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# Transnational Dispute Management

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**Summary of Young-OGEMID Symposium No. 9:  
"To Do or Not To Do: Top Ten Things Junior Lawyers  
Should or Should Not Do On the Job  
(Jan 28 - Feb 2 2019)"  
by L. Kim and I.C. Rosenfeld, Esq.**

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**TDM** (Transnational Dispute Management): Focusing on recent developments in the area of Investment arbitration and Dispute Management, regulation, treaties, judicial and arbitral cases, voluntary guidelines, tax and contracting.

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TDM has become the hub of a global professional and academic network. Therefore we invite all those with an interest in Investment arbitration and Dispute Management to contribute. We are looking mainly for short comments on recent developments of broad interest. We would like where possible for such comments to be backed-up by provision of in-depth notes and articles (which we will be published in our 'knowledge bank') and primary legal and regulatory materials.

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**TDM** is linked to **OGEMID**, the principal internet information & discussion forum in the area of oil, gas, energy, mining, infrastructure and investment disputes founded by Professor Thomas Wälde.

## **Summary of Young-OGEMID Symposium No. 9: “To Do or Not To Do: Top Ten Things Junior Lawyers Should or Should Not Do On the Job (Jan 28 - Feb 2 2019)”**

by *Lauren (Yonsoo) Kim\** and *Izak Rosenfeld\*\**

### ***Executive Summary***

*Young-OGEMID’s ninth virtual symposium advised junior practitioners, academics and law students on what junior lawyers should or should not do for success in their careers. As YO moderator, Professor S.I. Strong stated when introducing the event, “[m]aking the transition from higher education to practice can be difficult. Very often, junior lawyers don’t know what they don’t know, leading to all types of mistakes.” This symposium provided a range of tips and advice to junior lawyers from a variety of practitioners discussing career success.*

*Below is the list of speakers who kindly agreed to share their insights on each day of the symposium:*

#### *1) Monday, Jan 28*

- a) Christophe Bondy – Special counsel, Cooley, UK*
- b) Sally Harpole – Independent Arbitrator, US/China*
- c) Mélida Hodgson – Partner, Jenner & Block, US/Latin America*

#### *2) Tuesday, Jan 29*

- a) Lise Bosman – Senior Legal Counsel, the Permanent Court of Arbitration (PCA), Netherlands*
- b) Mike McIlwrath – Global Litigation Counsel, Baker Hughes, a General Electronic company (GE), Italy*

#### *3) Wednesday, Jan 30*

- a) Elie Kleiman – Partner, Jones Day, France*
- b) Joe Matthews – Independent Arbitrator/Mediator/Advocate, US*

#### *4) Thursday, Jan 31*

- a) Monica Canafoglia – Legal Officer, International Trade Law Division (ITLD), UNCITRAL, Austria<sup>1</sup>*

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\* Admitted to the District of Columbia and with a pending admission to New York (August 2018), Lauren (Yonsoo) Kim is an attorney, whose primary areas are International Arbitration and Tax. [www.linkedin.com/in/lauren-yonsoo-k-25b0057b/](http://www.linkedin.com/in/lauren-yonsoo-k-25b0057b/)

\*\* Izak C. Rosenfeld is a dual-licensed US and Canadian lawyer, having been admitted to practice as an Attorney and Counselor at Law in the State of New York, and a Barrister and Solicitor in the Province of Ontario. [www.linkedin.com/in/izakr](http://www.linkedin.com/in/izakr)

<sup>1</sup> The views expressed herein are those of Monica Canafoglia and do not reflect the views of the United Nations.

5) *Friday, Feb 1*

- a) *Clarisse von Wunschheim – Head of the China Desk & Co-Head of the Dispute Resolution Practice Group, Altenburger Ltd., Switzerland/China*
- b) *Joongi Kim – Professor, Yonsei Law School, Korea*

### **Speaker 1: Sally Harpole – Independent Arbitrator, US/China.**

Speaking first, **Sally Harpole** shared her insights on what junior lawyers should do at the early stages of their career in order to set themselves up for success. She gave the following list of ten (10) practical suggestions:

1. “Seek opportunities to work with highly skilled and experienced professionals, in an environment which supports good ethical standards. Learn from their example.
2. Maintain cordial and respectful relationships with everybody in your workplace. Work quality and business development are always important, but no employer wants a worker who does not get along well with others.
3. Be available for work assignments, even outside normal office hours and away from your usual location. Each opportunity to work is an opportunity to learn. Your superiors will appreciate your willingness to go the extra mile in carrying out work which needs to be done, whenever and wherever it is needed.
4. Be an enthusiastic and generous team player. Large cases and projects require effective teamwork. Your performance as a good team player will encourage more invitations to join teams.
5. Learn about your clients’ businesses and show an interest in understanding their aims and priorities. Clients will appreciate working with a lawyer who comprehends more about them than simply their legal requirements. The more you understand, the more practical and useful you can be in your advice and service to clients.
6. Make yourself available to colleagues and clients outside the office and workplace. Do lunch, dinner, coffee with them. In those settings, they may more openly explain what they are trying to achieve, the history and background of their projects, their challenges, etc. Deepening acquaintances in this way can build confidence and trust.
7. Complete your commitments. No excuses, no delays. Avoid over-promising.
8. Pay attention to details and always strive to work at the highest level. Read and re-read documents and correspondence before sending them out. Clients want a lawyer who understands and recalls the details relevant to their matters. Few people would feel confident in a lawyer whose writings have careless mistakes or oversights.
9. Enhance your international skills. Strengthen your ability to deal with cross border cases and transactions as well as clients of multiple nationalities. Hone your language skills. Spend time with people who can teach you about their countries and culture. Read about the places and nationalities with which you deal.

10. Participate in professional organizations and educational events which help you to stay abreast of recent developments in your field and get to know other professionals. A network of personal acquaintances in your field may lead to work/client referrals and could be a useful channel of information. One good example is the International Bar Association, which holds multiple events in multiple locations each year.”

Picking up on Ms. Harpole’s list, **Professor S.I. Strong** drew particular attention to item three – being available for assignments. Prof. Strong shared her own experience as a junior lawyer, where she was told never to turn down work in your favored subject matter area – a piece of advice that Prof. Strong passes on to law students and junior associates to this day. Prof. Strong also noted that although junior lawyers do not have “full autonomy”, they have more control than they recognize and can be conscious about their work such that it fits into their long-term career plan.

By way of elaboration on this point, **Ms. Harpole** noted the time-sensitive nature of client-related works, and the fact that “lawyers don’t always control those time frames.” Ms. Harpole opined that the “in-demand” lawyer is the one that works with the client’s needs.

Commending the strength of this advice, **Prof. Strong** highlighted techniques junior lawyers could use to capitalize on the concept of “being available when others are not”, such as ‘time shifting’. By tailoring your schedule to fit your own strengths and weaknesses while simultaneously creating a positive impression of your work ethic at the firm, Prof. Strong demonstrated a method to improve your market advantage.

To this point, **Sean Colenso-Semple** asked about the practical implications tailoring your schedule to work early mornings in the context of a New York-based junior associate, given that most New York lawyers start late and work late.

In answering Mr. Colenso-Semple’s question, **Prof. Strong** stated that this is an issue of “reality vs perception”, noting that if your work is done well and on time, you typically can complete it on your own schedule. Prof. Strong mentioned other ways lawyers can stand out, such as early morning emails, while noting that although firm life isn’t structured around a junior lawyer’s convenience, it should not be “completely dysfunctional.”

**Christopher Campbell** pointed out that there are many benefits to an early morning routine, but it is always crucial to ensure that sleep is built into your work schedule. Further, Mr. Campbell commented on the value of items one and ten in Ms. Harpole’s list.

On Ms. Harpole’s first item – finding extra opportunities – **Mr. Campbell** shared his experience of working with the American Bar Association (ABA) and other organizations on different projects in order to stay connected with “the world of international business and law”, in which he was interested while was working in an unrelated field. On item ten, Mr. Campbell identified LinkedIn as an underrated tool for developing contacts in your field of interest.

**Mark Kantor** also commented on the New York work schedule, as a former partner of a Wall Street law firm. He mentioned that a New York lawyer’s work schedule is dictated by the work that needs to get done, noting that, “[i]f an associate (or a partner) works late into the evening/next morning, and the timetable for the remaining work permits, then the lawyer comes in later the next day after having gotten a modicum of sleep”. In summary, Mr. Kantor’s point

was that “[t]he common denominator is not the clock, but rather the need to get the work done within the applicable time frame.”

**Mr. Kantor** also commented on the visible benefits of arriving at the office early, noting that supervising attorneys will “comment favorably on your availability and responsiveness to others”.

Finally, **Mr. Kantor** highlighted that partners typically “live to the same, or a faster, tempo as associates”, centrally due to the demands of clients and other administrative matters that partners are required to attend to on a regular basis.

In response to Prof. Strong’s comments on ‘overpromising’, **Matheus Lima** shared his own experience about the impressions that are left with supervisors when a junior lawyer overpromises work but does not do it right. He stated that, despite the belief that not taking work from a partner or senior associate may damage your image, “not being able to deliver leaves an even worse impression”.

In addition, **Mr. Lima** agreed with Ms. Harpole’s ninth item – enhancing your international skills – by offering his own experience of the efforts he made to break into the field of international law, including “offering to translate a report” for another team’s client communications and volunteering in moot competitions. He pointed out that there were many ways to develop your objectives, such as becoming an international lawyer, even if you are unable to learn new languages, study abroad, or work on a case that would involve international matters.

**Ms. Harpole** picked up on Mr. Lima’s comments, sharing her experience of being a Chinese/English interpreter for business negotiations, and how this type of experience leads people into opportunities to learn more about business, negotiation, and legal transactions.

## **Speaker 2: Mélida Hodgson – Partner, Jenner & Block, US/Latin America.**

Continuing the exchange of insight and opinions on advice for young lawyers, **Mélida Hodgson** also shared her list of “DOs” and “DON’Ts” for junior lawyers. Below is Ms. Hodgson’s list of advice:

### **“DOs**

1. Love your practice – on some level. This field, particularly if practiced at law firms, requires a lot of time to do it well, if you don’t have a passion for it, it will be a waste of your time, and life is too short for that. Relatedly, loving what you do does not mean you cannot have a life – you have to manage it.
2. Ask Questions – don’t leave a senior lawyer’s office without understanding an assignment, it’s an unnecessary waste of time that either the client, or more likely, the firm, will end up paying for.
3. Pay attention to details – I learned this the hard way as a second year lawyer, and have never forgotten the lesson.

