

BUSINESS & CAREERS

Preparing your associate for partnership



THE HEADHUNTER

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In what seems to be a never ending discussion on the merits of work-life balance, careers as in-house counsel, non-traditional practice and academic pursuits, it seems the profession has lost sight of those associates actually destined for partnership. In every graduating class, there are still a handful of bright, highly motivated young associates whose career path never wavers from the end goal of law firm partnership. While greatly prized by all firms, all too often, these rising stars are poorly managed and end up leaving for greener pastures, much to the frustration of their current firm's partnership.

What steps could firms take to better ensure future prospects have the greatest chance of success in joining their partnership? What follows are some key steps from partners who have had the greatest success in both attracting and transitioning star talent into the partnerships of their respective firms.

Make clear the benefits of partnership

One of the greatest challenges I see among senior associates is a lack of a clear understanding as to the benefits of partnership: how does it work, how important is it to have your own book of business, what is your reasonable growth potential, and how much can you reasonably expect to earn? Often, I meet associates who are assessing in-house or other non-private practice opportunities against partnership with a far better appreciation of their career options outside the firm

than within. As a result, many make poorly informed decisions about a crucial next step in their career.

As a partner with a vested interest in the overall success of your firm, it is important to take the time to give star associates better insight and context to properly assess their career options. The real benefits of partnership are often underappreciated by associates — being the revenue generator and business owner of a highly sophisticated professional services firm carries with it some significant benefits that many associates don't appreciate beyond the perceived increase to overall compensation; and even with compensation, some associates undervalue the potential upside partnership can bring over the longer term.

Have a clear, articulated plan

Assuming your associate is one you want to succeed and bring into the partnership, it is important to start the process early in preparing her/him for partnership admission. Help your associate understand the true criteria for admission beyond what is circulated in the generic admission criteria guidelines; what are the common elements of success? What billings do they need to be actually generating, is there an expectation of self-generated work, what additional contributions must they be making? Be as clear as possible with your associate as to what is expected of them. In doing so, you give them the greatest chance of success, but you also give yourself some clear outs in the event they don't meet the prescribed standard.

Ideally, from at least two years out from partnership consideration, you should be building a business plan with your associate to prepare them for their partner-

ship admission review. In many cases, the year before admission is the most important year, as these will be the billing numbers on which admission will be considered. Additionally, they should understand what other activities they need to undertake beyond billings — should they be speaking at more events? Writing more often? Should they have a personal marketing plan? Actively help them understand the criteria and build a plan around it, and measure their success against it in the years leading up to admission.

Constantly manage expectations

Of course, there may also be additional factors over which associates have no control, which may affect their partnership admission process. Balancing admission issues across offices, internal practice development goals, partnership ratios or even pure politics can all be real considerations beyond the control of your associate. The key here is to ensure they understand variables that exist beyond their control so they aren't surprised by their impact down the

road. If the circumstances are truly beyond their control, consider whether there is the ability to bonus or provide some other tangible benefit back to the associate should partnership not be achievable under the originally considered timeline. Clear communication on these points is crucial, as they have the ability to quickly undermine confidence in the firm if the message is not managed properly (or at all).

If not partnership, what else?

Equally important for your group's success is to properly manage expectations and careers of those associates not destined for partnership. Where practice groups develop a reputation for taking real ownership over all their associates it increases the probability you'll attract the best talent in the market. If an associate is better suited to in-house, government, teaching, or other professional

goals beyond partnership, help them identify this earlier in their career; nothing is worse than an associate who discovers the year before partnership admission they were never really "on track." While there may be a temptation to put off such a conversation for fear of awkwardness and/or hurt feelings — managed properly, this can actually be a positive for the associate and your group.

If associates recognize the firm has their best interests at heart, and genuinely wants to help them find their best career in law (perhaps even with a client), this will be quickly recognized in the market as a real positive for your group. This has two clear, immediate benefits: first, it gives you the best chance at attracting the best talent for your group (including future star partners). Second, it helps ensure those

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Great Recession lessons learnt the hard way

Economy

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eral counsel to get more value for legal spend, obviously contributes to an increase in value-based billing arrangements," Fleming said. "I wouldn't want to disconnect the two. Without [the downturn], the movement to value-based billing would not have been as quick or as effective."

There were layoffs during the recession, too, and for the staff who kept their jobs, the increased workload may not get lighter anytime soon, Ohnjec said. In some cases, he said that firms went from having one assistant

for every lawyer pre-recession, to one assistant handling duties for up to four lawyers.

Fleming believes that the downturn, in some areas, simply brought in changes that were destined to come for law firms.

"Law for many years lived in a sort of vacuum in the business community who said 'well, if we want efficiency measures to be introduced and to lower costs and increase productivity, we can't do that in the law department,'" he said. "Well, that is just not true."

"Suddenly, some of the barriers that existed for years just broke down."

