

BEING A TRAINEE SOLICITOR

HOW TO
SURVIVE
AND
THRIVE

Tom Proverbs-Garbett

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CONTENTS

ABOUT THE AUTHOR

ix

FOREWORD

xi

INTRODUCTION

1

1 | BECOMING A SOLICITOR

5

A book about you

5

But I'm not nervous...

6

Our avatar guide: Alex

7

A note on terminology

8

The impact of the Covid-19 pandemic and remote working

9

It's *your* career: know how *you* work

14

PART I: WHAT TO EXPECT

2 | WHAT DOES TRAINING LOOK LIKE?

19

Structure

19

A brief impression of training

21

Where do trainees fit? (Or, what is the hierarchy?)

25

Trainees: a vital part of the team

30

(Briefly) Law as a business

32

Being practical

37

Takeaways

38

3 | THE FIRST DAY

39

Early thoughts

39

Walking in

42

Illustrative timetable

43

What then?

46

Takeaways

47

4 | TRAINING WHEN TRAINING

- Professional requirements
- Internal training opportunities
- External training opportunities
- Responding to training
- Impact on your career
- Takeaways

SEAT 1: COMMERCIAL LITIGATION

PART 2: DOING THE WORK

5 | CHEERFUL WORKING

- Attitude
- Presentation
- Doing the work
- Passion, personality and proactivity
- Takeaways

6 | MANAGING MISTAKES

- First principles
- Emails – Teams – Slack etc
- A call-back to proactivity
- You are learning...
- How not to treat people
- Stress...and coping
- Takeaways

7 | MANAGING TIME

- Time recording
- Effective time management
- Handovers
- Appraisals
- Takeaways

SEAT 2: PLANNING

8 | SUPERVISION

- 129
- Role of the supervisor 130
- 'Good' and 'bad' supervision 132
- The PAL System 133
- Application of PAL 138
- What are you able to control? 139
- Personality 141
- Takeaways 142

9 | YOUR COHORT AND OTHER SUPPORT

- 143
- Personality (reprise) 143
- More about your cohort 144
- Non-fee earning colleagues 146
- Office gossip 148
- Credibility 151
- Takeaways 152

10 | CLIENTS

- 153
- Your approach to clients: what do they want? 154
- Building relationships 156
- Emails and tone 158
- Takeaways 159

11 | FIRM LIFE

- 161
- Getting involved 161
- What's out there? 162
- Fitting it all in: the power of groups 168
- Takeaways 169

SEAT 3: CORPORATE

171

PART 3: COMPLETION AND BEYOND

12 | QUALIFICATION

- 183
- Think about the present 183
- Process 184
- Interview preparation 186
- Staying in touch 188
- Takeaways 189

BEING A TRAINEE SOLICITOR

13 | SECONDMENT

Types of secondment
Reasons to consider it
Adventures in Scandinavia
Further study
Takeaways

14 | THE FUTURE

The SQE: its pros and cons
Generative AI
Ethics
Hybrid working
Takeaways

SEAT 4: SECONDMENT

15 | FINAL THOUGHTS

GLOSSARY

DOUBLE DUTCH: A GUIDE TO JARGON

ACKNOWLEDGMENTS

INDEX

ABOUT THE AUTHOR

Tom Proverbs-Garbett is a solicitor of 20 years' experience, during which time he's worked with many trainees and supervisors along with being both a trainee and a supervisor himself. A true believer in life-long learning, Tom is deeply invested in helping juniors to develop their professional as well as legal skills. Tom has postgraduate degrees in law, education, business, literature and creative writing, the combination of which produced this book. He is a fellow of the Chartered Governance Institute, the Institute of Corporate Social Responsibility, the Chartered Management Institute and the Royal Society of Arts. Tom is an in-demand speaker, trainer and consultant. He lives in the Midlands with his wife and daughters, surrounded by (his) Lego. Published widely, his debut collection of poetry – *The Adept* – was released in 2025.

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referred to in future as the definitive copy). If Alex experienced every day the stress of dealing with her career limiting matter, alone, in her first year then professional life would quickly degenerate into a series of disasters.

