice validates that what the partner does for a living is worthwhile.

By seeking a partner's input and then acting on it, an associate gets a partner to buy in to the success of the advice and, by extension, the associate. "I often sought out informal mentors," explained one respondent. "I've always had people that I'd impose on, and come by their office and bounce something off them if they had a minute. There were a handful of lawyers who were enormously helpful, and happy to give me their views and experience. They saw the benefit to me, and to them. Whenever you teach something, you learn it yourself."

The superstars discussed more than these ten secrets of the habits and routine practices that contributed to their success. Several stressed oral and written communication skills, for example, and discussed how to develop them. And there were more.

But one "non-secret"—a trait the superstars did *not* share—is more than worth noting: *hubris*. The superstars did not present themselves as litigation gods whose feats are beyond mere mortals like you and me. Far from it. They

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admitted to being procrastinators or poor organizers, having bad memories, needing to work on their writing, and fearing public speaking. Their success is not simply a product of raw talent—it comes also from taking a broad and strategic view of their litigation careers and learning how to develop them.

Superstars are perceptive enough to understand what others expect of them, and disciplined enough to deliver it. They enjoy the intellectual stimulation, competition, and problem-solving opportunities that litigation offers; they proactively seek out the assignments that give them these opportunities; and they view their own shortcomings as simply part of the problems that are their job to solve.

Finally, it is evident that even with talent, intelligence, and drive, being a stellar associate is not easy. That's one of the reasons there are so few of them. And not everyone wants to be, or should want to be, a superstar. Not every lawyer wishes to put in all the time and effort that they do, especially given important interests and obligations outside work. Being a successful spouse or parent takes a lot of hours and effort, too.

Regardless of your aspirations, recognizing the habits and practices of superstar associates could help you improve your performance as a litigator in a team environment and let you take more control over your career. And if you discover along the way other habits and practices that also help, don't keep them a secret. ▣