For the modern firm, the change in the landscape has seen clients under tighter budget constraints looking for more value at a lower cost. Clients are expecting their lawyers to be more like partners in their business. This includes thinking like the client and gaining a deep understanding of how their business operates, according to the report. It concludes that lawyers emerging from the downturn will need business acumen in addition to legal skills.

"Firms are playing a more strategic role in their clients' businesses," Fleming said. "It is becoming more and more

important for lawyers to not only be good lawyers but to be sympathetic, empathetic members of a team with their clients in seeking solutions and putting deals together.

"The concept of partnering with your client is becoming much more prevalent in the business, and I think it's a good thing."

Certainly, the legal landscape has been forever changed by the downturn. But Ohnjec thinks that as the economy picks back up, at least some areas should return to a happy medium.

For example, with the ratio of support staff to lawyers, he

believes "the pendulum has to come back into the middle. Maybe one-to-one won't work but a four-to-one or five-to-one might be completely overwhelming the person and you won't be able to retain them."

"There were measures [the firms] felt they had to put in place to save costs and realized that just might work," he adds. "But I think it's probably a mid-way point once we continue."

With a double dip recession on the horizon Canadian law firms will have to keep the lessons from the recent Great Recession handy as they look forward to an uncertain end to 2011. ■

BUSINESS & CAREERS

Shopping, sex latest addictions hitting lawyers



ANNA GRECZMIEL

Shopping and sex. Sounds fun right? These things can be fun in moderation, but for many lawyers what starts out as a way to combat stress goes from relaxing to addiction.

Recently, lawyer assistance programs in Canada and the U.S. have been reporting new trends in addictions affecting lawyers, including more addictions to shopping and sex.

Shopping and sex are both recognized by mental health professionals as activities that can escalate into compulsive behaviours and addictions. The effects of these addictions can be just as devastating as alcoholism or drug addiction, and more awareness is needed in the legal community to help affected individuals seek care and recovery.

Often, by the time lawyers seek help for their problems, they may have suffered a

“ Recently, lawyer assistance programs in Canada and the U.S. have been reporting new trends in addictions affecting lawyers, including more addictions to shopping and sex. Shopping and sex are both recognized by mental health professionals as activities that can escalate into compulsive behaviours and addictions.

number of serious setbacks and damages in their professional and personal lives. It is for this reason that lawyers' assistance programs in a number of provinces are digging deeper and looking for new ways to reach out to lawyers earlier to let them know that help is available at all stages of their struggles. Prevention is the key to helping lawyers stay healthy and develop positive rather than negative coping skills.

A huge aspect of prevention is undoubtedly discussion and knowledge. When personal issues are discussed more openly and

accurately, individuals are more likely to evaluate their own lives. Also, people are less likely to pass judgement on themselves or others for their experiences or feelings. Normalizing the discussion of addictions and mental health will help immensely in prevention as well as recovery. Even with all the research that has been done and all the articles that have been published, misinformation and stereotypes unfortunately remain present when it comes to talking about addictions.

Try discussing sex addictions in a room

full of people and you will likely hear many different reactions; some may laugh, others may roll their eyes and some may suggest a common misperception that a sex addiction is simply an excuse for cheating. These reactions can be very difficult and shaming for individuals who have experienced a sex addiction. A sex addiction is when an individual's healthy need for intimacy becomes a compulsion, and therefore it is often up to the individual to identify and seek help for their behaviour when it becomes problematic.

Sex addiction is much like many other addictions, in that the part of the brain affected by addiction (the midbrain) equates the addictive substance or process with survival. Sex and romantic relationships relieve stress and anxiety, as well as create feelings of pleasure and excitement. When an addiction is present, the mid-brain works to shut down or mute the frontal cortex of the brain, which produces reason, judgement and morality. This results in compulsive and sometimes dangerous behaviour in an addict to fulfill its "survival" needs, or in the case of sex

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Give associates clear advice, path

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associates who aren't ultimately destined for law firm partnership continue to work hard and are attracted to your group, as they will believe the firm has their longer term best interests in mind throughout their time at the firm.

Be honest

Finally, perhaps the most important advice is to be honest. Good associates understand there is a period of their career where they are still honing their craft and developing their skills as a lawyer, and appreciate there is a period of paying their dues within the firm. What tends to cause the greatest amount of frustration is not

understanding their path, or more commonly, not understanding the criteria by which their path is being evaluated.

Helping associates understand these issues in an honest, forthright manner will not only give you the greatest chance of success in keeping your best talent motivated and at your firm, it will also create opportunities to attract those from firms where such steps aren't being taken. ■

Warren Smith is a managing director with The Counsel Network, a lawyer recruitment and career consulting firm. He is also the only Canadian elected to the Board of Directors for the National Association of Legal Search Consultants (NALSC), North America's leading legal recruitment industry association.

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