4. Proofread! It is one of my pet peeves. This is different from #3. I often tell junior associates that I am where I am because I am a good proofreader (today is crazy so forgive me if I miss something). I think Sally and Christophe have noted this, but aside from being annoying to have to spend time correcting typos, it's costly from a client perspective, and costly for you because senior lawyers will lose a bit of confidence in your work.
5. Be flexible/available – again, particularly at firms, it is not an 8 hour a day job (and as much as you may love it, it sometimes is a job), and it may not be said, but if you view it as an 8 hour a day job, you may not get choice assignments and when assignments are scarce you may not be at the top of the list.
6. Be efficient – “perfect is the enemy of good” – this is hard, but listen to advice/guidance that is given. If you are told to take X hours to do something, try to do it within that time frame – it's usually based on experience. Relatedly, “just a draft” does not mean it can be sloppy and unfinished.
7. Be on time! – I will repeat what others have said about meeting deadlines because it is so important. It may seem like schedules are really flexible (and yes, most senior lawyers build in time for you to be late), but your being late alters a schedule that sometimes has a rippling effect. In a crunch situation, this can be really bad.
8. Be a good team player/ be a good external and internal colleague – we are losing a little bit of the civility that made arbitration a gentle practice.
9. Have a career plan – evaluate where you are every 3-5 years – are you happy and are you progressing toward your goal? Again, life is short, don't waste time.
10. For every assignment – think what the partner would do on a particular issue and try to make your work product as final as possible – it helps to make you a go-to person.

### **DONTS**

1. Do not assume – my grandmother broke the word down for me and she was right about the effect of assuming. This is the flip side of a lot of the “dos.”
2. Do not be arrogant - manage down as well as up – we all find out who is obnoxious to staff and we remember (most firms evaluate on this).
3. Do not decide to do the assignment you would prefer – you generally don't have the whole picture, and it will not impress.”

**Ms. Hodgson** emphasized the applicability of her advice to law firms and government practice, but emphasized item nine for governmental practitioners.

Underscoring item ten – thinking like a partner – **Prof. Strong** emphasized the importance of doing more than just the bare minimum for any given assignment. She mentioned that those who show intellectual leadership and exercise initiative will advance further and faster in their careers.

On the other hand, **Prof. Strong** raised a question on the potential differences across jurisdictions or regional lines. For example, Prof. Strong noted the different treatment of smiling among jurisdictions, and commented that in the US, self-promotion is to be expected, while in other English-speaking countries, it is something to be avoided.

**Ms. Harpole** agreed with the importance of understanding the differences in what a lawyer should and should not do “[d]epending on the protocol of your workplace and your career goals.” She highlighted that the first expectation is for junior lawyers to complete their assigned work well and to follow instructions – an expectation that is not to be replaced by “standing out as a ‘tall poppy’”. Ms. Harpole also noted that those who have “career goals which require developing a profile beyond the employer’s workplace” should make an effort to coordinate related activities, as superiors may in fact be supportive of a ‘tall poppy’ that wants to stand taller.

**Ms. Hodgson** commented on the issue of cultural differences, based on her work experience in Latin America, noting that, as a woman, she finds herself fighting stereotypes, despite the presence of women “in charge”. According to Ms. Hodgson, the answer is “to just demonstrate, politely, command of a situation”, with emphasis on the need to avoid the “aggressive” American stereotype. Ms. Hodgson shared other cultural considerations concerning Latin America, including adapting from stereotypically ‘American’ egalitarian ideals that all employees are equal, (despite touchy class issues in the US) to respect sociocultural norms in other countries, and how to manage or control ‘too familiar’ behavior, which is less tolerated in the US than in Latin America.

**Maryam Salehijam** agreed with Ms. Hodgson, identifying the “fine line between politeness and over friendliness” in the Middle East region.

**Christophe Bondy** agreed with Ms. Harpole’s commentary on expectations, noting that the “first order of business” is to do your job well, based on the instructions provided. He also noted that “talent is most appealing when leavened with a bit of humility and human empathy.”

**Dr. iur. Clarisse von Wunschheim** raised the point that two pieces of advice – doing your job well, in accordance with instructions, and meeting cultural expectations – is in fact the same advice. Both points highlight the importance of “loving what you do and showing it.”

**Prof. Strong** brought forward a question raised by ‘Anonymous’ on achieving a balance between work hours and personal life. Anonymous asked whether junior lawyers who would ask for flexible hours to be with their families would be looked upon unfavorably.

**Ms. Hodgson** answered this question by suggesting the setting of limits and creating a schedule that you stick to. She recognized that it could be harder for single persons and non-parents because they were expected to be more ‘flexible’, but insisted that everyone’s time should be respected. Ms. Hodgson also mentioned that a clear and consistent limit would generally be respected “as long as it does not appear to be a way to avoid work.” She finished by noting the example of some firms moving towards mandatory parental leave for male lawyers.

### **Speaker 3: Christophe Bondy – Special Counsel, Cooley, UK.**

**Christophe Bondy** shared his list of what a junior lawyer should and should not do, with his advice targeted towards both private practice and public sector lawyers:

#### **“DO**

Do treat all staff in your workplace at whatever level with the utmost courtesy and respect. It is the right thing to do and means you are contributing to a happy and supportive work environment. It also means they will have your back when you need a hand.

Do be the person in the office who is always smiling. You will find that it rubs off. You automatically will build goodwill.

Do start every day thinking, “what can I learn today”. You are at the point in your career where you should be like a sponge. Be open to learning from everyone around you: *tout sert*. Don’t assume you only will learn from the most senior people. The scope of “what can I learn” includes how to conduct yourself in an office, how to speak in a telephone conversation, how to draft a letter, how to conduct research, how to undertake business development activities, how to work with support staff, how to work with fact and expert witnesses, time management, substantive legal and procedural knowledge, etc. etc.

Do work hard. Dive in.

Do get into the habit of regularly updating yourself about the law in your area of practice.

Do think beyond legal expertise to the wider skills you’ll need to ensure you can be successful as a practitioner – business development, speaking in public, client management... law is a business as well as a profession.

Do take time each week to spend some time cultivating a particular practice area not part of your “regular practice” that particularly interests you. Do pro bono work, volunteer for associations, seek out opportunities, [focused] on that practice area. It will develop in the longer run and you will be a happier lawyer.

Do read pleadings and correspondence drafted by more senior lawyers, as well as procedural orders and judgments in your practice area. Read, read, read. Get the writing style under your skin. Drafting is a key skill.

Do learn (and maintain) languages. Some of the files I have right now, I have because I spent a summer 20 years ago learning an extra language.

Do look for people whose actions and behaviour you admire and seek to emulate the things you like in them, in a way that fits for you.

Do find your own personal style, your own voice. Diversity is not a weakness, it’s a strength. Integrity is its own reward. You are most effective when you are yourself.

Do seek to be conscious of how your work fits into the greater scheme of the files you’re working on. Arbitration files often are massive and complex. It can be easy to lose sight



of how your specific tasks fit into the whole. You will feel much more engaged and motivated if you can see how what you are doing contributes to the success of the case.

Do think beyond the tasks you have at hand and seek to identify other work that might be done. Raise such points with your senior lawyers and propose a way forward. It will show you are thinking proactively and broadly but are also sensitive to work management on the file.

Do be organised. Make lists, set goals, prioritise, update. Your job is to take things that are a mess and make them into order.

Do be the person in your organisation to whom people turn for help. If someone asks you for help, give it.

Do understand that the best way effectively to advocate for a party is to know what happened. Read the documents. Talk to the witnesses. Engage with the experts. Know what you're talking about. The right legal answer always flows from "what happened". All of the procedural flash, bald aggression and cleverness in the world won't overcome a solid grasp of what happened in a dispute.

Do regularly take time to get some exercise. Get into the habit, and it will become automatic. You will feel better, you will think better, and you will be more resilient. The work will get done, more efficiently, if you don't sit for 12 hours at a desk without moving.

Do regularly take the time to cultivate outside interests. *Il faut se réserver une arrière-boutique...*

Do reach out to colleagues and take the time to get to know them, both within your firm and in other firms. They are your fellow-travellers. If you're lucky, they will become your friends. Everyone has their own road to follow. Why not be good to those one meets along the way?

Do start every day being grateful. You have an education, you have the tools to help make a change in the world. Being thankful and optimistic will help you cultivate a happy life.

Do be open to other opportunities, either within the law or indeed outside of the law. If you've gotten this far, you are smart, talented, and can do a million things. Find out what your "thing" is and don't be afraid to go for it. Do check in with yourself on a regular basis and be open to the conclusion you'd rather be doing something else. But in doing so, try to distinguish between "I am scared / tired / intimidated / fed up / this is hard" and "I have another passion". It's hard. You'll be tired. You'll be fed up. But don't give up. If you leave, leave for love.

### **Don't**

Don't associate with negative people. In any organisation there are always people who spend their time complaining, developing conspiracy theories, casting all developments in a bad light. They are always looking for company. Don't get sucked into their circle.

Don't accept toxic behaviour from senior people. Such behaviour is not "normal". Don't assume that their poor behaviour towards you reflects your own shortcomings or failings. Spot the destructive behaviour. Seek to address it if possible through the internal mechanisms of your workplace (perhaps through a confidential conversation with someone you trust). If it doesn't change, make plans. Life's too short.

Don't be afraid to ask questions and to approach people at all levels to ask for advice about practice or your career.

Don't overpromise and under deliver. But if you do, learn from your mistake. Tomorrow is another day.

Don't rush off to a senior person as soon as you spot a problem. Think first of possible solutions and be ready to propose them. Don't just dump the problem on someone else's desk.

Don't submit work that you haven't brought to the best level you can. Assume that what you write may be plugged directly into a submission.

Don't submit work that you haven't proofread. Lawyers are picky and quick to judge and will read typos as evidence of sloppy work habits and lack of motivation.