A few early pointers/reminders before we address the types of work available.

Remember we are approaching the work cheerfully. Nevertheless, even if you are given a particular seat you really can't stand (or understand). Don't let a bad (for whatever reason) experience make you question the whole project. The beauty of the multiple-seat system is that there is the time and opportunity for you to start again. Indeed, a seat you don't like may be helpful because it allows you, ultimately, to narrow down your choices to other areas for potential qualification.

Don't panic about not understanding the majority of what is being discussed around you. Legal practice has the common issue of 'too many TLAs' (three-letter acronyms, as the old joke goes). Why would you, for example, be able to follow any of the acronyms used by directors in a board meeting? These probably aren't legal terms in any event, rather terms specific to that business or its sector. Not following doesn't mean that you can't do the job, just that you are learning.

Ask questions. A critical one will be: how long should this take? Understanding the turnaround time expected gives insight into the depth of the task. In other words, if you are asked to do some research and the person giving you the work indicates they think it should take an hour, you know that they think the answer is relatively easy to find without recourse to specialist databases or trawling through files. It also suggests that they will be happy with a brief email setting out your answer rather than a detailed (and time consuming) memorandum.

This is something you need to play by ear. The answer may be more complicated than anticipated and/or take more time to find. An estimate of the time to spend on the task is just an indication of how complicated it is anticipated to be. It's not a guarantee.

As ever, it's impossible to provide a one-size-fits-all summary of tasks.

There are a wide range of law firms with differing cultures and approaches to training and an even greater spread of training providers. The experience of a trainee in-house will be vastly different to that of a trainee in a City firm: in-house teams tend to be much smaller and less segregated so that trainees may be much more involved in the business, perhaps even engaged in advising strategic decision-makers quite quickly. Contrary (often) to popular opinion, a trainee in a City firm may spend a lot more time photocopying.

The summary below reflects the likely standard jobs for trainees (to the extent there is such a thing), so that you can anticipate some of what might come your way.

Document management: The basic product of all lawyers (outside the courtroom) is the signed agreement. It doesn't matter what that agreement deals with: a divorce, a declaration of capacity, a commercial contract with a big multi-national, negotiating that document and arranging for its signature will be a key task. Dealing with the practicalities of signature is a typical trainee job – very often now done online via software – and preparation for signing may include everything from drafting ancillary documents (the common term for minor functional documents that support the main documents, such as board minutes), putting together a copy of each document used in a project and publishing the resulting pack (known as 'bibling', producing a 'bible'), to photocopying and bundling (normally in a litigation context).

In my world, as a corporate solicitor, a trainee would be asked to prepare the room for a completion meeting if one was to be held. This means being responsible for ensuring the final versions of each document are laid out ready for signing (not such an easy task, bearing in mind that negotiation often continues to the wire), setting them out in a sensible order (perhaps a cover sheet for each document, linking it to the number of that document on a master list), ensuring they are signed at the meeting, collecting them, taking certified copies, and sending the appropriate original documents out to the parties with a copy of the overall project, a bible. If,

as is more common in the post-2020 world, everything happens virtually then the same approach is required save for the documents will be agreed, shared, signed and managed online.

This is admin, yes, but highly skilled admin. Dealing with documents will become your life, but it is teaching you wider skills: organisational understanding how to structure and manage a project, how to address clients and how to explain to them in simple terms what they are signing and why.

Research: If there is research to be done, it will be a trainee that does it (or at least starts it off). This could be one-off points of law, or more in-depth research for an article in a legal journal. It could be completely unrelated to law. It's possible to find out a lot about someone before you meet them and most clients/client representatives will have online professional biographies; research on attendees at upcoming meetings for senior team members might be a regular request.

Assist with training: An extension of the research role, it's common for trainees to be tasked with assisting at or in some cases leading training sessions for the wider team on new or evolving points of law. Presentations are part of life now: you will have plenty of time to prepare.

