

How to Start and Build a Law Practice 5th ed.

Jay G. Foonberg

(American Bar Association 2004)

Learn to Take Good Notes

In law school you probably took extensive notes looking down at your notebook. In practice you must look at your client to establish trust and confidence and the client's demeanor while you take notes, and you must look at witnesses while you take notes.

Unfortunately, you must keep good notes to protect both yourself and your client. You must balance between looking at your client and looking at your notes. Observe your doctor the next time she or he examines you. Note how the doctor both takes notes and looks at you.

The following tips may help you take notes while listening to your client and looking at your client.

1. Learn to use initials, symbols, and abbreviations. Some might be "Cl" for "client," "Atty" for "attorney," "H&W" for "husband and wife." Develop your own shorthand to fit your particular needs as you go along.

2. If the client or witness says something important, put it in quotes, quoting exactly what is said.

3. If you don't want to interrupt the client but want to ask more questions about what a client said or did, put a big circle or question mark or F/U (for "follow up") next to the comment.

4. Don't focus on your notebook, focus on the client or witness, breaking eye contact only when necessary to make a note.

5. Practice note taking. Turn on the television set and tape-record a news program. Look at the newscaster and make notes of what is important. Later play back the tape and see how complete or incomplete your notes are.

6. Taking notes on a keyboard or using a tape recorder while interviewing a client may distract or irritate the client. The client may feel you really aren't listening or paying attention to what he or she is saying. Clients want to be listened to.

7. When the client leaves, dictate into the tape or digital recorder or type out your handwritten notes, embellishing the notes with additional information you still remember.

8. Put a mark such as a star or a big "X" next to critical or important information.

9. Sample interview forms and checklists can be found throughout this book and should be used whenever possible. Use of checklists and interview forms give the client confidence that you know what you are doing.

10. When you take notes, the client will know you are listening to him or her and paying attention. From time to time, repeat or paraphrase what the client just said.