Don't be fussed if your written work is marked up by more senior lawyers. Don't miss the opportunity – review their comments and try to learn from them.

Don't assume that being engaged in contentious matters means you have to act like a horse's ass with the other side. You can be tough and principled and effective while being a perfect gentleman or lady. Don't engage in *ad hominem* attacks in written submissions or otherwise. It's tacky and not effective.

Don't engage in sharp practice. Always take the high road, be honest, don't cut corners, know and respect your deontological code. Be classy.

Don't do it for the money. Do what you're doing because you're good at it and it makes you happy."

**Prof. Strong** agreed with Mr. Bondy's list, sharing her own experience of having the opportunity to learn from experienced assistants and paralegals, because she was kind to everyone. Prof. Strong also highlighted the concept of "having a smile on your face", noting that a positive attitude can make a big difference to morale. Finally, Prof. Strong emphasized the idea that "trying to cut too close to ethical guidelines is never wise" – commenting that integrity benefits a lawyer's practice.

By way of follow-up, **Mr. Bondy** added one further point to his 'Do' advice – the need to be paranoid. He highlighted the importance of double-checking everything before submission and preparing for the worst with a back-up plan, stating that this was especially important for a junior lawyer, who would more likely be in charge of "the mechanics of things", such as filings.

**Salua Kamerow** shared her surprise with some of Mr. Bondy's advice, including tips on smiling and being kind. She shared her experience with the system in Latin America, which is

still hierarchical, and being kind to everyone, including the person that serves coffee, is not necessarily one of the top priorities. However, Ms. Kamerow noted the importance of these tips, and appreciated the advice as a thoughtful and assistive reminder.

**Prof. Strong** responded to **Ms. Kamerow** with praise – stating that one of the goals for this symposium was to create “criteria that are standard throughout the world and criteria that are perhaps more distinct to a particular region.” Prof. Strong shared her experience of the cultural differences between the UK and US, and even between US cities, noting that “Americans are often thought to be a little too friendly/familiar.” Her practice in New York helped her appreciate the benefits of being friendly to everyone.

Finally, Prof. Strong clarified Mr. Bondy’s advice on “paranoia”. She commented that this advice is not a suggestion to be unnecessarily stressed, but instead to be “conscious and forward-looking in terms of what could go wrong.” She said, “[h]ope for the best, but be prepared for the worst.”

**Christopher Campbell** commented on the “smiling” advice, saying that the presence of this advice in the “Do” list could be confusing. He noted that smiling is often considered an “annoying” habit of Americans, in particular, because it can come across as faux.” Mr. Campbell was seeking further input on the “smiling” advice to address these concerns.

Mr. Campbell also posed a question on how the participants of this symposium would prioritize the following activities, which Mr. Campbell ranked as follows:

- “1) Being helpful in the office
- 2) Working out/Exercise
- 3) Language Acquisition
- 4) Exploring areas outside of your regular practice
- 5) Cultivating outside interest”.

**Dr. Nataša Hadžimanović** added two pieces of advice for junior lawyers: first, that junior lawyers should give legal advice that is focused on solving the client’s problem, as client are not interested in the law, and second, that lawyers should focus on the footwork. Dr. Hadžimanović noted that great arbitrators and counsel are meticulous, perseverant and precise with everything they do, including “the non-creative tasks”. She finished with the comment that smiling can keep lawyers motivated, even while completing mundane work.

**Ms. Kamerow** commented on Mr. Campbell’s list, ranking his four items (leaving exercise aside) as follows:

- “1) Being helpful in the office
- 2) Language acquisition
- 3) Cultivating outside interest (which could be combined with language acquisition.

4) Exploring areas outside of... (quite hard to even think about it)".

**Ms. Harpole** was amazed to learn more about how 'smiling' was interpreted differently based on culture, but suggested that lawyers should know when and where it is appropriate to smile. For example, it might not be a good idea to smile at clients or parties who are explaining their concerns.

**Speaker 4: Mike McIlwrath – Global Litigation Counsel, Baker Hughes (a General Electric (GE) Company), Italy.**

Introducing his "do's" and "don'ts", **Mike McIlwrath** first shared the context of how he became involved with international arbitration, describing his untraditional path to international arbitration and mediation and highlighting that he was totally unaware of the 'traditional' pathways in the process.

Mr. McIlwrath did not want to be a lawyer after graduating from university, with a degree in English and American history, but in Italy, as he was learning more from the Italian prosecutors and judges while the mafia trials were ongoing, he gained an appreciation for the prosecutors and the judges that were "putting their lives on the line every day just to make sure people could live in an environment where there was some rule of law." Several years later, he went back to the U.S. to attend law school, and ended up in a NY law firm's litigation department. He learned a lot from "mentoring and high standards that help shape a young lawyer."

He said his firm did not have an international arbitration practice, and he did not even know about the area of practice. However, he "took every international assignment that was offered" to him, even by sleeping in the office. Eventually, he got a job as in-house counsel for GE in Italy, as the head of litigation, and was told to work towards reducing the company's legal expenses. Since then, he has learned more about international arbitration, with support from managers, colleagues, interns and younger lawyers. Even after 20 years, now, he said he is still excited about his job.

Mr. McIlwrath then shared his first list of "Do's" and "Don'ts", which was targeted towards junior lawyers (solo or at law firms) who may be interested in an in-house counsel role:

"DO learn the customer's business, take every opportunity. The best experiences with external counsel are when they make it easy. And when your business and technical colleagues in the company compliment your external counsel for understanding what they do....it just makes you glow with pride.

DO tell your client what the risks are, but

DON'T stop there. The client doesn't need someone who brings them problems. They have plenty of that already. The better lawyers bring us solutions. And the best lawyers tell us what they'd do in our shoes. We might now agree, but we respect the courage and intelligence.

DON'T tell your client the answer "depends". Clients pay you to take a position. Anyone can finish an email or client memo in a few hours if all they conclude is that the answer "depends."

DO the extra work to give the client a solid yes or no answer. Take a position.

DO be concise. When I was with a large firm, there was a story about a certain partner who was told by an important client that his 30 page memo was too long. So he wrote a 10 page explanation of his 30 page memo. He was told that was too long. So he wrote a 5 page summary of his 10 page summary. The client rejected it. He finally wrote a 2-page summary of the 5 page summary. I had thought this was a law firm urban legend, but having been in-house for 20 years, I no longer have any doubts about the partner's proclivity for sending verbose notes to the client. But I do doubt the veracity of the story, because I now know the client would have lost their patience and fired the partner and possibly the firm long before the 2 page memo. There is a time for long memoranda. Trust us to tell you when that time comes.

DON'T treat "small" cases as unimportant. There's no such thing as a "small" case. Most large businesses are made up of many small business units of various product lines and services. Within these units, a "small" dispute over \$100,000 can make or break an employee's career, or change whether they will get a bonus next year. This doesn't mean you have to win the case for them at all costs and ignoring the size in dispute, just understand its relevance. Clients obviously don't want to pay \$100,000 in legal fees for such a case, either!

NEVER say no to work that really grabs your interests or lets you work with a client you want to work with. Having a workload that fits your passions is worth the trade-off, even if it sometimes means sacrificing your nights, holidays, and vacation plans. You're young. There's an expression in Italian, "you wanted the bicycle? Ok, so now pedal it!"

DO put up with the occasional bad day or the person you don't get along with. No organization is perfect.

DO elicit feedback, constantly. At large law firms, there are always the partners who are notoriously difficult to work with. Often this is because they are the ones who will be straight with you. Consider seeking them out when other young lawyers are avoiding them.

DON'T work with people who won't give feedback. Life is too short to be supervised by people who will not help you grow, or who are afraid to tell you how to improve.

DO be civil and DON'T forget that the lawyer who is causing you trouble today will be a colleague and possible friend in not too many years. When I came to GE in 1999, Andrea Carlevaris was the ICC case manager supervising most of my cases. I remember many late nights yelling on the phone at Andrea (we both worked late) about why the ICC did this or that on our case.... Andrea didn't take my criticisms in stride, and pushed back. Andrea left the ICC and went into private practice, and then came back to the ICC as the Secretary General. He and I have since worked together on a number of initiatives, including at the ICC and the International Mediation Institute (IMI). I don't know how Andrea feels about our earlier interactions (good or traumatized) but I am certainly better for it, and feel fortunate that our earlier tensions could evolve into the solid friendship we have today.

Look around the contributors on this YO list... I guarantee you there are names who will one day be secretary generals of leading arbitration institutions, heads of arbitration practices, and leading in-house counsel.

DO take advantage of any opportunity to visit or work directly with in-house lawyers, but be humble and...

DON'T try to prove yourself to us. It's easy to be misunderstood. Use these occasions to learn about the pressures and dynamics your client is facing, and how their business operates. We work at these places and genuinely enjoy opening our doors to the external lawyers we work with, if they are curious about what we do.

DO keep your hobbies and interests and family responsibilities, even if sometimes the law practice will interfere with them. I don't think this is important just for your sanity, but is critical to building your career in international arbitration. In a "quiz" that I posted on the Kluwer blog last month, I listed several interesting activities or hobbies of some noted arbitration professionals. <http://arbitrationblog.kluwerarbitration.com/2018/12/31/the-new-year-arbitration-quiz/> (see question 4.). My list of activities did not do them justice, as each of them does so much more. Gary Born not only goes scuba diving, he is also passionate about country music, and that's just to start. Sophie Nappert does rocket yoga (look it up) and when she travels for hearings, she also finds time to go on long hiking adventures in mountains and hills, and so on. These people don't do interesting things because they are successful in international arbitration; they are successful in international arbitration because they are interesting people."

**Lise Bosman** commented on Mr. McIlwrath's advice to "give the client real advice", noting that clients are not looking for junior lawyers to recite sections of code or regulations to them without drawing conclusions. She added that "[c]lients want to know whether they can go ahead, if so, under which conditions, and what they need to take account of."

Though distributed after Ms. Bosman posted her "Do's" and "Don'ts", Mr. McIlwrath followed with his second list of advice, directed more towards in-house lawyers when approaching different aspects of international arbitration:

"DON'T do anything that isn't right or doesn't feel right. Ever.

