YOUNG LAWYERS

RANDALL D. VAN VLECK,
Van Vleck Law, LLC,
Placitas, New Mexico

Things I Wish I'd Known as a Young City Lawyer

Wow! Where should I begin? I think I really need to go all the way back to law school. I believe law school is the best course of education upon which one can embark. Law school teaches us to look at and process facts differently. It is hard to explain, and it has been mentioned to me on several occasions; lawyers just think differently, and I believe it. The analytical skills a person acquires during a legal education uniquely qualifies that individual for life in general, and more specifically for government life.

While a legal education provides lawyers with a different perspective of analysis, law school (at least my legal education) can fall short in many respects. The most evident and most important shortcoming in typical legal education curricula is what I call the "practicality gap.". By way of example, lawyers learn about the different types of real estate conveyances: fee simple, life estates, conveyances with reversionary clauses, easements, rights of way and future interests, but there is limited access to training on how actually to prepare these documents, and what is done after they are prepared. We know that a deed is the vehicle to convey title to real estate, but students receive no practical instruction on how to prepare a deed or what should be contained in a deed. We learn of metes and bounds descriptions, but probably never encounter one until our first assignment as a city attorney where the municipality wants to acquire or vacate a small section of right of way. We learn in law school the basics of the law concerning planning and platting and zoning, but in practicality do not know the first thing about a plat; what it does or its legal significance.

The mechanics of a litigation practice is another area where I wish I had the benefit of a task-specific and practical education. I am embarrassed to say that I went through law school without taking a clinic class. My mistake. I was so concerned about learning all the substantive aspects of the law that I lost sight of the practicalities and implementation of what I had learned. I think it should be a mandatory requirement that every law student have some clinical experience before being "released into the wild". I had my first jury trial within a year after being licensed. I did not know the first thing about picking a jury, preparing and responding to interrogatories or taking or defending a deposition. These, in retrospect, are essential functions of the job.

I wish I had known just what a complex business it is to operate a municipality. In addition to the obvious: law enforcement, fire, emergency services, water/wastewater, refuse, street maintenance, parks and recreation, and zoning, there are many aspects of local governance that impact the municipal attorney, that are really only learned through practical experience and involvement. Areas such as municipal finance, particularly the sources of municipal revenues and how and under what circumstances such monies can be spent, are complex and are rarely taught institutionally. Bonding and the imposition of taxes are areas where some basic understanding of the process and legal implications would have been beneficial to the inexperienced practitioner of local government law. Before becoming a municipal attorney, I had never set foot in a city council meeting. Boy, was I surprised--and continued to be surprised--as time went on and I realized just how complex the business was, and how little practical knowledge or experience I really had.

The toughest lessons I learned, and the area where I often wished I had better training or a better understanding were in the realm of human resources. As a young municipal attorney, I was suddenly thrust into the role of leader as well. I was responsible not only for practicing law and ensuring that the activities of the municipality were conducted properly; I was also responsible for running a law department. The first major hurdle I had to overcome was how to properly prepare, submit and adhere to a budget.

Having no prior experience and even less training from my predecessor, I quickly learned about municipal budgeting and the budget submis-

Continued on page 32

sion and adoption process that was peculiar to the municipality I represented. On top of the budget concerns came the personnel issues. I was not prepared for the challenges involved in managing multiple personalities, all with their quirks and idiosyncrasies. I had a small staff that largely got along, but there were significant bumps along the way. It is one thing to know from a legal perspective the steps and requirements involved in human resource management. It is quite another to actually take those steps. The first time I had to counsel and discipline an employee was one of the most awkward moments of my career. I knew and understood the municipal personnel policy, and I understood the legal issues and ramifications of the actions I was about to take; yet the process of actually taking the action and imposing discipline on a member of my team was most difficult. I realized at that time that I personally had the ability to either positively or adversely affect the lives of other human beings. That feeling never left me and became part of the fabric of my representation of the municipality as well as forming the foundation for advice I gave to elected officials for the next two decades; particularly when the issues of disciplining and dismissing employees from employment were part of the conversation. I wish I had known about the personal cost of employment-related decisions. These costs and considerations go far beyond the legalities and mechanics of personnel decisions learned in law school.

I wish I had known the intensity of politics in local government life. I knew on an intellectual level that local government elections in my state were non-partisan. I came to realize quite soon that local governments were non-partisan in name only. Many of the elected officials I worked for had aspirations for higher office and were voting, supporting initiatives and taking action along party allegiances. Balancing the needs of the municipality, as presented by its staff of experts with the political realities of which party had the majority at any given time was a continuing challenge. Later in my career, when I became *de facto* city attorney for 100+ municipalities, a/k/a State League Counsel, I came to realize that "politics" is even more prevalent and its influence is stronger in smaller municipalities. Some of the most ruthless and cutthroat politicians I have ever known served at the local government level. I wish I had brought to that first job a true understanding of the depth of influence politics has at the local level.

Coinciding with my naivety concerning the politics of local government law was a lack of understanding of the legislative practice. Of course, I was familiar with the mechanics of transforming an idea into a bill and working the bill through both legislative chambers and up to the Governor for signature; but I was totally unprepared for the actual "sausage-making" process that takes place. There were countless committee hearings and delays where one party or the other would adjourn to caucus. There was the inevitable attempt to amend the bill even to the point that it became another idea. There was the endless debate and discussion of the bill and the questions that seemingly come out of nowhere. Finally, the helplessness that you feel when the bill is in the hands of a politician for presentation to the full chamber and who might not fully appreciate the nuances involved in the legislation. At this time, at least in my state, lobbyists and others are generally barred from the chamber floor, so I was unavailable to assist the member in answering questions concerning the bill . It takes great patience, perseverance and dedication to shepherd a bill through this process.

I wish I had fully appreciated the value of a mentor. In my state there are only a handful of municipalities that had full-time city attorneys. For the first few months I really felt alone and isolated. I felt so overwhelmed that I did not know what I did not know.

I was fortunate to have two very competent and "seasoned" city attorneys that were patient with me during my learning process. I will never forget and will always be grateful to Jay Burnham of the City of Farmington and Robert White of the City of Albuquerque. Without them, I would not have survived. Find a mentor and learn as much as you can from them. Trust their instincts, and let their wisdom guide you. It will serve you well in years to come.

Along these same lines is the power of networking. I wish I had known early on about the vast nation-wide network of municipal attorneys. Many of these colleagues have gone through or are going through the same trials and tribulations that you are experiencing. Do not be reluctant to seek out fellow municipal attorneys and ask for help. Put your ego on the shelf. I found out very early that we belong to a unique group of professionals who have no hesitation to help a fellow member of group. All we need to do is ask. Our group is also among the most patient and generous with their time. The people in this category are too numerous to name, but you know who you are. I hope that I can only begin to pay back the enormous debt I owe to members of this special group of lawyers.

Finally, even though research and analytical skills are so important to a legalcareer, what is more important is the ability to translate what we know as lawyers into plain English. A significant amount of what we do as municipal attorneys is to communicate, both orally and in writing, with people who lack the benefits of a legal education. We must do a better job of translating *legalese* into English to be successful in a local government career. ML