Drafting engagement letters: One of the first things the firm needs to do when it takes on a new client or starts acting on a new matter for an existing client is to put in place an engagement letter (sometimes known as a client care letter). This has two purposes. First, it sets out the scope of the work – what the solicitors will be doing/trying to achieve. This is often referred to as the 'scope of work' or 'scope' for short. Second, it sets out the terms on which the firm will act for the client for this specific project. There is all sorts of stock but important material set out in an engagement letter, including limits to the firm's liability, the named client contact (and their core team), dispute management procedures and so on. Fortunately, this is all in a standard form – so much so, you won't be able to depart from some of it without authorisation – and it is a typical trainee task to produce a first draft using the firm's template.

Advice to clients: This will vary from firm to firm and between

departments. If you are training in-house then you will have a huge amount of 'client' contact from the get-go as you deal exclusively with the business of your employer (and its group of companies). If you're a trainee in a criminal law firm, again by way of example only, then you are likely to have your own files fairly quickly, responsible for your own clients/cases. There will undoubtedly be some client contact whatever your role, but in most cases it won't be front and centre in an advisory capacity. Nevertheless, you will be in constant contact with clients over practicalities: when a document will be delivered, where a meeting will be held and so on.

Taking notes and minutes of meetings/preparing file notes: *Always* assume you are required to take notes of any meeting you go to. These may end up being formalised into minutes of that meeting or they may just be notes for the file (a record for the future of what was said), but either way it's good practice to get into the habit of writing everything down. It's better to have some redundant notes than to be asked afterwards for a comprehensive 'who said what' and be unable to provide it.

Recruitment: Trainees are both the future of the firm and its current face. Closer in age to the students the firm wants (and needs) to recruit, you will almost certainly be asked to attend events at universities or local schools, talking about being a lawyer, your route into the profession including your experience of vacation schemes (and other routes, including apprenticeships) and tips for success. You will, of course, be able to mention how useful this book was in your preparations for joining the profession...

Given that training arrangements are agreed sometimes years in advance, most firms will make efforts to stay in regular contact with its incoming trainees and you will be called upon to attend events with those future stars to offer advice and encouragement.

Business development: Although there is no expectation for trainees to bring work into the firm, it is never too early to begin networking. It's an essential skill and one which is the subject of many other books. You will be asked to attend events with clients and there will be an expectation that

you join in (within reason). Try not to shy away from these things or, on the other end of the spectrum, be too exuberant. Be yourself, enjoy yourself, speak normally (don't try and talk business) and people will warm to you. Local professional groups and law societies provide excellent opportunities to meet other junior people and to raise your profile in the profession and in your local area.

Billing/time management: Another task delegated to trainees is organising invoices to be sent to clients, critical in generating cash flow. Deciding what to bill is the responsibility of the relevant matter partner and producing a bill is the responsibility of the finance team (and due to very important legal accounting rules put in place by the SRA your firm will almost certainly have someone outside the legal team who is in charge of finance matters). You will be the conduit to get this invoice produced and, using diplomacy where necessary, delivered to the client.

Organising team socials: We will touch on this in more detail in Chapter 11 when we discuss options for getting involved in the life of the firm. In this context, I'm raising it more as a potential responsibility. Rightly or wrongly it's often assumed that trainees have time to deal with what's frequently seen as peripheral activity and, again, rightly or wrongly, that they know good places to go! Socials are the life blood of a firm, not some adjunct activity. If this comes your way, see it as an opportunity to make your mark on the team. Round up some other trainees to help and make it a night to remember.

Last, but unfortunately not least, helping out the partners: Firms of law remain extremely hierarchical and there is still an element of 'what the partner needs the partner gets'. It's not unheard of to be asked to bring coffee; to pop over to the car park across the way and bring round a car while your supervisor finishes a call; to be despatched to a restaurant to find a forgotten phone. It happens and will continue to whatever our private views about professionalism. Smile gracefully, help out and mention them of it at appraisal time.

Passion, personality and proactivity

We've covered a lot of ground in this chapter, but we can capture its essence in three words: passion, personality and proactivity.