DON'T accept arbitral appointments or hold yourself out as an arbitrator. Know the role you play as in-house counsel, and learn to do that well instead of building your next career. Holding yourself out as an arbitrator risks compromising your independence and freedom to critique and choose the best among institutions, among other things. (Illustrious authorities such as Prof. Catherine Rogers and Mark Kantor disagree with me on this, and I admit that I could be wrong. But I'm not.)

DO develop opinions about why you prefer some rules, arbitration institutions, or methods of resolution that seem to better fit the types of disputes your business faces, but

DON'T feel any loyalty to them. That's not your job nor your fiduciary responsibility. As an in-house counsel, you should feel ready to drop any preferred institution or method if you discover a better option elsewhere. There are no long-term favorites in this world, and institutions have to not only earn your business, they have to work hard to keep it.

DON'T let your law firms make the final call on which arbitrator to appoint, and don't make reactionary appointments. For example, the arbitration clause calls for a London seat and the contract is governed by English law. The claimant appoints English counsel and an English QC as arbitrator. You can "react" and respond in kind.... If you want to have an "English arbitration" with three QC's as arbitrator, and the external firms telling their clients they need to hire QC's to plead the case. (I call this form of torture the "five QC arbitration." It's enough to make a European vote for Brexit.) Or, you can think about whether this sort of procedure is good for your case, hire counsel in Paris or Singapore, appoint a German or Columbian arbitrator, and insist on the case being conducted as an international one. The entire procedure – and potential outcome of the case – depends on your next move, and whether you are willing to be a slave to the seat and governing law of the contract.

DO participate in arbitration (and mediation) as much as you can. Go to hearings. Participate on calls with opposing counsel or the tribunal. Be engaged.

DO contact arbitration and mediation institutions if you have any questions about how they operate (if you are considering them for a dispute clause) or how your case is being handled. Institutions are not judge's clerks. Most (not all) will be eager to answer questions from in-house counsel. You want to designate institutions that understand they are providing a service. Those that don't answer your calls? Tell that to the other side that asked to designate them in your contract, so you can agree on a different set of rules.

DO form opinions about international arbitration and other forms of dispute resolution, and express them privately and publicly, and do find ways of sharing your misadventures so others can learn, without pointing a finger publicly at the culprits, but

DON'T express those misadventures in a way that could appear mean, demeaning, petty, or just taking a swipe at a tribunal that acted inappropriately in your case. Your participation in the international arbitration community carries a certain responsibility. In-house lawyers regularly experience things that would make any lawyer very upset, and any business manager even more upsetter (yes, I know it's not grammatical). It's ok to confide, names and all, in private.

DON'T show off your legal savvy by drafting the perfect arbitration clause. This never works. Never. And usually it backfires. Francesca Mazza, the SG of the DIS, once told me that more than 70% of the arbitration clauses she saw in her previous job as deputy SG of the ICC were pathological. I was not surprised. You should see what the M&A lawyers at all large law firms put into all their deal documents. Without exception and no matter which firm or office, 100% of their first drafts always include a defective arbitration clause. And then they wonder why we never hire the firm that did the deal?

DO use model clauses whenever someone asks you to draft or help with the dispute clause of a contract. Is it really that simple? Yes. I cut and pasted a list of model clauses into my "notes" in Outlook. Whenever a colleague is in a negotiation and needs a suitable clause, I immediately forward them a fully-drafted, perfect one written by experts. (My colleagues think I'm a genius because of my ability to give a quick and complete answer. LOL. Cut and paste, baby, cut and paste....)

DO include a required mediation before arbitration in your contract dispute clauses. When I started in 1999, I think we had maybe one mediation for every 15-20 arbitrations. Today the ratio is closer to 1-1, mainly because it's a requirement in many of our contracts and our customers' contracts. Business managers will always leave a mediation – even if they do not settle – feeling it was a worthwhile endeavor. I dare you to ask their real views after participating in any arbitration (even the ones you win).

DON'T confuse winning an arbitration with business objectives. Unless you work for a law firm, winning arbitrations is not in your company mission statement.

DO become an expert on international arbitration or some parts of it. Make yourself a resource in the company. Your growth in international arbitration will be exponential after people realize, they should ask you for help. “Not only does she not mind the extra work, she actually enjoys it!”

### **Working with outside counsel on arbitrations (and mediations)**

NEVER blame a bad result on external counsel.

DO consider carefully the recommendations from external counsel, even if they seem wrong to you. For example, early in my in-house career, I appointed a young arbitration lawyer in Spain, Fernando Mantilla-Serrano. He suggested we include the owner of the power plant as a party to the arbitration. I thought we were on shaky ground, but Fernando pressed his point, and thought we had a good shot at proving that the owner was, in fact, a signatory in his own right. While I remained skeptical, Fernando persuaded me the potential upside outweighed any downside. We won the arbitration, and this issue. The award was challenged, and was upheld in Spanish courts, making a little dent in Spanish arbitration law. That said,

DON'T be afraid to push back, even if external counsel are far more experienced and capable than you. Make sure they understand that you are the one who will be held accountable, not them. And never let them bully you into taking a decision you disagree with. (Lesson learned the hard way earlier in my in-house career.)

DO learn this phrase for when law firms send you a list of big name arbitrators with little or no explanation as to why they are right for this case: “the 1990s just called and they want their list of arbitrators back.” They might go as far to note which names are, “intelligent,” “hard-working,” and “well regarded.” These terms apply equally to my dog trainer, but I'd never appoint him as an arbitrator (unless the other side literally appoints a Rottweiler). Also, if a firm sends you a list that is obviously lacking in diversity, it's a sure sign they've been sending the same list to all their clients for the past 25 years. In demanding some diversity, you're forcing your external counsel think about who you are as a lawyer and a company, and what would be best for your case, not some generic arbitration a senior partner had in mind when he tossed out the names.

DO pay attention to the bottom line (costs), and proportionality to the amount in dispute. You will sometimes hear a colleague say, “this case is so big/important that no one will ever question the spend.” Yeah, right. They just are not questioning it now.



DON'T hire external counsel for an arbitration (or any other type of matter) unless they can give you a reasonable estimate of the total costs for the case. If all they say is, "disputes are inherently unpredictable but we manage cases efficiently and our hourly rates are....," then they lack the experience you need. This is a bright red flag. And it will keep getting redder until frustration with them forces you to hire a better lawyer.

DON'T hire the law firm that was on the deal that is now in dispute.

**And finally, as you grow in seniority:**

DO throw younger lawyers to the wolves. As my former GC did with me (and as other senior lawyers will do with you), you owe it to younger lawyers to give them more responsibility than they believe they can handle. Just be available when they have questions. If they do not rise to the occasion, that's on you not them. But they always rise to the occasion."

**Prof. Strong** thanked Mr. McIlwrath for his second list of advice, and emphasized two points from the list for further discussion: first, referring to Mr. McIlwrath's point about "pushing back if the list of arbitrators is not diverse," Prof. Strong asked for his suggestion on how "junior in-house people (or external people) get their senior partners (or clients) to list more diverse names and in particular, to appoint those people?"

Second, referring to Mr. McIlwrath's point that junior lawyers should "get involved with mediation," Prof. Strong asked for his suggestion as to ways that junior lawyers could get involved with mediation, as a non-mediator, and the "mediation skills/knowledge" they should get as an in-house counsel. She also noted that lawyers should better understand the different types of negotiation, stating that it is "not just hard bargaining (also known as positional bargaining), but also interest-based negotiation."

**Mr. McIlwrath** answered Prof. Strong's questions, as per the below:

"1. Junior in-house people: just ask. You are the client. I don't think this is an issue of seniority. For example, I have a colleague in another business who is a commercial lawyer. A member of the litigation team hired external counsel, and they proposed a pretty stale list. Not only was it stale, the names had no rationale as to why they'd be recommended for his case. So he told the litigators, and the firm, that he'd like to see some names that are more diverse and with recommendations as to how each name might be a good fit. And so it was done. I mean, who's going to argue with someone (regardless of seniority) who suggests a higher quality list and some thinking about strategy?"

As for junior external lawyers...I don't know your dynamic with the senior lawyers or partners who are proposing the names to clients. I do know of some cases – one very recent – where a lead partner in a London practice sent an all-male list to the lead litigator for a very large business, who also happens to be a woman (and of a minority group). His email made the rounds of a number of people, and hurt his and the firm's reputation. I really think this senior lawyer thought he was doing a competent job in proposing some top names. If a junior lawyer, with more modern sensibilities, had provided input, I'm guessing he probably would have recognized it and not erred so egregiously. But, yeah, you can only help people who are willing to be helped. (I don't

know if my colleague Teresa Garcia-Reyes is on this list. She's not the lawyer I mentioned above, but can tell some eye-opening stories about the sort of things we get from firms. Unbelievable.

2. Mediations and arbitrations. If you are in-house, you need to be a player-coach. Put yourself on the team. And get some time in the game. For everyone else, reach out to your friendly neighborhood mediator, or any mediator you know or can contact, and ask to shadow a mediation. Many will be happy to let you participate. Also, all lawyers should get some negotiation training. It's crazy that we do so much of it without any formal training in it. Even a little negotiation training will make you more effective and loved by clients."

### **Speaker 5: Lise Bosman – Senior Legal Counsel, Permanent Court of Arbitration (PCA), Netherlands.**

**Lise Bosman** shared her 10 pieces of advice based on two decades of practice in the private sector, international organizations and intergovernmental organizations. Below is her advice:

1. "Take time to get to know yourself. What drives you and what are you naturally good at? (Are you, e.g., a natural advocate, natural decision-maker or natural adviser...) Value your own skills and gear them in developing your career, to create a career that suits your own personality and skills. You will be both happier and more effective if you are true to your own skill-set and personality.
2. And yet, dare to get out of your comfort zone and challenge yourself. Listen to that internal voice that says "why not?" and not that internal voice that says "maybe I can't or maybe this is not really for me..."
3. Take all your work seriously: bring quality and attention to even the smallest of assignments – they will store credit with your supervisors or colleagues and may lead to more responsibility and more exciting work later on.
4. Be visible: it's not enough to sit at your desk doing good work and hoping to be noticed – go out there and let others know what you are doing and what drives you.
5. Volunteer for tasks: writing a brief or paper, organising a seminar, speaking at an event, doing some research. Don't wait to be asked.
6. Mentor and be mentored: mentor others, seek mentoring from more senior lawyers, and be generous with your peers. You never know when a mentee or peer may return the favour.
7. Do pick up the phone or go visit someone, make a connection – email is not always the best way to communicate with a colleague or client. Related to this, do not write an email in anger or frustration – wait until your emotion has diminished, or you may make the situation worse and will almost certainly regret it later.
8. Negotiate your work conditions: both when you start a new job and at your annual reviews. Evaluate honestly for yourself what you think you are worth or what is important to you and ask for it. Nothing ventured, nothing gained!

