Ref ram the Mundane: From Research to Relationships

By Anne E. Mullins

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Law students face a tough employment market. As a result, students working as interns should use everything at their disposal to leave a favorable impression on their supervisors. Research assignments are among the most typical—and least glamorous—student intern assignments. Most of us know that employers value junior lawyers’ ability to perform effective legal research and analysis, but they also value junior lawyers’ ability to establish and maintain effective relationships with colleagues and clients. While law students may feel confident in their research skills, students feel they have limited autonomy and limited access to their supervisors and their law office’s clients. As a result, most feel little agency in their ability to develop or showcase their relationship skills during summer jobs or academic year externships. This article offers practical advice that professors and supervising attorneys can share with law student interns to turn the standard research assignment into a relationship building opportunity.

I. Assignments from Supervisors

Most law student interns get their research assignments from a senior attorney who is supervising their work. The senior attorney has communicated with the client, reviewed relevant papers, and reflected on those items to spot potential legal issues. Once the senior attorney has distilled the most likely legal issues, she will turn to the student intern to perform the legal research. Initially, students need to appreciate this context so that they realize their research project is likely fitting into a much larger legal matter.

Step One. Learning About the Assignment

When a student meets with a supervising attorney to receive a research assignment, active listening alone is not enough. Tell students to bring a legal pad to every meeting and take notes! Some students have the mistaken impression that taking notes signals weakness. Their reasoning goes something like this: If I have to take notes, that shows my supervisor that I can’t listen carefully enough to recall the conversation, or that I don’t have perfect recall. Students need reassurance that few things make a supervising attorney worry more than a student who fails to take notes.

In addition to reassurance, students need to learn the benefits of having notes on the conversation. As legal research projects are fairly new to them, the benefits of notes will not be readily apparent. But as veterans know, notes from the initial conversation are very helpful to their reasoning goes something like this: If I have to take notes, that shows my supervisor that I can’t listen carefully enough to recall the conversation, or that I don’t have perfect recall. Students need reassurance that few things make a supervising attorney worry more than a student who fails to take notes.
Always taking notes will help students stay on top of the research project as it grows and changes.

In addition to taking notes, students receiving a research assignment should be thoughtful about project management from the beginning. They should ask questions about which documents to review and the logistics of the assignment. For example, are there any documents or notes that the student should review before beginning research? This could include the supervisor's email correspondence with the client, notes on telephone calls with the client, documents that the client has sent to the supervisor to review, and if the client is a repeat client, or items from the office's client file. Note that some legal writing instructors advise students to read the entire client file before beginning a project; explain to students that at some law offices—particularly those with cash-strapped clients or those who are working on contingency fee arrangements—taking the time to read the client file may be considered an inefficient use of resources.

Students should also ask the supervisor logistical questions about the project. For example, by when would the supervisor like the results? If the supervisor suggests a timeframe that is going to be difficult to meet, the student should know to speak up right away and offer a realistic alternative target date. The student should also ask how the supervisor would like the student to convey the results of the research. The supervisor might want an oral report, a traditional written memo, or an email memo. Finally, the student should ask whether there are cost considerations that the student should know about. A client who wants to limit expenses might prefer print or free online resources over expensive online commercial legal research providers like Lexis and Westlaw. These questions not only convey important information to the student, but also show the supervisor that the student is taking an active and thoughtful approach to project management.

Step Two. Following Up

After the initial meeting, the student should carefully review his notes. Then, he should consider drafting a follow up email to the supervisor to confirm the substance and the logistics of the assignment. The follow up email provides a natural opportunity to ask any questions that the student has developed since the meeting. Finally, the student should close by asking the supervisor to let the student know if he has missed anything. A follow up email might look something like this:

Hi Lucinda,

I am looking forward to getting started on my research for the Jeff Marlin case. To confirm, we are investigating whether Marlin has a theft of trade secrets case against his former employee, Theresa Denton. I am researching whether Marlin took steps to preserve the secrecy of his winemaking process under our state's law. I'll have my memo to you by next Wednesday.

Finally, do we have a copy of Marlin's winemaking manual? It might help for me to review it as I conduct my research.

Please let me know if I am missing anything.

Best,

Jamar

Note that Jamar first confirmed the substance of the assignment by summarizing the issue, whether Marlin took steps to preserve the secrecy of his winemaking process under the applicable state's law. This allows Jamar's
supervisor to intervene if she wants Jamar to focus on a different issue or another jurisdiction. Jamar then confirmed the logistics (a memo is due to his supervisor on Wednesday) and asked a question that he didn’t think of during the meeting (whether there is additional material that might help the research). Finally, note that Jamar closed by asking his supervisor to respond only if Jamar was missing something. This takes the burden off of the supervisor. “Let me know if I am missing anything” appears more confident and less needy than “Do I have everything right?” When building professional relationships, inspiring the confidence of colleagues can make just as much of an impact as the underlying work.