When it comes to doing the work, the best way to do it well and to enjoy doing it is to do it with passion – find a way to make it interesting to you.

Make your work stand out by giving your writing personality. A judiciously chosen layout. A sensible contribution to the debate. If you are inclined, use an elegant style or a rigidly legal one. Somehow, make it yours.

Impress those you work with by being proactive. The answers are (mostly) all there, in the paperwork, in the file, on a legal research website, at Companies House. Take that extra moment to think, 'How could I take this beyond the task I've been set?' One of the ubiquitous business phrases of the current age is 'added value' meaning, crudely, to go unexpectedly above and beyond what's anticipated. How might you deliver what you've been asked to while enhancing its utility?

You will see, I hope, that success as a trainee is not about natural legal ability or who you know. It's about enthusiasm and a critical eye, making the assignment, whatever it is, the best it can be.

Takeaways

- » In your relationships with your supervisor, your team, your peers, try to be reasonable, helpful, and to contribute with a smile – this is Cheerful Working. This doesn't mean saying 'yes' to everything asked of you but rather demonstrating a willingness to help in some capacity most of the time.
- » Always pay attention to presentation of your work. It is the firm's product and illustrates attention to detail. Use house style and maintain the brand. Proofread and check formatting. In any email you draft, be conscious of tone.
- » Ask questions. Clarify the task and establish when a response is needed.

- » Remember passion, personality and proactivity: find ways to make each task interesting to you, make it yours, think about how you can add value to your output.

6 | MANAGING MISTAKES

This chapter is about mistakes. You might think it's quite early to be talking about what could go wrong but if a single message came out of the research for this book, it was the desperate worry colleagues recalled from their training days about making mistakes.

Obviously, right?

In talking to trainees and the newly qualified about their concerns when starting their training and – for those further down the track – asking what advice they would give their younger selves, it was a repeating refrain that they (i) were most worried they would get something wrong; and (ii) would choose to dispel that concern as their chosen piece of reassurance.

Most people weren't pointing to a specific error (or potential error). The apprehension appeared to stem from fear of the unknown as much as self-doubt (hence the purpose of this book, to demystify the period of training). It's also notable that the chosen piece of advice was to allay that concern: to make the point that mistakes will happen and that it's not the end of the world when they do.

Convincing you of that is what this chapter seeks to achieve. You *will* get things wrong whether that's coming to a legal conclusion that's incorrect, filing the wrong document or simply picking up the wrong bits of paper from the printer. It's often not the mistake itself that causes problems, it's the reaction.

Once again, for the people at the back: mistakes will be made. Try to relax and do the best you can but know that they will come. It is, after all, a learning experience. Don't blow it out of proportion; the worst thing you can do is panic or to let worry hold you back. A highly experienced partner once told me, 'Anything can be solved with another piece of paper'.

This, of course, assumes you have told someone you suspect there's

been an error and together you have worked out what that saviour piece of paper might look like. The good news is that you will always remember the answer – there's nothing like making an error to fix in the mind how it should have been done. If someone solves the problem for you, and you're confused about what went wrong, then make sure you ask.

First principles

First of all, and this is an important point, the mistake may not be yours. If you spot a problem, don't assume you're wrong. Don't dismiss anything that looks unusual to you or put it down to inexperience. To err is human and it may well be that someone else working on the file has missed a key issue. If you don't understand why something has been done in a particular way, if it is unclear to you, bring it up tactfully. You will either learn something (why it isn't the issue you thought it might be) or you will solve a problem or avoid a mistake (by spotting something no-one else has).

Tact is important: this isn't about point scoring, and it won't go down well if it looks as though you're trying to second guess decisions made elsewhere. Still, don't feel as though you need to accept material as gospel, particularly where it looks wrong to you. Use the point to start a conversation.

Next, don't have sleepless nights over an abstract 'what if?' A mistake is an inevitability that you make every effort to avoid; those efforts are doomed to failure! As we've said, the test of your mettle is not in keeping a perfect score sheet but in how you deal with mistakes that have been made. After some time has passed it will be a story to tell. Embrace the issue, correct it and learn.