9. Structure your life to take account of your own health and well-being. A little self-care (exercise, rest, other interests) will make you more rather than less productive.
10. Given the current norms of our society, this one is for women in particular (though of course also relevant to men): don't automatically assume you have to compromise for family commitments when you get to that stage in your life. Build a supportive network of partner, family, friends and colleagues well in advance, so you can combine a satisfying family and work life in the long term."

**Christian Campbell** commented that he appreciated the parenthetical of Ms. Bosman to "have a good life." Calling back to Ms. Harpole's advice to be available "whenever and wherever," Mr. Campbell noted that "the current generation expect a better work-life balance than was the habit of my generation," and it was, in fact, long hours of practice that led him to leave practice early.

He also commented on Christopher Campbell's question about 'smiling', noting that lawyers should make sure people know they do smile and are "amicable, without depreciating a smile's value through indiscriminate use." Mr. Campbell connected this advice to Ms. Bosman's first 'Do', which he interpreted as "remaining true to one's self."

**Ms. Bosman** responded to Mr. Campbell's comments on work-life balance, saying that the balance "starts with making sure that you enjoy what you do and feel satisfied doing it." She also suggested that lawyers should have a long-term perspective on careers, as there may be a time when a lawyer would dedicate his/her life to practice and another time where they would focus more on other things, like family and further education. Ms. Bosman stated that "[b]uilding long-term relationships and putting in the effort when you are starting out may build up some credit and credit a bit of flexibility over the course of a career."

**Mr. McIlwrath** agreed wholeheartedly with Ms. Bosman, stating that "when you enjoy what you do, it's just about prioritizing and accepting the consequences of the trade-offs you choose to make."

**Dr. iur. von Wunschheim** also agreed with Ms. Bosman and Mr. McIlwrath, adding that work-life balance is a "fallacy" when lawyers are passionate about their careers, and could freely choose their job.

**Mr. Christian Campbell** queried both Dr. iur. von Wunschheim and Mr. McIlwrath whether their advice might appear aloof, asking them for advice on managing a commitment to jobs and having a life outside work, and noting that certain factors, such as biology, place short deadlines on some important life-choices.

**Dr. iur. von Wunschheim** thanked Mr. Christian Campbell for his comment, and clarified that she did not mean to say that "managing life within and outside work" was easy. She shared that she was "actually struggling with it everyday" as a mother of two toddlers. Dr. iur. von Wunschheim asserted that it is not the concept of work-life balance, but in fact the terminology that she disputes - work is part of life, and "we spend most of our time awake at work." She also said, "in our society, our work is often (although regrettably) part of how we define ourselves." Therefore, she suggested that the work and life were not opposite concepts.

Dr. iur. von Wunschheim also reminded participants that at some periods, lawyers focus their lives entirely on work, and at other periods, family, friends, and things outside work take highest priority. She highlighted that balance requires “first of all to know what makes you happy and structuring your life based on the answer to this question”.

**Prof. Strong** replied to Mr. McIlwrath, Dr. iur. von Wunschheim, and Ms. Bosman’s advice on work-life balance, highlighting that the key takeaways so far were that a junior lawyer should “(1) be proactive in deciding what they want from their lives, both personal and professional, and (2) accept that it is impossible for everyone – male or female – to have everything all at once.” Prof. Strong also pointed out that “the pressures of the offices are often overemphasized,” and reminded participants that it is not just lawyers that work hard, but also “people who have to hold down two minimum wage jobs to pay the rent”.

Prof. Strong also suggested that working long did not necessarily mean working smart. She pointed out the importance of being organized and managing time efficiently so as not to cut too close to a deadline. Prof. Strong noted that “there is no perfect formula on work-life balance that works for everyone,” and it is important for one to decide on “what priorities work for you and then have the courage and confidence to act accordingly.”

**Mr. Christian Campbell** thanked Dr. iur. von Wunschheim on her “thoughtful response” and agreed with Prof. Strong’s point for front-loading work. He said that the front-loading would help with time management, and that supervisors and colleagues would appreciate it. He also suggested being “realistic about deadlines and to communicate any prospective delays immediately.”

**Thomas Kimutai** thanked Ms. Bosman for her advice, emphasizing her tip to “have a good life.” Mr. Kimutai noted that it is a significant challenge for young lawyers to have a good life due to the need to balance “work, career development and other life ambitions as well as gaining means to have and sustain the ‘good life.’”

**Prof. Strong** identified Ms. Bosman’s point on negotiating work conditions, and solicited elaboration from Ms. Bosman on this issue, asking her to comment on the questions of “what kind of things should junior people be looking to achieve, and what kinds of leverage do they have?”

**Ms. Bosman** replied to Prof. Strong’s question by mentioning that employers actually “appreciate the honesty” of junior lawyers that ask for more, and shared a few tips specifically on negotiation:

“Touching again on my earlier remark about getting to know yourself, before going into a conversation, identify for yourself what is important to you. Is it more money? More training? A better title? Time off to teach or research? A more flexible work schedule? Don’t look at the people around you – they all have their own priorities. Ask yourself what *you* want.

Don’t miss the moment before you commit to a job: you and your future employer are still wooing each other, and there may be more flexibility at that stage to come out with a better deal; later, depending on where you work, you may be locked into a more bureaucratic process, in which an employer feels the pressure to treat like with like.

Prepare your evaluation conversations well. Come prepared to present your best argument to your employer about why you have been a valuable employee over the last period, and how you would like to see this rewarded. But never be aggressive or over-confident – go for frank and open. This has worked for me as an employee, and as a supervisor I always really appreciate juniors or other staff I am evaluating telling me frankly what they want, with a good back-up argument. It speaks to a healthy self-esteem (which is useful for the organization).

Find out what your peers are earning and what other conditions they may have negotiated. This could be leverage – employers generally want at least to appear fair.

Identify the less obvious benefits you may be bringing to the organization and don't be shy to throw them into the conversation. Are you a woman or ethnic minority in a firm or organization that is trying to improve its record on those fronts? Tactfully make the point or tactfully imply that you bring that additional value. Are you by far the best mentor to new and very junior associates? Let the senior partner know, as he or she may not have noticed. Are you publishing on the side? The firm may see this as good for its reputation. Use all these and other additional factors in your overall conversation.”

## **Speaker 6: Joe Matthews – Independent Arbitrator/Mediator/Advocate, US.**

**Joe Matthews** agreed with the previous comments made on work/life balance, and said that, having married well, this took care of many of the work/life balance issues addressed previously. Mr. Matthews acknowledged that there was not much to add to the advice that was already discussed, and shared his background in working for the government, both state and federal, and “representing small to medium sized business pursuing claims on their behalf in courts before juries and judges, and before arbitral tribunals” for past 3 decades.

Mr. Matthews recognized that his background was different to that of his colleagues in the Symposium, and thus, he wanted to give more general advice that would be “transferable to the more classic types of jobs most Young OGEMIDers probably have.”

First, he shared a list of the most important characteristics of a great trial advocate, as stated by Bill Colson, one of the best trial advocates in the US and one of Mr. Matthews' mentors:

“1. Insatiable curiosity; 2. An almost neurotic need to be loved; and 3. A gambler's instinct for risks.”

Mr. Matthews then shared his own list of advice for “young lawyers hoping to break into the world of international arbitration”:

1. “Work hard but work smart, with focus.
2. Be curious (though this often conflicts with being focused)
3. Avoid debt or if it is too late for that, try to live well below your means and eliminate debt as soon as possible
4. Try to take some calculated risks to create new opportunities

5. Expect that you are going to have to re-tool every 5 years or so in order to take advantage of new opportunities or even to remain competitive
6. Try to be grateful.”

He then proceeded to elaborate on each piece of advice:

1. “Hard work with focus

An old lawyer in a small town in Florida once described to me the difference between a trial lawyer on a contingent fee and a litigator being paid by the hour. If given the task of gathering worms in a field, the litigator will start in one corner of the field and methodically turn over every stone in a pattern that insures no stone is left unturned. The trial lawyer will go to the wettest area of the field and collect enough worms for the day and then go fishing. Somewhere between those two extremes is what most of my clients seemed to want.

2. Be curious

I think Bill Colson was dead right about this one and I think it applies to all lawyers. I guess you can't manufacture curiosity but I think it is like a muscle. if you don't use it, it will atrophy. One of the best things about being an advocate is that you have the chance to learn new things from your clients and the disputes you handle all the time. The earlier suggestions by my colleagues about the value of learning your clients' business are helpful hints for client satisfaction. If you also do it because you really are curious about the clients' business, it adds to the joy of the work. As I noted parenthetically, this can conflict with the goal of working smart with focus, but just like the attempt to develop balance in any other part of life, it is worth the struggle.

3. Avoid Debt as much as possible

I may be out of line with this one. Given the cost of legal education today, it may be impossible, but it is still worth discussing in my view. Even if you already have loads of debt because you had no other way to get the education, you will hopefully face opportunities as a young lawyer when you have a choice between spending money on material things and paying off debt. I have no right to tell anyone what to do with their money. I just want to share the observation that lawyers I know who incurred the least amount of debt and/or paid it off as soon as possible, enjoyed the greatest independence as professionals and were best able to take calculated risks with their practice. On the other hand, there are many examples of lawyers who have become very successful law firm entrepreneurs financed with a lot of debt and that is why third party financing has become such a large business. I prefer the independence.

