7 Pieces of Advice for Lawyers From Preet Bharara

Written by Teresa Matich

Preet Bharara is the former U.S. Attorney for the Southern District of New York. Serving in the position from 2009 to 2017, he's one of the nation's foremost experts on dealing with legal issues related to public corruption, civil rights, white collar financial crime, drug trafficking, and anti-terrorism. He's earned a reputation as one of "the nation's most aggressive and outspoken prosecutors," according to The New York Times.

Preet closed out this year's ClioCon with an insightful keynote, sharing how he handled complex prosecutions while maintaining the highest standards of personal and professional integrity.

In addition to that, Preet took some time to sit down with us to talk about what he's learned over the course of his career.

Here's what he had to say:

1. Find a balance between self-confidence and self-doubt

Lawyers are expected to be competent and confident in their knowledge of the law, and in how to find the answers to complicated questions, to represent their clients effectively. Sometimes, this can lead to lawyers developing a reputation for being arrogant.

They're also only human, and even the most high-achieving lawyers suffer from imposter syndrome.

Not surprisingly, Preet believes it's important to find a balance.

> "You have to have an equal combination of self-confidence and self-doubt. I believe that very strongly. You need to believe you have the ability to accomplish something, that you can get it done, and that you have good instincts. But too much of that makes you arrogant, so it's also important to remember that it's okay to have self-doubt. If you don't have some nervousness or self-doubt, that's a sign of complacence, not just a sign of arrogance. In many cases, you'll end up doing your best work if there's a little bit of fear and a little bit of nervousness."

2. Know the difference between toughness and effectiveness.

During a deposition, how do you, as a lawyer, get someone to share information with you?

Likely, it isn't through yelling or intimidation. It's by making the other person feel comfortable so that they'll tell you things.

Preet said that for lawyers, it's important to remember the difference between toughness and effectiveness, but that line can be harder to see than most might expect.

"It's easy for lawyers to get caught up in their own abstractions and in the competitiveness of the profession," he said. "They get caught up in this false belief that everyone has to be tough in a particular way. The other problem is, there's a lot of pretend in lawyering. If you have a crappy position in a deal, you have to posture to get a better negotiating position."

It might seem simple, but Preet said that the solution is to remember to be human. "Speak like a human being, act like a human being, listen like a human being, and make decisions like a human being," he said. "There's a lot of confusion between toughness and effectiveness. I don't think anyone's accused me of not being tough, but in my prior job, I never yelled or raised my voice at anyone."

3. Give feedback

When it comes to managing a team, Preet said that it's especially important to be clear when giving feedback and when explaining what you want. He gave this example to illustrate what he meant:

> "We had a very significant trial early on in my tenure on which the reputation of the office was at stake, my reputation was at stake, and obviously, the success or failure of the enforcement of the law was at stake. And I wasn't getting timely enough reports on what was going on. The supervisors in the unit of the people trying the case seemed to me like they probably were treating it casually ... So I went to talk to my deputy about it, and he asked whether I'd told them that's what I wanted. And I thought, 'well, no, they should have known,' but it's important to realize, not everyone can intuit what it is you want them to do."

Preet believes this is especially important for new teams:

> "If you're starting a firm, or if you're going in a new direction, there are no precedents established. There are no processes that have already been developed. In those cases in particular, I think you're going to want to be very specific with what you want."

Finally, he cautioned that it's easy to forget to give feedback when you work with extremely smart and talented people, and that it's important not to get complacent.

> "You're going to come across amazing people who get it. They'll follow your rhythm, and they'll know how much information you want, so they won't give you too much, and they won't give you too little. They're great, but they're also very rare—so don't count on that. You've got to tell people what you want, and you've got to tell people how they did after they've done what you asked for."

4. Hire smart people and ask for their advice

Preet is a staunch believer in the idea of having a brain trust, or a trusted group of close advisors. Lawyers are faced with tough decisions every day—whether in terms of their cases or in terms of managing a team or running a business.

As Preet explained, even if you're confident in your own ability to make the right decision 80–85% of the time, regularly consulting with trusted advisors can bring that accuracy up to 90–95%, which means you'll be running your law firm a lot more efficiently.

"I think it's important to deliberate," he said. "The best thing I did was hire the smartest people that I could, and then every time I was going to do something or make a decision, I consulted those people. And if only 10% of the time someone in the room said something like, 'you know what, that might not be a good idea,' that made us better."

What if you're a solo lawyer? Of course, there's plenty you can't talk about (the details of your cases, for example), but there's a lot more to running a law firm than just practicing law, and there are likely plenty of people in your life who can give you helpful advice.

"The people who will give you the best and most frank advice are the people you can't fire," Preet said.

5. Do the hard things and know they'll get easier

Whether it's taking on a difficult case, standing up to someone in power, or simply having a difficult conversation with another lawyer on your team, Preet's advice is this: Just dive in and do it the first time, and know that when you have to do the same thing again (and you will) it won't be so difficult.

"I've found that the first time you do something difficult, and it works out okay, it feels good," Preet said, "and like anything else, it makes it easier."

6. Remember that relationships are important

If he could go back in time to when he was in law school, Preet would tell his younger self how important relationships are. “If you’re a good person, and you treat people well, and you have a wider circle of people you know, then opportunities present themselves,” he said. In fact, many of the opportunities he’s had have come from places he didn’t expect:

> “A lot of the opportunities that have come to me have come from meeting good people, having good relationships with them, and not wanting anything from them. Life is long and lots of things happen. These opportunities have come about from sources that I didn’t think I would ever need anything from, because people remember what you were like with them.”

7. Embrace technology

When we asked Preet for his thoughts on technology and the future of the practice of law, his response was simple. “Lawyers should do a better job of embracing technology,” he said.

To give an example, Preet explained how, when he mentioned that he wanted to start his own Twitter account, many of his colleagues were skeptical—even though the Pope already had a Twitter account at that point.

“[The legal profession] is, by its nature, a very conservative profession,” he explained. “The whole idea of the law is incremental change. You have to pay attention to precedent. Precedents are binding on you, so you don’t just get to radically change things.”

However, Preet said that when lawyers adhere to this conservatism so strongly that they lose the ability to understand how technology works, it holds them back. Whether they’re missing out on ways to run their law firms more cheaply or efficiently, or whether they’re failing to adequately protect themselves from cybersecurity threats, lawyers who fail to adopt technology are missing out on key aspects of running a law firm in the digital age.

About Preet

Preet Bharara is an American lawyer who served as U.S. Attorney for the Southern District of New York from 2009 to 2017, nominated to the position on May 15, 2009 by President Barack Obama. Mr. Bharara's nomination was unanimously confirmed by the U.S. Senate, and he was sworn in on August 13. During his tenure, Bharara earned a reputation as one of "the nation's most aggressive and outspoken prosecutors," according to The New York Times. His office's case against SAC Capital, for example, resulted in the largest fine ever paid in the history of insider trading prosecution and served as the inspiration for the television series Billions, currently airing on Showtime.

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