How My Clinical Experience Prepared Me for Private Practice

By Carla McKenzie 3L

Editor's Note:

Students and employers often wonder whether Law School clinical experiences, especially those dealing with criminal law, carry over to practice in other areas. In this article, printed first in the Remington Center's August 2006 newsletter, third-year student Carla McKenzie describes her discovery that the skills she learned in clinical work were the very same ones she needed as an associate in a large Washington, D.C., firm.

BOB RASHID

I always have been apprehensive about law firms. I never imagined that I would pursue the life of a "corporate" lawyer. As I told one of the partners at the firm where I was an intern in summer 2006, "I was not bred to be a lawyer" — much less one who defends corporations. The partner asked, "Why? Were your parents commie-pinkos or something?" I laughed and answered "No, but close."

My parents are Jamaican immigrants who raised me to have a strong sense of social justice. For most of my life, I interpreted "social justice" to mean that the world is flat, that there are "good guys" and "bad guys," "right work" and "wrong work," the "deserving" and the "undeserving." I wanted to work for the good guys, the deserving, the "right" causes.

After my year at the Remington Center, I was even more committed to working for social justice. I also, however, recognized the frustration of working with few resources, and I realized that legal work usually creates incremental rather than structural change. When On-Campus Interviews rolled around last year, I found myself bidding on firms, albeit reluctantly. I could not avoid the feeling that I was "selling out." Nevertheless I rationalized, telling myself that my summer experience at a firm would be a skill-building exercise, a résumé enhancer; that it would be temporary and, at best, three months in a great city other than Madison.

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"Life" also played a part in my change of career plans: My parents were growing older and my father's Parkinson's was getting worse. Since my parents do not own a home and have minimal retirement income, my siblings and I drift slowly toward the moment when our parents will become our dependents, when we will support them, as they have supported us. As daunting as this seems, we all are committed to having the resources to take care of them.

I bid on several firms, hoping that I would find my place in a world that I never imagined occupying. I fully expected to find myself adrift, without an anchor, and without the tools to translate my upcoming experience into anything familiar. I did not know that my year-long experience in the Family Law and Restorative Justice Projects would provide

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the anchor — the real knowledge and real skills — that I would apply every day, allowing me to be valuable to the firm at which I work and to enhance my own self-image.

In the summer of 2005, during my first three months at the Remington Center, I began to become a lawyer. I did not realize I was becoming a lawyer as I engaged with my clients, wrote memos, drafted orders, pleadings, and stipulations, and represented my clients in court. I did not realize I was becoming a lawyer as I arranged meetings between crime victims and those who had offended against them, juggled the mundane details of my clients' lives, and negotiated the overwhelming emotions of their and my experiences. It was not until I began working as a summer associate at a Washington D.C. firm that I realized how the Remington Center helped me become a lawyer.

In that process, I have learned a few things:

1. Accuracy matters

During my Remington Center summer, after supervising attorneys Leslie Shear or Pete DeWind handed me the third or fourth draft of a letter, I was ready to throw in the towel. Why did it matter whether the date started in the middle of the page or flush right? Why did it matter that it had yesterday's instead of today's date? Why did it matter if I used "that" instead of "which?"

I have discovered that these seemingly minute details do matter. Now, the law firm's partners and associates trust me to pay attention to how the document looks and how it reads. Moreover, they expect the document to be "error free." Their reputation and, perhaps more importantly, my reputation depends on accuracy.

2. Our work brings real benefits or real costs

At the Remington Center, I had the luxury of having clients I did not bill. Why, then, did my supervising attorneys insist that I keep track of my time? Why did it matter that I worked on a project for 18 minutes instead of 12 minutes? Now, I know why: Clients of the firm (and of most large firms) pay hundreds of dollars per hour for legal services. They come to the firm with the difficult questions that their in-house counsel cannot answer. They trust their lawyers to devise creative solutions on which the very existence of their businesses depends. This is not unlike a Remington Center client who faces a $60,000 child support bill upon release, or an inmate who has not seen his daughter for the past four years of his incarceration: our work in the clinic results in real benefits or real costs to our clients. Every minute that we spend on their cases counts, even though they do not receive a bill.