4. Calculated risks

Which brings me to my suggestion that young lawyers should try to evaluate and periodically take calculated professional risks to open up new opportunities. In my case, my very first client was the condominium association where we bought our first apartment. I became interested in construction and engineering as I represented the

association in a lawsuit arising from defective construction. Two years after I graduated from law school in 1977, I left a lucrative job at my first law firm and went to work for the State of Florida for one year at the Department of Professional Regulation regulating real estate and construction and took a substantial reduction in pay. I wiped out what little net worth my wife and I had managed to accumulate up to that time. For the next 10-15 years after that year, my primary practice was construction and real estate related litigation and arbitration. If I had not done that, I doubt I would have been introduced to arbitration so early in my career. That is not why I did it. Like Mike, I really had no idea what arbitration was at that time. But the reward was greater than I anticipated. Much later, after I was already well established as a trial advocate and both an advocate and neutral arbitrator domestically, particularly in the construction bar, I accepted an invitation from Chris Campbell's dad to be one of the first "senior lawyers" CILS placed at universities and I spent a month teaching international arbitration and dispute resolution in Ulan Bator, Mongolia. I did it primarily because I did not want to apply for the Panel of Arbitrators for the International Centre for Dispute Resolution (I was on the board of directors of the American Arbitration Association at the time) until I felt I had legitimate credentials in the world of international arbitration. That experience helped give me the legitimacy to apply for that panel and today I am appointed in a significant number of cases every year as the result of the ICDR list/rank procedure.

Risk taking requires the courage to fail. I failed more than once, including an unsuccessful attempt to develop a contingent fee based practice pursuing small to medium sized investor-state claims. The cost and delay involved in investor state arbitration are still too great. Also the risks were difficult for me to evaluate. I have other scars from mistakes made taking on individual and class action cases that were unsuccessful. Those mistakes were critical to developing the judgment necessary to avoid other bigger mistakes and, fortunately, also the judgment and skills to take on and win some very large cases for some wonderful clients.

## 5. Re-tooling and opportunities

It has become a cliché to tell young people the job you will have in 5 years does not exist today, but it is true and it is critical. When I graduated from law school in 1977 West Publishing was introducing WestLaw online legal research tools. When I started practicing I measured my work product by the number of "tapes" I had dictated for my secretary to type and the pleadings and correspondence that was mailed out each day. I have not had a secretary for many years. I type and file everything myself. In 1997, shortly after Windows became the dominant operating system, I worked with a young lawyer in the firm to develop a case management software for trial law firms in the US. We sold the business to him and he now runs it successfully. I started to practice law before the fax machine replaced the telex as a primary tool of international business and was in turn replaced by email. IBM Selectric typewriters were replaced by Wang word processors which were replaced by WordPerfect which was replaced by Microsoft Office Suite. How many of you know what an "AdidaNet" is?

You all face more massive changes than I can even imagine and they are happening at a faster pace than at any time in history. When 5G becomes ubiquitous I suspect that the quality of online video conferencing will improve sufficiently that it will alter

the landscape of international arbitration as well as other forms of dispute resolution. Some of the tools and knowledge you have already developed will be transferable and some will have to be replaced entirely. The very nature of the practice of law will change, as Sophie Nappert and others have predicted, when AI transforms how people interact with each other and with algorithms. Each of these transitions will also represent an opportunity. The opportunities may not be easy to see or to seize, but they will be there. You will have to stay flexible and never stop learning in order to continue to enjoy our wonderful profession.

6. Try to be grateful

Finally, I wish for you all that you are able to be truly grateful for what we are privileged to do. It just seems to make life a lot more enjoyable, particularly the stressful but rewarding life of a lawyer when one is grateful.”

**Mr. Kantor** commented on Mr. Matthews’ fifth point on re-tooling, noting that, in his experience, the work changes were even faster than every five years, because such change was required by “clients, supervisors, and the legal environment or the marketplace.”

He also gave some advice on “how to plan for the unpredictable future”, stating that “the lawyers who can demonstrate practical abilities in other legal arenas” were more likely to be successful at “a reasonable new position” in the time when there was “the pressure for change.” Mr. Kantor also acknowledged that there was a pressure to specialize early, because of clients’ expectation, so he advised on the importance of “following a conscious strategy to achieve diverse experience as a young lawyer.” He gave an example of arbitration practitioner working in litigation, and vice versa. Mr. Kantor gave another example of a young disputes lawyer asked to review an arbitration clause in transactional documents. In this context, he also shared his own experience of leading a transactional team as a transactions partner, by offering his team members to the restructuring or bankruptcy teams in times of need.

**Speaker 7: Elie Kleiman – Partner, Jones Day, Paris, France.**

**Elie Kleiman** expressed his appreciation for many of the comments made during the Symposium, including cultural differences in smiling, work/life balance, remote-working, sharp-elbows, and proof-reading. Mr. Kleiman mentioned the importance of self-improvement, and that not all careers gave the opportunity to be “well paid in addition to receiving excellent training and opportunities for self-improvement.”

He then gave his list of top five “Do’s” and “Don’ts”:

***“Top Five things Junior Lawyers Should Do On the Job***

1. Become an encyclopedia on the case. Becoming the ‘living memory’ of the case is a great way to build trust with more senior lawyers. As mutual trust will grow, with it will come more interesting tasks and further opportunities.
2. Be detail-oriented. The devil is in the details. Attention to details is synonymous of reliable. Senior lawyers expect carefully proof-read documents, accurate cite checking and impeccable presentation. Cases are won on the thorough review of the facts of the case and of opposition’s evidence.



3. Be eager to learn. Do not hesitate to spend time next to more senior lawyers when they are reviewing the first draft. Learning by their side is a great opportunity to progress.
4. Take on as many cases as possible. The more cases you are exposed to, the faster you learn and grow. Do not hesitate to invest your time building experience. Time spent learning on the job is the best capital-investment activity!
5. Welcome change. Change is good ... and very often it cannot be avoided. Embrace change. While there may be exceptions, many young lawyers may benefit from opportunities to experiment with different legal practices. Judgment is often built on the diversity of one's experience. Try different fields of the law, try transactional and contentious practices, try different business sectors. In dispute resolution, court experience is really complementary of international arbitration; mediation too is very important. Being a one trick pony is seldom the wisest career choice.

***Top Five things Junior Lawyers Should Not Do On the Job***

1. Do not cut corners. Cutting corners to avoid digging into the 'difficult issue' should not happen. Legal research requires persistence and stamina. When one thinks he or she is about to 'hit the wall', runner's high is just around the corner. Where a difficult issue appears during a legal research or in drafting an argument, there lies the critical bit of that research or argument. Don't fudge it, take it head on. This is how one breaks new legal ground.
2. Do not conduct research only on internet search tools. Younger generations tend to review only precedents found on internet search tools. The first source that should be checked are textbooks specializing on the subject. Only then should internet sources be looked for. By doing so, a research is generally kept on point and thorough.
3. Do not look down on less brainy tasks because you "own a PhD". Challenges and opportunities often lie in deceptively mundane-looking assignments.
4. Do not forget where your place in the world is and think team first. Any task can be seen as an opportunity to show trustworthiness. Humility, respect, hard work and collegiality will take you a long way.
5. No whining. Whining is useless: it does nobody any good and brings group morale down. Be the one who shows stamina and confidence when the going gets challenging. Cheer everyone up ... and be a role model."

**Prof. Strong** commented on the value of Mr. Kleiman's advice of not relying on internet research, noting that, from a common law perspective, most lawyers take a "cases first" approach. To avoid this, Prof. Strong noted that she often advises junior lawyers and law students to start research by reading articles on a subject.

Prof. Strong then asked a question about when and where to stop research, stating that she finds junior lawyers "stop researching when they find something that goes their way, which suggest that they either think (1) the law is black and white rather than shades of gray and/or that (2)

persuasive advocacy simply relies on making an argument with support, rather than anticipating and responding in advance to opposing arguments.” Prof. Strong’s advice to such lawyers is to continue researching until multiple sources tell them the same answers.

**Mr. Kleiman** responded to Prof. Strong, agreeing that it is better “starting in a place where the law is presented in an orderly and systematic way.” He also agreed with Prof. Strong’s second comment on where to stop research, emphasizing the need to start “thinking ahead in terms of defenses,” and “bolstering the affirmative proposition” when establishing a case theory.

**Prof. Strong** added that, especially for common law lawyers, junior lawyers should look to case law, not new doctrines or theories to support or rebut the theory. While she acknowledged that “some of the best ideas come from unexpected sources,” junior lawyers should not “try to come up with those new ideas on their own.” Particularly in common law jurisdictions, junior lawyers should strive to find negative decisions that may contradict a trend of positive decisions that fit their narrative. Prof. Strong also recognized the difference in this aspect for civil law countries, in that “the commentators writing the treaties will be presenting those different strands of authority and/or will be eliminating those alternative arguments from the outset.”

Though later in the Symposium, **Prof. Strong** shared some comments from Anonymous. Anonymous referred to Mr. Kleiman’s advice on “not looking down”, and, while agreeing with the overall point, raised the concern that choosing the fact that one “holds a PhD” as an example might convey the wrong message.

Anonymous reminded participants that “there are a lot of PhD candidates and Doctors” who aspire to be lawyers, and suggested that they should not think they could not use their PhD to contribute to their jobs in a law firm. Anonymous, as a PhD holder, gave context to their comments by saying, “there is some kind of prejudice toward junior lawyers holding a PhD and joining law firms.” Anonymous also said, “at the end of the day, the PhD associate has just done research and drafted an article, while his or her peers not holding any PhD, have billed hours for the client and have acquired an additional skill they did not learn at school.” In this context, Anonymous felt that “those holding a PhD should say No to less brainy work.” Anonymous highlighted that the value of a PhD “should be properly recognized, starting from the selection and hiring phases of new associates/trainees.”

**Cristina Montes** shared her perspective in response to Anonymous’ comment, as “someone whose career straddles both practice and academe” as an associate in a law firm and a professor. Ms. Montes strongly believes that academia and practice should have as much exchange as possible for the advancement or development of a particular field of practice. She also agreed that a PhD holder should not be restricted in practice, and they had transferable skills, including communication and research. On the other hand, Ms. Montes also believes that a PhD holder “should realize the limitations of purely theoretical knowledge.” She added that, “if the attitude of senior partners toward Ph.D. holders is like what the anonymous intervenor described, then Ph.D. holders are indeed at a disadvantage in that they miss out on opportunities to build up practical experience, which in turn condemns them to remain ‘purely theoretical.’”