Emails – Teams – Slack etc

Everyone from the top of the organisation downwards makes jokes via email or the internal messaging system (whatever your firm uses), and sometimes, when the number of people on the chain grows, whole afternoons can disappear to the wit of the local comic. As long as the work gets done, generally no-one will mind. That said, anything written down

the potential to spread, to go viral. The legal press is full of such tales of misadventure: for one example of many, at the time of finalising this book the lead headline on a major legal website was 'Bank solicitor who nicknamed colleagues 'Pol Pot', 'The idiot' and 'Jabba the Hutt' fined £15k.'

In the heat of the moment when you've crafted the perfect thing to say, a gem of a riposte, you will be tempted to put it down in writing despite it being just the wrong side of savoury. Pause for a moment and think how it would appear on the gossip pages of the legal press. And if it's still just that good...well, I'll leave that to your discretion. Never, ever, use the word 'banter'. It's basic common sense.

Let's return to legal mistakes. There is, of course, only so much you can do. If a disaster is brewing it may be you have no control over it, even if you see it coming.

A former trainee at a London firm tells a story about being asked to draft a lease break notice – a document terminating a lease part way through its term. The partner who initially assigned the work was subsequently pulled into a huge property portfolio reorganisation that became all-consuming and, despite the trainee's pleas, didn't find time to review the notice. The trainee, not understanding the importance of the notice, did nothing. The day before the deadline for service, the client realised the notice was outstanding and, as you might imagine, all hell broke loose.

This is the sort of situation you might find yourself in – although I hope you don't – and it can feel as though there's nothing you can do. The ball has, as the saying goes, already been dropped. The responsibility for the work lies with the partner involved, so in one sense the trainee in question discharged their responsibilities by doing the work and waiting for the lease to be reviewed. But professional life is about teamwork and being passive can easily lead to miscommunication and, ultimately, things being missed.

In a situation like this, I'd suggest being more demonstrative, sending repeat reminders. Send a message every day if you have to, even make a joke of it: 'Hi Andrew – sorry to bother you again, but it's my daily email about the break clause letter. Could you have a look at it as soon as you

have a moment – or let me know who might be free to review? We told the client it would be with them to send out on Friday this week.’ Pick up the phone or put a meeting in the diary. Better still, do all of them with the deadline in mind.

A call-back to proactivity

Being demonstrative, or resilient, or whatever we want to call it is linked closely to being proactive with your work, something we considered in the last chapter but it’s worth revisiting.

It is tricky to get this right.

The easiest mistake to make is to try and complete the work as fast as you can and hand it back. A common misconception is that this evidences your talent and your enterprise – that you understand, for want of a better phrase, that time is money.

It doesn’t. It will inevitably show that you can do a reasonable (although sometimes downright shoddy) job relatively fast: you’re unlikely to have given yourself sufficient time to check the work closely. As with the applications, a couple of spelling mistakes, mixed font and anything that to follow is likely to end up rejected and back on your desk. It’s not that those small irritants mean you aren’t a good lawyer – they just suggest you haven’t paid attention to the detail, with implications for the quality of the legal work overall. And close attention to detail is *the* number one essential for being a trainee.

A close second in terms of common mistakes is the temptation to ‘gold-plate’, agonisingly researching every point and writing a 20-page memo when a single page would have done. To some extent this comes with experience but, as we have discussed, understanding the time you have to do the work and its end use will give you an idea of what is appropriate. Done is better than perfect, so make it the best you can *given* the constraints you are working under and then discuss where you have gone with your supervisor or the person who gave you the work.

Third, and perhaps the worst of all worlds, is doing the work quickly and then sitting on it. This is a natural tendency: do the work while the

instructions are fresh in your mind and you understand the task, save it somewhere in case you need to do some more to it, and wait to be asked.

Now, you will anticipate that your colleagues are busy; you will be busy. Waiting to be asked whether you have completed a piece of work can be hugely frustrating for the person who has given it to you. The answer when prompted of, ‘Yeah, sure that’s done: I did it a week ago’, doesn’t look efficient and on top of things, it begs the question: ‘What were you waiting for?’