One downside to writing a follow up email confirming the assignment is that some supervisors may find it annoying. Unless the assignment is very basic, however, the benefits of following up outweigh the risks, especially for new student interns. The reason? All too frequently, students come back from internships and groan that they embarked on a major project, only to discover upon submitting it that the supervisor actually wanted something different. Answering the call of the question is a learned skill, and it is one that many students—particularly those early in their law school careers—have yet to master. And the student is not always the problem. Lawyers can be unclear in communicating what they want (gasp!), or they may have simply forgotten what they asked the student to do. Ultimately, following up is likely worthwhile for many student interns. Phrasing the follow up email in the manner suggested above, requiring the supervisor to reply only if the student is getting something wrong, will minimize any annoyance the supervisor might feel.

Step Three. Conducting Research
The student should follow a tried and true process while conducting the research. That process should include secondary sources, primary sources, and updating. Writing out that process before beginning can ensure that the student approaches the research with intentionality and doesn’t overlook an important resource. As the student conducts research, he will learn more about the law. And, as he learns more about the law, he will be better able to identify what additional facts he might need from the supervisor to conduct a complete analysis. Remind students to make note of all of the additional facts they might need and the additional questions that develop. Last, students should check in with their supervisors periodically for multi-week projects.

It’s possible that the research may become more complicated than either the supervisor or the student anticipated. If that happens, the student must alert his supervisor to any new concerns about meeting the initial deadline. Reassure students that it’s not a sin to miss a deadline; it is a sin not to tell the supervisor the moment the student starts to doubt his ability to meet it. If the student must raise the issue, he should be sure to suggest a realistic, revised date by which he can complete the project.

Step Four. Reporting the Results
The student will need to convey the results of the project to the supervisor. How the student does that will depend on the medium that the student was told to use. Here are some tips for each:

Oral report. After confirming that the supervisor is available, the student should be sure to have all notes on research and analysis at his fingertips. Then, the student should start with a clear answer up front will immediately focus the supervisor and allow her to thoughtfully listen to the reasons that made the student reach it. During the course of the conversation, the student should identify the key rules and tell

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See, e.g., Mary Garvey Algero et al., Federal Legal Research 3-20 (2d ed. 2015); Barbara J. Busharis et al., Florida Legal Research 3-10 (4th ed. 2014); Anne E. Mullins & Tammy R. Pettinato, North Dakota Legal Research 3-12 (2016).
the supervisor how they apply to the client’s situation. The student might think of this as telling the supervisor the rule and application sections of a written memo; the student won’t provide the detailed explanation of the law or rule proof unless the supervisor asks for more information.

Next, if there is information that the student doesn’t yet have that would impact the analysis, he should tell the supervisor what that information is. If the list is long, the student should provide it in written form. The student should be prepared to let the supervisor know how that information would impact the analysis.

Finally, the student should be ready to field questions and take on follow up assignments during the course of the meeting. To do so, he will want to have handy all research notes, key authorities, and notes on the analysis. The student will, of course, also want a legal pad and a pen to take notes on the conversation.

**Traditional memo.** If the student is reporting results in a traditional memo, he will either email it to his supervisor or bring a hard copy to the supervisor’s office. If the student is sending it via email, he should include a brief summary in the body of the email. The student should always start by reminding the supervisor what she asked him to research and then give the bottom line answer while providing a very short (one email screen) summary of the reasons for the answer. The student might also consider attaching the key authorities with the critical passages highlighted.

If the student is bringing the memo to the supervisor in hard copy, he should be prepared to also give an oral report and answer questions. The student might consider providing his supervisor with copies of the key authorities, tabbing the pages with the most critical passages, and highlighting those passages.

**Email memo.** If the student is reporting results in an email memo (usually more abbreviated than a traditional memo and sent in the body of an email), he should start by reminding the supervisor what she asked the student to research and provide the bottom line answer. He should follow that with a short summary of reasons for the answer. In the summary, he should identify the key rules and how they apply to the client’s facts. The student should try to limit the answer to one screen. Again, the student might consider attaching the key authorities with the critical passages highlighted.⁶

### II. Assignments from a Client

Some student interns will have the opportunity to work directly with clients, particularly in offices that handle a high volume of cases and operate on a lean budget. In these jobs, the student will sometimes meet with clients and identify the legal issues at the outset. While the basic steps are the same whether the assignment comes from a supervisor or a client, the following steps highlight some important differences.