3. Read the statute!

Perhaps I learned this first in Professor Dickey's Criminal Law class, but Leslie and Pete continued the drill. It also has been drilled into me at the firm. Most of my work involves interpreting complex regulations. My "gut" feeling about the "rightness" or "wrongness" of a situation does not matter unless I find support for it in the statutes or case law.

4. Rarely is there a "right" answer

The complications of people's lives and business transactions do not lend themselves to easy solutions. Rarely is there a "right" answer. Partners and associates at the firm do not give assignments when they already have a solution. This would not make good business sense for them. Similarly, my clinical law professors did not necessarily know the answers to each client's specific problems. While they knew "the practice," in great part they left the "answer," the creative solution, up to me.

5. Clients are clients — they all need zealous representation

When we represent someone who has committed reprehensible acts, or when we sit across from a weeping victim or a weeping offender, it is difficult to maintain the "good guys/bad guys" view of the world. This dichotomy quickly fell away for me as I practiced in the clinic. I did not dispose of my moral compass in favor of "objectivity." I had strong feelings about my clients and about what they had done, but I learned that agreeing to represent someone means doing so in spite of their moral compass, or lack thereof. I still believe in social justice, and my firm's active pro bono practice allows me to represent people who would not otherwise be able to afford the firm's services. The firm's business clients also need representation and, to my surprise, some are even fighting for things I believe in.

6. Support staff are invaluable

Like the staff at the Remington Center, the staff at big law firms know the nuts and bolts of the operation. With few exceptions, they have been there longer than I have been. Although they function "behind the scenes," without them there would be no scene. They know things I need to know, including the partners' personalities, likes and dislikes. They know how to get things done, and if I show them respect and sometimes even reverence, I will be able to get more done, as well.

7. Organization counts

Juggling 12 inmate clients' cases is no small task. It is an enormous, and sometimes overwhelming, responsibility. But after that experience at the Remington Center, I knew that being organized would save the day. I also figured out that it does not get any easier — whether in law school, life, or at a law firm.

8. Skill sets matter more than substance

I am convinced that in the early days of legal practice, one's skill set matters more than one's mastery of a particular area of law. I knew nothing about communications, media, employment or education law prior to this summer. I still know very little about the substance of each area. But I know that there is time to learn the substance. In fact, I have had to learn it quickly, sometimes in a matter of hours. There is no time to learn the rudimentary skills of statutory interpretation, research, writing, synthesis, and critical thinking. This summer, it was assumed that I had those skills, not necessarily that I knew the substance of the law.

9. Working toward a solution takes time

Recently, I worked my way into an "answer" that had evaded me even after seven days of reading and rereading the statute, legislative history, and anything else I could find on a particular subject. In my last two hours at work one day, it dawned on me that the statute could be interpreted in a way that I had not considered-- in a way that would benefit my client. Before that revelation, I had been petrified about meeting with the assigning attorney because I did not have a workable solution to the problem he'd given me. Had I not put an extra ten minutes into rereading one case — the one that led me to the solution — I would still be petrified. Good luck? Perhaps. But I do not see it that way. Rather, my clinical experience taught me that there are few shortcuts and that there is no substitute for putting in the time.

The Remington Center is a forgiving place, and supervising attorneys are forgiving people. My thanks to both of my supervising attorneys for giving me the opportunity to become a lawyer. It may have been a one-time experience, but I now know that it will stay with me forever. ■

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McKenzie was the 2006 recipient of the Remington Center's Catherine Manning Award, which recognizes an outstanding student in the prison-based clinics. The honor was based on McKenzie's committed, compassionate, and effective work as a student in the Family Law and Restorative Justice Projects in 2005-06.

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