I understand the temptation, I really do. Letting go of work is hard – there might be errors, you may have missed something, there’s a risk you have misunderstood the whole thing. That would be embarrassing. But the work could also be accurate and well produced. What it can’t be is delayed. And this works in your favour – deadlines are your friends. Anything can be revised and reworked. This book is very different from the first draft and there are changes I would make to this final draft if I had more time. It is the very best it could be in the time that I had. At a certain point, one needs to finish a task and look for new ones. Don’t frustrate the people you work with; do your best and then hand it over or, if needs be, ask for further guidance.

As we discussed earlier in this chapter, asking questions is important at the right time. The right time, however, won’t be when you have thought about it for two weeks and finally get the opportunity to speak to someone who might know the answer – that’s just two weeks of wasted time. If the task is complicated and you have follow-up questions, consider emailing them or put a time in the diary, prepare a list of those questions and run through them in one sitting. Don’t sit and worry – no-one wants you to do that and it doesn’t help solve the problem. Don’t leave it a week before you look at the work (if you can possibly avoid it) and then realise you have lots of questions. Try and establish the parameters of what you’re doing at the earliest possible point.

Remember, these are suggestions to help ease your way as a trainee. You won’t always be able to adhere to them and you won’t always need to. It’s perfectly likely that asking rudimentary questions two weeks later

won't bother anyone at all – they will help you without a word. Still, I think you can see how this *could* irritate someone, especially under pressure. How it looks less organised, less professional. And that is the mindset I want you to have: how can I be most helpful, most thorough, in any given situation?

You are learning...

Don't forget that you are also new to the work and, perhaps, professional life. When you think something has gone wrong, don't panic, mention it to someone. You're not reinventing the wheel with the work you're doing in the same way, almost anything that can go wrong already will have.

So, when you realise that an error has been made and, summoning courage, go and tell someone, sure that you're about to be sacked, you will inevitably be surprised by how calm your colleagues are and how reassuring they can be. Solving the problem, when viewed holistically, is good for your professional self-esteem.

How not to treat people

'A formal written warning? A FORMAL WRITTEN WARNING?' And the legal PA bursts into tears. What could have prompted this?

Jamie is at fault. He's a trainee at a large firm. He's a year into his training and he has two seats under his belt. It hasn't been an easy ride – he's managed to irritate the PAs by (i) never saying hello in the morning; (ii) dropping work on their desks without acknowledgement; (iii) generally failing to see them as colleagues and to treat them as any sort of equal. Getting on the wrong side of the PAs is never a good idea.

The last 48 hours have been difficult for the whole team. A high-profile transaction has just finished, with many people including Jamie and the partner he does most of his work for having been at work for over 24 hours. There's an air of celebration in the air, tempered only by a rather curt request from Jamie's boss to 'get his time down'. Jamie is well aware that he needs to record his time against the client/matter code. It's assumed that he's somewhat behind because of the recent intense workload. The

matter partner is insistent because she wants to send an invoice to the client as soon as she can, taking advantage of the satisfaction (to all concerned) of a transaction well done.

Jamie, tired and looking forward to a well earned rest that evening, decides to head home. He does nothing about his time entries.

The next morning, Jamie arrives to be called into the partner's office. A member of HR is present and after some discussion, Jamie agrees that he hasn't recorded any time on this matter or, indeed, any other since he started the seat. He is aware of the daily time recording policy and offers little justification for his failure to comply with it. With much upset on both sides, Jamie is issued with a formal written warning.

Now this is extremely unlikely, but if Jamie has received prior warnings about time recording, then it's conceivable that a formal sanction could be applied. If such circumstances ever should arise, treat it as a learning experience. Perhaps you didn't understand how the system worked, or you struggled to find the best way to time record. There will always be a solution, in this case further training. Take the warning, discuss the matter honestly with the seniors involved and move on with good grace to progress your career. What you should not do is...