Before **Prof. Strong** introduced speakers for the fourth day, she directed participants’ attention to some of the resources that were related to the symposium: first introducing the document<sup>2</sup> authored by Judith Levine, of the Permanent Court of Arbitration, which includes “career tips

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<sup>2</sup> <https://www.transnational-dispute-management.com/downloads/tdmjudithlevinepracticalcareertips.pdf>

for women.” Prof. Strong also introduced a YouTube video<sup>3</sup> from the INOVARB-AMCHAM event “Successful Strategies for Launching your Career in International Arbitration” from March 2018. The video shares insights from Prof. Dr. Julian D. M. Lew QC, Prof. Dr. Stefan Kröll, Dr. Crina Baltag, Dr. Ioana Knoll-Tudor, Prof. Dr. Patricia Shaughnessy, Felipe Sperandio and Sherlin Tung.

### **Speaker 8: Monica Canafoglia - Legal Officer, the International Trade Law Division (ITLD) of the UN Office of Legal Affairs.**

**Monica Canafoglia** expressed her interest in the discussions and perspectives of lawyers “facing challenges posed by cases and interaction in a law firm every day.” Ms. Canafoglia noted the difference with her office, where she has “deadlines and challenges,” but does not have clients and cases. She then shared her “Do’s” and “Don’t’s”:

#### **“To do**

1. Know yourself and improve those skills that need to be strengthened: leave some time and energy for continuous learning, even when you become “a senior”.
2. Ask questions: learn from other people experience (peers, senior colleagues, experts, consultants...).
3. Ask for feedback, and if possible look for a mentor.
4. Connect with the world outside your office: attend conferences, join networks, engage in law related activities (e.g. MOOT courts)
5. Be curious: do not be afraid to engage in new legal topics and do not feel intimidated by the challenges they can come with.
6. Research, research, research: a legal text is not finalised until the negotiating body decides so. Thus, keep researching to improve the content and form of the text.
7. Be accountable: take responsibility for your work, listen to advice from peers and supervisors but be the one who makes the final decision. Take responsibility also for your shortcomings (and don’t be afraid of them) and support subordinates who work with you (interns, secretaries etc).
8. Communicate effectively: listen to others (delegates, peers, supervisors etc.) carefully, correctly interpret their messages and respond appropriately, share information with those you are supposed to.
9. Be creative: “think outside the box”, offer new ideas to old problems and take some calculated risks.

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<sup>3</sup> [www.youtube.com/watch?v=-9CigDIIm3w](http://www.youtube.com/watch?v=-9CigDIIm3w)

## **Not to do**

1. Do not feel intimidated by seniority, i.e. respect senior colleagues, supervisors and their views without being submissive and gracefully defend your views (on a course of action, a policy etc.) if you truly believe in them.”

**Prof. Strong** commented on two pieces of Ms. Canafoglia’s advice – continuous learning and supporting one’s subordinates. First, on continuous learning, Prof. Strong reminded the participants that everyone is learning continuously, even beyond formal education in school. She also stated that lawyers, whether senior or junior, should continue to learn with humility.

Second, on supporting one’s subordinates, Prof. Strong told the participants that the errors of the one’s subordinates are one’s own errors. Thus, supervising lawyers should help junior lawyers and staff to do well in their jobs. Your team “will think very highly of” the supervisor, and will thrive as a result. Also, Prof. Strong shared her own example of the power of food – she had often shared food or postcards from her travels with her office to show appreciation for her team.

Prof. Strong finished by posing a question, especially to junior or mid-level lawyers, about what “good management/good team-building skills” they have experienced from lower levels of the ladder, and what management skills they have appreciated in supervisors.

## **Side Topic: Prof. Strong’s Top Ten Tips for Law Students**

**Prof. Strong**, in a separate email, shared her own list of advice that applies to both junior lawyers and law students equally, especially for students working as research assistants:

“1) meet your deadlines - and if you can't, advise your supervisor early on. Your supervisor (including a law professor working on research) is typically reporting to someone else. You make them look bad and/or make it impossible for them to meet their deadlines if you aren't honest with where you're at on projects, so keep them in the loop. Notably, this is a specific application of the general rule, "confess quickly and completely when something goes wrong," which is something you should always do - never hide an error or oversight. Virtually everything can be fixed, one way or another, but waiting just makes it harder.

2) say no appropriately. If you can't take something else on, don't agree to do so, even if it looks interesting or good for your resume. Your bad performance will follow you and ruin your professional reputation within the firm/with clients.

3) make your supervisor's life easy. Your job is not to make your own life easy; it's to help your supervisor. Anticipate what they want and give them data in easy to digest forms. As brilliant as your supervisor may be, he or she cannot read your mind. Furthermore, it is not your supervisor's job to wade through a messy file just because you didn't want to take the time to organize it.

4) respond to emails quickly, meaning within 24 hours at the very latest. People need the information they've requested; don't make them chase you. If you can't respond substantively, at least acknowledge the message and say when you'll respond. Be sure to

say no even to things that seem vague, like invitations to events. The organizer will appreciate it and will remember your professionalism.

5) take the high road when dealing with people you don't like personally. Attempts at backstabbing and playground interpersonal tactics will only make you look bad and will do nothing to injure the other person, which shouldn't be your goal in the workplace, anyway. The best thing to do with an unpleasant person is distance yourself, quietly and without drama. Don't get pulled into their orbit - their bad reputation will to some extent rub off on you.

6) take responsibility for your work, big and small. You may not think footnoting or citechecking is important, but if that is the task given to you, do it properly and well. Do not assume your supervisor will check your work. You're supposed to do it right, not create more work for your supervisor. If you don't know how to do something, find out. Non-lawyers (paralegals, assistants, librarians) can be invaluable in this regard.

7) understand how your task figures in the larger scope of the dispute/client engagement. You are not being given busy work just to keep your billing hours high; everything you do is being charged to the client and is critical to the strategy of the case. Even if you're working on a law review article or speech for a senior partner, take everything seriously.

8) make time for pro bono matters. Give back to the community, one way or another. You are privileged to have a legal education - make it count for something other than yourself.

9) protect your mental and physical well being. Engage regularly in exercise, relaxation and social activities. While there may be short periods of time where you need to cut back in order to attend the urgent press of work, overall you have to remain healthy.

10) realize that you are in control of your own destiny. Figure out what you enjoy doing, with whom, where, and how, and then find a way to make that happen. The people with the most exciting and fulfilling careers all took risks and all identified what was most important to them and how to make it happen. Your dream job may not look exactly like someone else's and that's okay. We are all different.”

**Speaker 9: Dr. iur. Clarisse von Wunschheim – Head of the China Desk & Co-Head of the Dispute Resolution Practice Group, Altenburger Legal + Tax Ltd, Switzerland.**

**Dr. iur. Clarisse von Wunschheim** started by posing the question of how the Symposium participants will handle the myriad of advice they have received. In this context, she shared her own experiencing of learning “not to panic and take it step by step.” She also advised junior lawyers to “be aware of and accept that you are precious” as the future of the profession. Rather than share another list of “Do’s” and “Don’ts”, Dr. iur. von Wunschheim shared a list of “spiritual food (including music!)” that has encouraged her when she was discouraged and helped keep her firmly grounded in the truth:

**“1. To boost me and grow wings to fly:**

*“It always seems impossible, until it's done” Nelson Mandela*

And with music:

*Limitless* from Colton Dixon: YouTube or Spotify

*Firework* from Kate Perry: YouTube or Spotify

**2. Whenever I doubt, I am scared or I need courage to persevere:**

*"For God has not given us a spirit of fear, but of power and of love and of a sound mind" The Bible*

And with music:

*Hello, my name is* from Matthew West: on YouTube or Spotify

*Power Love Sound Mind* from Matthew West: YouTube or Spotify

*Fight on, Fighter* from King & Country: on YouTube or Spotify

**3. To stay grounded as a litigator and/or arbitration practitioner:**

*Peace is more important than all justice; and peace was not made for the sake of justice, but justice for the sake of peace. Martin Luther*

True justice is not within our human reach. All we can do as humans is to contribute making the world a little less unjust and thereby help foster peace. Although the word "litigator" refers to the fight, **we shall not forget we fight for peace.**

And to find your own inner piece (with music), try this magic combination of Bach & Gounod by Yo-Yo Ma & Kathryn Stott on YouTube or Spotify”

Dr. iur. von Wunschheim then provided a summary of her advice, stating “give your very best every day, never ever give up and forgive yourself often.”

**Prof. Strong** agreed with Dr. iur. von Wunschheim that it was “right to focus on things that inspire us.” She also shared an anonymous tip that the text, “Everybody’s Free (To Wear Sunscreen)”, as noted in the Baz Luhrman song<sup>4</sup> was suggested to summarize the Symposium.

Prof. Strong also shared her own song of encouragement – Coldplay’s “Viva la Vida” – while soliciting quotes, songs or activities that motivate other participants of the Symposium.

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<sup>4</sup> <https://www.youtube.com/watch?v=MQIJ3vOp6nI>

**Anna Howard** shared a few quotes that encourage her:

““You gain strength, courage and confidence by every experience in which you look fear in the face. You must do the thing which you think you cannot do.” Eleanor Roosevelt

“Courage is contagious. Every time we choose courage, we make everyone around us a little better and the world a little braver.” Brene Brown”

### **Speaker 10: Joongi Kim – Professor, Yonsei Law School, South Korea.**

**Prof. Joongi Kim** then shared his list of advice for junior lawyers:

“**Dos**

- **Dream.** Dream, dig deep and persevere toward your dreams. Be mindful that achieving your dreams can take time. For some it may take 10,000 hours, for others, 20,000 hours or more. Some might get to a certain point faster but that doesn't mean they will make it to the next step or stay there longer. Speed helps but in the end your determination combined with judgment, knowledge, integrity, and credibility will help you achieve your dreams.
- **Make good mentors and mentees.** Mentors can help you, guide you, serve as sounding boards and be your wise friends. In turn, you should strive to become a mentor for others as well to do the same for them. You can never have enough mentors or mentees. The successful people I know have a wealth of both.
- **Stay connected with friends and family.** Contact at least one old friend or family member once a week, particularly one that has nothing to do with the law. Your friends and family are the ones who will unconditionally cheer for you, remember you and appreciate you the most. They will be the ones who will be by your side to attend your weddings, baby showers, birthdays, graduations, reunions, retirements and memorials. They will broaden your horizon, give you perspective and be there for you.
- **Follow the Pareto Principle.** The Pareto Principle is that 20 percent of your activities will account for 80 percent of your results. This applies to written submissions (that often know no end!), giving an oral presentation, prioritizing your assignments or allocating your household tasks. Concentrate your attention on the core message and activity. Don't get lost in the minutia, minimize the excess and learn how to delegate and outsource other activities.
- **Know when to say no.** When you've reached a certain threshold whether it is with a senior colleague or client, you must learn to say no and say it firmly without any guilt. Superiors and clients will seek to push you to no end. In some sense, that is part of their job. It is up to you to say enough is enough. Endless sacrifice at the expense of your health and well-being is unnecessary and counterproductive. Learn how to politely decline or at least postpone matters for another day. Your counterpart will understand. If they don't, hold your ground and move on.

