Recalling Atticus Finch: Conversations with Practicing Lawyers

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Abstract
This article discusses the skills, values, and attitudes that are key to practicing law. Input from practicing attorneys shows that while some traits are essential for all practice areas, other traits are specifically necessary for certain types of attorneys.

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Recalling Atticus Finch: Conversations with practicing lawyers

By Deborah A. Schmedemann

WHEN I WAS appointed the college’s first associate dean for skills and clinics in late spring 2000, I couldn’t help but wonder: What are the skills critical to law practice these days? I practiced as a litigator at the Oppenheimer law firm in the early 1980s and as a volunteer staff attorney with a legal services office in eastern Kentucky during my sabbatical in the late 1990s. So I had some ideas about critical legal skills. Yet I have heard much talk and read many articles about fundamental legal skills. Yet I have heard much talk to talk to practicing lawyers in our community about the skills — and values and attitudes — that are key to their professional success.

Assisted by Vice Dean David Prince and Associate Dean for Academic Affairs Matt Downs, I met, talked on the phone, or corresponded with 53 practicing lawyers from various practice settings, November 2000 through January 2001. Most of the lawyers are from the Twin Cities. Several outstate lawyers participated. Roughly equal numbers of men and women participated. The participants’ experience levels varied from a few years to many decades.

Although much of what the lawyers had to say was constant across practice settings, some points were unique to specific settings. By way of introduction, consider the following traits. Which type of lawyer (column B), do you think, emphasized which trait (column A) as among those critical to professional success? Answers appear in the paragraphs below.

<table>
<thead>
<tr>
<th>COLUMN A</th>
<th>COLUMN B</th>
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</thead>
<tbody>
<tr>
<td>ETHICAL FORTITUDE</td>
<td>LARGE-FIRM LITIGATOR</td>
</tr>
<tr>
<td>FAIR-MINDEDNESS</td>
<td>LARGE-FIRM TRANSACTIONAL LAWYER</td>
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<tr>
<td>HONESTY</td>
<td>SOLO OR SMALL-PRACTICE LAWYER</td>
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<tr>
<td>IMAGINATION</td>
<td>IN-HOUSE CORPORATE ATTORNEY</td>
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<tr>
<td>MATURITY</td>
<td>GOVERNMENT LAWYER</td>
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<tr>
<td>RESPONSIVENESS</td>
<td>LEGAL SERVICES/POVERTY LAWYER</td>
</tr>
<tr>
<td>SENSE OF HUMOR</td>
<td>NONTRADITIONAL PRACTITIONER</td>
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In a simple phrase, a large-firm litigator engages in persuasive oral and written communication. He investigates and assesses the facts of the case and the client’s situation, works within the complex system of litigation, plans and manages the case, and interacts with many people in varied roles. To succeed, he must be honest, civil, innovative, disciplined, and dedicated.

A large-firm transactional lawyer provides expert assessment of a situation that culminates in documentation and negotiations. She reads and thinks critically, writes complex documents accurately, orally conveys complicated ideas, and operates within a team setting. To succeed, she must have a sense of humor and be diligent, productive, organized, and curious.

A solo or small-practice lawyer solves problems of a particular sort. He listens and fully understands the client’s situation, writes and speaks clearly, develops practical solutions, and manages his time and projects carefully. To succeed, he must be mature, energetic, curious, current, reliable, resourceful, compulsive, kind, engaged, and self-aware.

A government lawyer enforces legal rules and defends public agencies. He analyzes and applies legal rules, plans and carries out various dispute resolution processes, writes clearly and speaks persuasively, and thinks independently. To succeed, she must be fair-minded, curious, efficient, and honorable.

A lawyer in a legal services, public defender, or public interest organization is involved in assertive, cutting-edge advocacy. She reads people and their socioeconomic setting, researches intensively and imaginatively, strategizes about individual and systemic problems, fights hard and fair —then lets go. To succeed, she must be imaginative, hard-driving, empathetic, passionate, curious, and committed.

As I reflect on the conversations of the past few months, I find myself remembering one of the few images of a lawyer I had as I grew up — Atticus Finch in the novel and movie To Kill a Mockingbird. As I recall that movie, Finch’s strengths were his ability to communicate, his appreciation of his clients’ context, and his character. As I carry out my assignment in the area of skills and clinic courses, those are my central concerns.

To the lawyers who shared their ideas with us — thanks! To the many practicing lawyers who, as adjunct professors in our skills and clinic courses, address matters of communication, context, and character every day, I look forward to our continued work together.

DEBORAH A. SCHMEDEMANN is a professor and associate dean for skills and clinics at William Mitchell College of Law. She teaches contracts, employment law survey, and writing & representation: advice & persuasion. She is co-author, with Prof. Christina L. Kunz, of Synthesis: Legal Reading, Reasoning, and Writing, and, with Profs. Matthew P. Downs, Ann L. Bateson, and Kunz, of The Process of Legal Research (5th ed.), both published by Aspen Law & Business.