Jamie is irritated about the written warning. Asked to do a piece of administrative work that afternoon, he asks his PA to pick it up. Returning after lunch and asking for the work, Sue, his PA, tells him that she has prioritised something else as he hadn't said it was time critical.

Jamie sits down at his desk and copy types his written warning, changing the names, leaving it on Sue's desk. When Sue returns from a meeting and sees the warning, it looks sufficiently formal to alarm her, leading to the scene of recrimination where we started and the immediate involvement of senior people in the team and HR.

Impulsive actions like this will probably result in Jamie being asked to leave at the end of his training. He has no right whatsoever to try to bring a unilateral disciplinary action against his colleague!

Now, such an outlandish scene is extremely unlikely to materialise and, should it, would be symptomatic of a toxic culture at that firm and say very

little about the individuals involved. The point I'm exaggerating to make is two-fold: Always treat people with respect. Never take your concerns on others – own your errors.

Stress...and coping

Being a solicitor is hard. That's true of other professions and it's not a claim to uniqueness, but something you need to bear in mind. Acknowledging that pressure allows you to mollify the inner critic a little. It also means you can give yourself some perspective. It is a difficult job, prestigious precisely because of the level of difficulty, and what it requires of you is concentration and commitment. What it does not, or should not, require is constant fear of being wrong and the haunting shadow of work done in the day taking over every evening.

The profession is rife with stories about breakdowns, burnouts, leavers who couldn't take the pace. In reality, most firms take the welfare of their people extremely seriously; after all, the people are the product. Without the lawyers to do the work there is nothing to offer a paying client.

Still, it is demanding and there will be pressure to perform. So, it is important both to develop coping strategies and, if things get too much, ask for help. Let's run through approaches to both.

Coping strategies will differ for all of you: one person's stress ball is another's gym, is another's chocolate biscuit. Anything (within reason) that brings the blood pressure down in a tough situation is worth its weight in gold. Experience tells us that there are some simple ways which seem to help across the board:

- **Take a break.** The simplest thing to do is to get up from the desk and take a short walk. Whether that's to get a drink, some air, to talk to someone in another department or even just to go up and down in the lift a few times cursing the world for the direction life has taken you, the change of scene will make you feel better. Sometimes it can feel as though the work you are doing is the be-all-and-end-all – it isn't. Go outside, look at people walking around who don't know (or care)

about the board minutes you're drafting and you will regain perspective. The world is much bigger than our minuscule part.

- **Ask for help.** If you're struggling with something, don't wrestle with it in silent agony. Ask your supervisor, another trainee, someone with kind eyes in the department to discuss it with you. It's not cheating! It's a discussion between professionals about something that's puzzling – you will hear the partners doing that all the time. After all, no-one knows it all.
- **Structure the day.** Much professional anxiety comes from feeling out of control – you have too much work, not enough time, not enough help, you can't be sure of the answer. It's about insufficiency. The best way to combat this is to be organised and to know what you're going to try and accomplish each day. There will be (frequent) moments where your carefully timetabled day is thrown into disarray within the first five minutes as you're pulled onto a call or given some urgent and unexpected work to do. But if you have a clear idea at any given moment of the work you have to do and the time you have to do it, that will make you feel much more in control of the situation. Knowledge will take much of the tension away. It will also allow you to be clear about your capacity (see below). However you choose to plan your time, and whichever techniques you use, do more of it.
- **Be direct.** We looked at this in Chapter 5 when we considered strategies for saying no, and the same principles apply. If you're worried that you're too busy, say so. Put some time in your supervisor's diary and go through your work – a good supervisor will help you prioritise and strategise. They will (or should) defend you from too many overlapping demands. Crucially, they are much more informed about pipeline work than you; they know what's coming.
- **Get involved as much as you can in the life of the firm.** You might think, at first glance, that taking on extra activities could add to any pressure you're feeling, but actually the 'nail bed' principle kicks in. Spreading your responsibilities and interests over a wide area means the sting is taken out of each 'nail' of commitment. If the piece of