**Step One. Preparing for the Client Meeting**

If the client contacts a law office with a problem over the telephone, the student will likely set up an in-person meeting to discuss the problem and gather information. Under these circumstances, the student’s first job is to start putting a chronology together to learn the story and to understand how each part relates to the others.

The chronology of a client’s case has two parts: the written chronology and the document chronology. The written chronology has each fact, the date on which it occurred, and the source of the fact. The student should keep updating the chronology throughout the case. A written chronology is particularly important if the client’s problem develops into litigation. Not only does it provide a timeline of events; it also gives a quick reference guide to the source of each fact. This will be very helpful when the time comes to write motions and briefs. An example of a written chronology appears in Table 3-1.

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⁶ For more on email as a professional means of communication in the law office setting, see Christine Coughlin et al., *A Lawyer Writes* 295-304 (2d ed. 2013); Kristen Davis, “The Reports of My Death Are Greatly Exaggerated”: Reading and Writing Objective Legal Memoranda in a Mobile Computing Age, 92 Or. L. Rev. 472 (2014); Kristen Conrad Robbins-Tiscione, From Snail Mail to Email: The Traditional Legal Memorandum in the Twenty-First Century, 58 J. LEGAL EDUC. 32 (2008).
Table 3-1. Example Excerpted Written Chronology

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/5/2006</td>
<td>Marlin discovers process for making Reserve Chardonnay</td>
<td>Marlin depo 1:11-17</td>
</tr>
<tr>
<td>10/4/2007</td>
<td>Denton hired as Williamsport Winery’s head winemaker</td>
<td>Marlin depo 3:5-9, MARLIN00246</td>
</tr>
<tr>
<td>7/11/2015</td>
<td>Denton quits to start her own winery</td>
<td>WW0022, Marlin depo 22:3–12</td>
</tr>
<tr>
<td>8/26/2016</td>
<td>Denton introduces her copycat wine; sells 50,000 cases</td>
<td>WW00486, DEN00014</td>
</tr>
</tbody>
</table>

If the client’s problem has not yet evolved into litigation, the most likely supporting sources will be conversations with the client and the client’s documents (including emails). If the problem evolves into litigation, some of the sources will likely be depositions and documents that the other side discloses during the discovery process. The supervisor might need to explain new terms to the student, including deposition (where a lawyer questions a witness in front of a court reporter to elicit testimony) and the Bates number (page numbers that have a prefix identifying who disclosed the documents along with a page number).

In addition to the written chronology shown in Table 3-1, the student will also want to start a document chronology. A document chronology is a collection of relevant documents—correspondence between the parties, relevant contracts, and any other relevant papers—all in chronological order. Like the written chronology, the student should start the document chronology the moment the office receives documents from the client, and the student should keep it updated as the case progresses.

Unlike the assignment meeting with a supervisor, the student who gets an assignment from a client should conduct legal research in advance of the meeting. That early research will provide a refresher on the basics of the applicable law, which will in turn help the student prepare more effective questions for the client in anticipation of the meeting and develop a better sense of what documents and other materials that the student should ask to review.

On the day of the meeting, the student should select clothing thoughtfully. If the client is someone who is likely comfortable talking with a lawyer, like a local business owner, a suit might be appropriate. If the client is less likely to be comfortable talking with a lawyer, the student might consider business casual.

The next decision is where to have the client meeting. If the student is deeply involved in other cases and has documents spread around his work area, the student should try to meet in a conference room if the office has one. If the student meets the client in his work area, that area must be tidy in order to gain the client’s confidence. Additionally, the student should consider coming out from behind the desk to sit next to the client during the meeting to help the client feel more at ease.

Steps Two and Three. Conducting the Meeting and Following Up

Immediately before the client arrives, the student should minimize any potential distractions by turning off his cell phone, disabling his email alert, and holding all office telephone calls. When the client arrives, the student should greet her and make some small talk. If small talk doesn’t come naturally to the student, encourage him to prepare some questions in advance. “How was your drive?” “Can you believe all of this snow?”

Once the client is settled, the student should turn the conversation to the client’s problem. While it can be tempting to start firing off a series of questions, it’s best for the student to ask the client to tell the entire story in her own words first. As the client is talking, the student should listen actively by nodding, interjecting short responses, and asking questions when something is not clear. And of course, the student should always take notes on a legal pad. After the client finishes the story, the student
should go back through it to confirm the details, asking questions and requesting documents. You should warn your student that sometimes clients are afraid to share the “bad facts.” The client might be embarrassed and hope that the student won’t find out about whatever it is. The student should gently encourage the client to share everything, good and bad. The student should explain that he can only provide his best help when he knows all the facts including the “bad” ones; the student can’t help as effectively when some facts come as a surprise, especially at an inopportune moment in the case, like during settlement negotiations or trial. A less direct, and often helpful, way to elicit bad facts is to ask what the other side might say. The student should then advise the client not to dispose of anything having to do with the dispute—and this includes her electronic materials, like emails.

