

Arguing 9 to 5

Celina McGregor discusses the skills needed to succeed in litigation



» On my first day as a newly-qualified solicitor I walked into the office of one of our more senior partners with a microphone. I asked him: "What makes a good litigator?" Putting to one side my intention to dub his answer over that year's Christmas spoof video, his response remains incredibly telling: "You need a thick skin, a good sense of humour and a willingness to work hard."

What is life like as a junior solicitor in disputes resolution?

For me, it has been hugely varied. In the five years since qualification, I have been on secondment to clients' offices twice. Both secondments concerned crisis management situations, which require strategic thinking and not sitting on the fence! In terms of cases, I have worked on a wide variety, from a US \$2bn arbitration to smaller contractual disputes.

On large disputes, my role has tended to be more about management and less about legal argument. Typically, I have been responsible for discrete pieces of legal research, instructing and organising a team of paralegals to review documents and prepare bundles and drafting correspondence. I have learned about remaining calm and courteous under pressure and about how to provide clear instructions.

The key things to focus on as a junior working on a large case are organisation and learning everything about it. This will mean that you can answer any question and find any document (whether electronic or hard copy), when needed.

For smaller and less complex disputes,

I have tended to work directly with one partner and take greater responsibility for client communications and advice. With interim applications and expedited hearings, I have learned what it is like to work round-the-clock to bring together witness evidence, documents and client instructions and then rush down to court to obtain an urgent injunction. I sometimes think of interim applications, particularly when they concern allegations of fraud, as the 'bar room brawl of litigation', because it feels as though you are fighting your client's arguments at every moment, never being certain about what will come next.

What to look out for?

There is a lot more to your career than the work itself. When applying for training contracts, I found it difficult to distinguish between firms. I knew I wanted to work for a large international firm and assumed they were all the same. I did not think to look at their values, management, people and ethos. Increasingly, I have learned it is these factors and finding people you enjoy working with that really matter.

The difficulty, however, is finding any of this out before you actually start working somewhere. If you ask in an interview: "What is the work-life balance like?" or "What are your values?" you will almost always get stock answers. Below is my list of more challenging questions – questions I have asked in different ways during my career and the answers to which have meant I've stayed where I am.

1. How do you deal with an 'under-performing' associate? *This will give you an insight into how a firm views its employees and how it manages them.*

2. What are your *billable hours'* targets? How do you account for time spent on business development? Pro bono matters? *This will give you a better idea of how long your office hours will be, how much direct client exposure you will get and if a firm values pro bono work.*
3. Which of the firm's initiative or goals do you care about most and what are you doing to further this goal? *This will give you an idea of the changing character of the firm and what the person you are speaking with values.*
4. What do you think makes an outstanding junior associate? *This will give you an idea of what a partner values in his or her team.*
5. What would be your firm's approach to reviewing 500,000 documents? *This will help you understand the firm's approach to mundane work and document management.*
6. How do you invest in your associates' careers? *This will prompt a discussion of what (if anything) a firm does to develop its associates' careers beyond simply giving them work to do.*
7. What role do associates play in the winning of new work? *This will give you an idea of the extent to which you will spend time with the firm's clients.*



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