- **Write.** Contribute to blogs and newsletters, and write articles. Start with shorter ones than gradually progress to longer ones. At first it will be frustrating and challenging but it will lead to immeasurable benefits in the long run. You can demonstrate your passion and expertise, increase your professional profile, be invited to speaking and lecturing opportunities, not to mention achieving intellectual satisfaction and a sense of accomplishment.
- **Make virtuous circles of positive habits.** This includes exercise, learning new skills or hobbies, or spiritual well-being. Perform yoga, dance, play the harmonica, sing, paint, learn Spanish or engage in daily meditation. You should strive to reach a state where your mind and body yearn for you to engage in the practice. Over time, through positive reinforcement you will accumulate more enjoyment and reward.
- **Practice good ergonomics.** Maintain proper ergonomics at your desk place. You will be spending countless hours in front of a computer screen frequently under tremendous time pressure. Our bodies are not built to be fixed in an incorrect posture under these conditions.

### **Don'ts**

- **Don't abuse your health.** Don't abuse your physical or mental health, it's not worth it. You have to take care of yourself. The more you abuse yourself, eventually it will take its toll. When you feel the warning signs, you are often already too late and will have to spend even multiples of precious time, effort and financial resources to rectify any issues. Taking preventative care, physically and mentally, is ideal. Never abuse yourself, particularly on a constant basis. I've already seen too many talented young people, unable to fulfill their dreams because of hypertension, herniated disks, ulcers, carpal tunnel syndrome, insomnia, melancholia, and worse. You must take care of the mind, body and soul that you have invested so much of yourself into. If you care about your loved ones, do it for them. You can't do anything for them without your health.
- **Don't always look up.** Yes, there are superstars in any profession. You should learn from them and they should serve as your role models. That does not mean you should disregard and discount those around you. True stars lead by building an ecosystem of colleagues, peers, juniors, mentees, support staff, and neighbors who support them. Build your own ecosystem of supporters and grow together. Rising together to the next level is one of the most powerful and rewarding relationships one can have. The more you respect and help others, the more respect and help you will get.
- **Don't stay trapped.** Some younger lawyers feel trapped in places where they are unhappy. They cannot reposition themselves because of the perceived risks of change. Some believe they cannot forgo what appears to be a fast-track of prestige, compensation and success. This can lead to a downward spiral of negative consequences. As we have already seen this week, there are many ways to flourish as an international practitioner so avoid falling into a single track mindset. If you've reached a stage in your career where you harbor such concerns, you have a plethora of options. A meaningful, enjoyable and rewarding environment will allow you to fulfill your dreams.”



**Mr. Kleiman** thanked Prof. Kim for the advice, labeling his list as “inspiring”.

**Prof. Strong** commented on Prof. Kim’s advice of ‘not looking up’. She suggested that everyone could “improve in some way”, so we should not be overwhelmed by what is seemingly perfect or too high to achieve at the any one point in time. Prof. Strong went on to note that the advice of ‘not looking up’ also applies to junior lawyers focusing only on senior people in the profession. She highlighted that junior lawyers should also interact with their peers, who would be future leaders in the profession.

Prof. Strong then asked Prof. Kim whether he could elaborate more on “the mutual duties/responsibilities of the mentor/mentee relationship.” She specifically mentioned that many junior lawyers did not know where they could find mentors, “how to work with a mentor,” and “what duties fall on the junior person in the relationship.”

**Prof. Kim** agreed with Prof. Strong’s point on not always looking up, reaffirming that junior lawyers spend the majority of their time with peers and junior colleagues, “and they will shape your legacy.”

Prof. Kim also advised that the mentor-mentee dynamic is relationship-specific – he stated that “character, chemistry and culture will shape its boundaries and contours.” Prof. Kim also noted that mentoring relationships could be naturally built “with former professors, senior alumni, moot competition instructors and senior work place colleagues.” He then suggested a few examples of ways in which a junior lawyer could find a mentor, specifically in the arbitration community, including volunteering as a tribunal secretary for an arbitrator, writing articles with a potential mentor and joining professional organizations that foster mentorships.

Prof. Kim then elaborated on the role of mentors, highlighting that they share their experiences, make referrals, and make connections for mentees. He also emphasized that the mentor-mentee relationship should be balanced, with both mentors and mentees contributing to the relationship. Mentees should reach out to mentors not just to get help when needed, but also to share achievements, new ideas, or new articles or cases. He reminded participants that “mentors are people too and they enjoy learning new topics, need help and moral support as well.”

**Mr. Kantor** emphasized the importance of good mentorship as lawyers get older as well. In this context, he shared a list of advice:

“1. Begin setting aside money for your retirement. ASAP. Why? Well, given all the uncertainties in modern employment, you should not count on a pension from an employer being available when it matters, especially if you have changed jobs several times in your career. State pension programs (the Social Security system, here in the US) do not provide sufficient funds for retirement, let alone a comfortable retirement – for regular individuals, “this benefit really only compensates for “about 40 percent of an average wage earner’s income after retiring”” and then is capped in any event by a low ceiling sum. See <https://www.forbes.com/sites/forbesfinancecouncil/2018/02/07/will-your-social-security-retirement-income-be-enough/#5c8950ad6d95>.

Moreover, the “magic” of compounding means that reinvestment of sums you set aside now will produce a surprisingly large aggregate sum once you hit retirement age. Delaying setting aside retirement money until later simply means you are giving up that advantage. If you set aside \$10,000 today at 6% per annum return and reinvest all of

the earnings at the same rate then, after 40 years (about the time you are thinking about retirement), your little retirement nest egg will reach almost \$103,000 pre-tax.

The key is the power of compounding, the snowball effect that happens when your earnings generate even more earnings. You receive interest not only on your original investments, but also on any interest, dividends, and capital gains that accumulate—so your money can grow faster and faster as the years roll on. This is particularly evident in retirement accounts, where principal is allowed to grow for years tax-deferred or even tax-free. <https://personal.vanguard.com/us/insights/guide/power-of-compounding>

Yes, law school and the costs of housing, family and post-graduation commitments mean you are pressed for resources. But your employer may offer a matching program for pre-tax retirement set-asides. E.g., if you agree to put aside 3% of your gross salary in a tax-protected retirement account, your employer will match you by putting an equivalent 3% amount into the account. That second 3% is free money. And the benefits of a few extra years of compounding at the beginning on that free money, as well as your own contribution, are surprisingly large at the end. Set aside money now for your future.

2. Listening. Several of our symposium panelists have already noted the importance of paying attention, even though they may not have used the word “listen.” Focus on that point. Listening thoughtfully is a very hard habit to acquire. Too often, we are already thinking of what we intend to say, or structuring our reply while the client, our colleagues, the judge/arbitrator or the other side is talking, or even just zoning out thinking of pleasantries or other tasks while someone else is speaking. That is only human. Kicking that habit is very hard to do (I know, because listening well is one of my great weaknesses). But it is amazing how much benefit comes from listening to what others are saying. In the field of arbitration, illustratively, the best counsel listen carefully to their colleagues, the witnesses and the other side, and even to the arbitrators. The subsequent steps they take in the arbitration may change significantly based on something they heard. And the best arbitrators (not me), listen carefully to counsel, the witnesses and their colleague arbitrators.

3. Think Before You Speak. There are several obvious benefits to the well-known advice to think before speaking – mostly, we are less likely to make dumb remarks if we think through what we intend to say before we actually say it. Perhaps less obviously, but very important in a profession where words are our primary tools, taking a moment to gather our thoughts allows us to speak in an organized fashion, using direct declarative sentences and well-chosen words rather than making run-on disorganized statements. Speaking clearly is a powerful tool. Try speaking a bit more slowly in professional conversations generally. When we are with friends and family, we talk at a rock-and-roll pace. Advocacy, and indeed most professional conversations too, should occur at the pace of the waltz. Take a breath or two before you begin and then speak more slowly. Taking time to speak clearly allows us to organize our thoughts, speak in full sentences with regular stops, avoid useless filler noises such as “like”, “umm”, “emm” and “uh”, place our individual ideas into separate sentences rather than connecting several ideas in one hard-to-follow run-on sentence with the word “and” and “and” and “and,” and in general be better understood by our audience. [That was, by the way, an example of a poorly constructed run-on sentence. Weren’t you a little frustrated before you got to the end of it? If I had broken that run-on string into separate sentences for each idea, you would have been a happier audience.]”

Mr. Kantor also shared Johnny Cash's "I Won't Back Down" as a song of inspiration.

**Prof. Strong** agreed with Mr. Kantor's advice, and shared a YouTube video of slam-poet Taylor Mali performing "Totally, Like, Whatever" in response to Mr. Kantor's third item of advice – think before you speak. Prof. Strong also shared that she shows this performance, as well as Taylor Mali's "What Do Teachers Make," to her students.

**Prof. Kim** agreed with Mr. Kantor's advice on the importance of listening, sharing his disappointment in the fact that many talented counsel do not listen carefully to arbitrators. He advised that the best advocates "persuade through their ability to tailor their advocacy by listening and feeling the reactions of their audience."

Moderator **Professor S.I. Strong** closed the symposium by thanking the speakers for both their time and insights for the symposium participants. She hoped that the advice was helpful to participants, whether they were junior or senior, recognizing the diversity of the advice provided. She also thanked the members of the listserv for great comments and questions, reminding all that "a dialogue is what we strive for."

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