Next, the student should lay out an initial plan of action, either stating the relevant issue or issues or telling the client what he plans to research. The student should close the meeting by letting the client know when he will be back in touch and finding out whether the client prefers to communicate in the interim by email, letter, or telephone. After the meeting, the student should usually send a brief written follow up, providing the same information as in a follow up with a supervisor but also confirming the documents the client has agreed to provide.

Steps Four and Five. Conducting the Research and Reporting Results

As with a project for a supervisor, the student should develop a plan, take notes, and check in on schedule. How the student reports his conclusions depends on the supervisor and client. Sometimes, the supervisor will assume responsibility for client contact at that point. When the student is allowed to contact the client directly, the student will do so in either a letter, email, telephone call, or an in-person meeting. In essence, the information conveyed in a letter or email will be similar to that given to a supervisor, but adjusted to suit the client’s level of legal expertise. Generally, this means reminding the client of what the student researched, giving a bottom line answer, and sharing the big picture rules governing the question and how those rules apply to the client’s facts. The student should typically not go into an in depth explanation of the law, though he should be prepared to answer client questions—particularly given that some clients will have availed themselves of Google and other free online sources that may have caused confusion or provided conflicting information.

III. A Little Psychology Goes a Long Way

Much of this article has focused on receiving and executing research assignments in a way that builds credibility and garners good will. But, of course, there’s more to relationship building than that. While an extensive review of the cognitive theory behind relationship building is beyond the scope of this article, a few tips may be helpful.

First, the common sense: People build relationships with those they like. While the criteria for who we “like” may initially appear subjective, cognitive psychologists have identified several predictors of who people are likely to like. Those predictors include the belief the person is cooperative, similar, familiar, and willing to admit weakness. Most of this article has essentially focused on cooperation by highlighting the things student interns can do to fulfill their duties in a way that establishes credibility and ensures that their supervisors can count on them to do thorough work in a manner appropriate to their environment.

In addition to cooperation, people like those who are similar to them. Notably, these similarities need not be meaningful; even similarity based on insignificant criteria can still be compelling. For example, people are much more likely to fill out a survey

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8 Id. at 142. In addition to the listed predictors, we are also likely to like those we find physically attractive. See id. at 146; Ingrid R. Olson & Christy Marshuetz, Facial Attractiveness Is Appraised in a Glance, 5 Emotion 498, 498 (2005).
9 Cialdini, supra note 6 at 142.
Employers want to hire lawyers with not only strong research skills but also strong relationship skills. Students should try to find things they have in common with their supervisors and clients. Not only does knowing that a student and his supervisor are, for example, avid runners give the student a way to make small talk, but also it emphasizes similarity in a way that redounds to the student’s professional benefit. In addition to liking those who are similar to ourselves, people tend to like the familiar. One reason people tend to like the familiar is that it has high processing fluency; in other words, the familiar is easier for our brains to process, and as a result, we have a natural affinity for those we perceive as familiar. Submitting written work in the format expected by supervisors capitalizes on familiarity. Being present and seen in the office is another way for students to capitalize on familiarity to their professional benefit. People like others who acknowledge their own weaknesses and take responsibility for failure rather than blaming external factors. As noted above, students might not always be able to meet their original deadlines. They make mistakes. Students need reassurance that supervisors are not expecting perfection; they are expecting professionalism. And, as it turns out, the student who gracefully fumbles can actually improve his standing with his supervisor. Coach students to admit to mistakes immediately and offer solutions to fix them. Excuses or excuses-dressed-as-apologies will not help students save face or earn their supervisors’ good will. In fact, it will have the opposite effect.

IV. Conclusion

Employers want to hire lawyers with not only strong research skills but also strong relationship skills. Student interns have great opportunities to both develop and showcase their relationship skills when they take on research assignments for supervisors and clients. With guidance from their professors or supervisors, students can take advantage of those opportunities in ways that significantly enhance their practice-ready skill set and marketability at the same time.

Micro Essay

Researching Foreign Law in a Bunch of Common Law Jurisdictions Just Got WAY Easier!

JustisOne is an expertly designed, easy to use database with never-before-seen navigation tools that make researching foreign law fun. It houses cases from numerous common law jurisdictions such as the UK, Ireland, Australia, Canada, 18 Caribbean jurisdictions, and Singapore. Their developers created a unique legal taxonomy with more than 1.5 million terms to categorize every case across all of the included jurisdictions. Moreover, JustisOne provides an index of cases and legislation on more than 120 other services so that users can seamlessly link to relevant documents on other services. Mind-blowing!

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