From Law Student to Business Law Attorney

By Ryan C. Higgins

Entering the practice of business law can be a challenge for any young attorney, especially one without a business background. Law school encompasses a wide range of courses like torts, legal research and writing, contracts and constitutional law. In law school, students learn the basic knowledge and skills needed to practice law and pass the bar exam. Aside from taking a class on business entities, most attorneys do not really delve into business law until after law school.

Prior to starting my current position as an associate for a business attorney, my legal experience consisted of working as a summer associate at a small plaintiffs’ firm specializing in personal injury and at a mid-sized insurance defense firm. While this experience was helpful, it did not truly prepare me for all of the challenges I would face when I began practicing business law.

When I graduated from law school in 2010, I knew nothing about drafting resolutions, reviewing by-laws, drafting contracts or advising clients on matters pertinent to their business. Like me, most young attorneys have to learn these skills on the job. At first, it seemed like every assignment I received involved some new and unfamiliar area of law. I was constantly reviewing statutes, checking old files for similar projects and asking questions about relatively basic concepts. I often felt pressured to complete tasks quickly in order to keep legal fees as reasonable as possible. Sometimes it was difficult to manage and prioritize the large volume of files I was assigned.

Only a year and a half later, those days seem long gone. I have gained invaluable experience in just a short period of time by learning from experienced attorneys and adopting good habits. These are some helpful tips I have learned along the way that can make life easier as an attorney just starting out in the business law arena.

**Tip Number 1: Take your time.** This is something that took me a little while to figure out. I find that many young attorneys worry they are taking too long to complete an assignment. Consequently, they move at a pace that is probably too fast given their skill level. In business law, attention to detail is crucial. Contracts must be reviewed closely, words must be chosen carefully and legal issues must be identified and thoroughly researched. These things can take time. You are doing yourself and your clients a favor by moving at a pace that allows you to do an assignment right the first time. This will ultimately save your clients money and keep you from making mistakes.

**Tip Number 2: One assignment at a time.** These days it seems like everyone wants to multi-task. Trying to work on more than one assignment at a time is usually a bad idea. I have found that the best practice is to finish one project before moving on to the next. Working on business law projects often takes serious concentration and involves the review of voluminous documents. If you jump from one task to another, you may be forced to go back and review a document you have already read. Revisiting a
project you have started but put off for a couple of days will force you to take time to figure out what still needs to be done. This is clearly not the most efficient use of your time. When you start an assignment, try to finish it and hand it in before moving on to something else.

**Tip Number 3: Use forms.** The business law practice relies heavily on the use of forms. Without a good form, it can be difficult to get started on an assignment. When you receive an assignment to draft a resolution, a contract or to prepare articles of incorporation, the chances are that similar assignments have previously been completed by someone at your firm. Most firms have a database of forms and past projects which is accessible through their network. Familiarize yourself with the forms that are available to you. You should also be creating your own form file as you begin completing projects. If you cannot find what you are looking for in your firm’s database, use the form books in the firm’s library or search Westlaw or Lexis-Nexus to find the form you need. You will almost always be able to find a form that provides at least the basic outline of the document you are trying to draft. Although forms can be extremely helpful, remember to always review the law of your jurisdiction and to tailor the form to the specific needs of your client. You should not feel like you are tied down to everything in a form. Feel free to revise, remove or add provisions as needed.

**Tip Number 4: Make checklists.** Checklists can be very helpful. For many assignments, you will find that there are a number of requirements that must be met, which are outlined in the applicable statutes or regulations. Before starting on a project, I often review a treatise or practice series that lays out in detail everything that must be done to comply with the law. It’s a good idea to prepare a checklist of these requirements. After you have finished your first draft, review the draft and go down the list checking off each item one by one to confirm that you have complied with the law and any procedural requirements. If you have to stop working on an assignment for the day, prepare a brief memo to file to remind yourself what you need to do to complete the assignment. This will prevent you from forgetting to include a potentially crucial piece of information. I also periodically make a list of the current files I have, along with any applicable due dates. This helps prioritize assignments and is useful when a partner wants an update on the status of your files.

**Tip Number 5: Know your limitations.** If you are inexperienced in business and commercial matters, don’t try to bite off more than you can chew. You may find yourself representing clients in the oil and gas, healthcare, and construction industries. It is unlikely that you will be familiar with all of the particular laws and regulations that apply to each of these industries. Many clients think that because you are an attorney, you will be able to answer all of their questions on the spot. This is often not the case, even for experienced attorneys. Some questions need to be researched and that’s okay. If you find yourself in a situation where you are asked a question you aren’t sure about, don’t try to answer right away. Explain to the client that you will have to look into that issue and you will get back to him or her as soon as possible. This will prevent you from steering a client in the wrong direction or having to call a client back when you realize the answer you gave was incorrect or incomplete.
Following these tips should help first year associates transition smoothly into the practice of business law. In addition to these tips, it is vital to keep an updated calendar of all dates and deadlines and set alerts to remind you when a date is approaching. If you follow the advice above, your stress level should go down and your work product should improve.

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