

Good Night, Sweet Prince

“**S**herwood, you’re looking a bit pallid.”
“I just ran into Joe, gave him the news, Annabelle.”

“Joe who and news what?”

“Joe French, you know, we decided that we had to let him go.”

“Let him go? He was free to go anytime, without you letting him. You mean you fired him, don’t you?”

“Yes, I guess I do.”

“I know it’s tough for you to fire people, Sherwood, now that you’re in charge of associates as well as hiring. But you may as well face up to what you’re doing without trying to sugar coat it.”

“You’re probably right, Annabelle.”

“You said that you ran into him and gave him the news. I hope you didn’t tell him in the hall.”

“No, of course not. We ducked into an empty office and I told him there.”

“But what if somebody had walked in on you?”

“Not much chance of that, it only took a minute.”

“You just said, ‘you’re fired,’ and left?”

“No, of course I didn’t say ‘you’re fired.’ I was far more sensitive than that. I said, ‘Joe, things are not working out for you here, and so you’re going to need to move

on to something else.”

“Oh, good work, Mr. Sensitivity.”

“Did I do something wrong?”

“How did you know it was only going to take a minute?”

“I was on my way to another meeting, so it couldn’t take more than a minute. In fact, I was a bit late already.”

“Well, what if Joe had had some questions?”

“He did have some questions.”

“And you just walked out on him?”

“I didn’t walk out on him. I explained that I was late for a meeting and that maybe we could talk about his questions later this week. In fact, I told him to give my secretary a call to set up a time.”

“You do have the personal touch, don’t you Sherwood?”

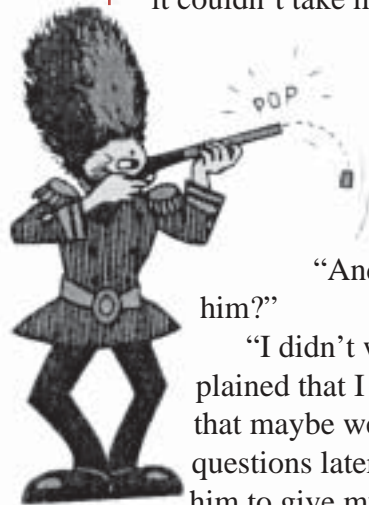
“I don’t understand what you’re so upset about Annabelle. Some bad news had to be delivered to Joe, and I did it.”

“Don’t you think you might at least have planned this a little better?”

“What sort of planning did you have in mind, Annabelle?”

“Well, for starters, you might have at least set aside a bit of time for the meeting.”

“As I told you, it didn’t require a lot of time.”



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Carol's Column

This column draws on Carol Kanarek's unique perspective as an advisor to law students and consultant to large law firms. Carol can be reached at 212-371-0967 or ckanarek@aol.com.

Most of the elite law schools are now experiencing a drop in charitable contributions for the first time in a decade. Consequently, creative development officers at these schools are increasing the intensity of their efforts to reach into the deep pockets of large law firms by offering “partnering” opportunities with their schools in exchange for hefty sums of money. At the same time, many of these schools are working at cross purposes with the firms they are soliciting for donations by subtly—and in some cases, not so subtly—discouraging their students from preparing for success in commercial practice. Indeed, at many schools, the proportion of course offerings that could properly be characterized as “law” rather than “social science and the law” has dropped dramatically in recent years.

This combination of factors provides an opportunity for law firms to make a positive statement to both the administrators and the students at these schools by earmarking their contributions in creative ways. Some of the possibilities a firm might consider include:

- Endowing a chair for a professor to teach a particular business law course
- Providing funding for a moot court competition on a business law topic
- Subsidizing a business law review or symposium
- Underwriting the expenses of a clinic to provide legal assistance to owners of small businesses

These sorts of donations also provide branding potential for a firm by associating the firm's name with a specific school program or project that will attract the types of students the firm hopes to recruit. By engaging in creative “checkbook advocacy” a firm can insure that it's money is used in a manner that is not in conflict with its own interests—and provides benefit to the students as well.

clientSell

This crassly commercial section ballyhoos a consulting service, which could prove very useful to you (and, of course, profitable to me). Here's this issue's suggestion. Call (847) 864-7657 or e-mail arnie@kanterprofessional.com if you're interested.

On the assumption that regular readers of this publication have a more developed sense of humor than the average large law firm inhabitant, I thought you might want to know about the publication of my sixth satirical book on law, entitled THE HANDBOOK OF LAW FIRM MISMANAGEMENT FOR THE 21ST CENTURY, which chronicles further the exploits of the fictitious law firm of Fairweather, Winters & Sommers. If you wish to order a copy, please contact the publisher, Rob Wechsler, at sales@catbirdpress.com. These would make amusing gifts for your summer associates and firms who might be interested in bulk purchases should contact Rob about available discounts.

For those interested in more conventional consulting services, take a look at www.kanterprofessional.com.

A Matter of Fact

The world of lawyer recruitment and management often seems so nebulous that it's comforting to hear a good, hard fact once in a while. Here's this quarter's fact:

The pending litigation involving admissions policies at the University of Michigan Law School have illuminated some discouraging statistics regarding the admissions of black students to law schools. The Law School Admission Council brief in the case says that there were 4,461 applicants to law school who both scored 165 or higher on the LSAT and also had an undergraduate grade point average of 3.5 or more. Of these, only twenty-nine applicants were black. This is grim news indeed for firms seeking to increase the number of attorneys of color in their firms if the effect of a Supreme Court decision turns out to be to push law schools back to relying even more heavily on these numerical criteria.

The Longer View

Most people involved with recruiting and managing lawyers feel they have enough to do dealing with what's on their plate today. This column will try to stimulate you to view things on a longer continuum, and to look to the future.

Too many firms just go through the motions in associate reviews. Here are some questions that you might consider asking your associates during a review that may elicit useful information. Of the work you did during the past period, what best exemplifies your abilities as a lawyer? What best exemplifies what you have learned or how you have progressed since the last review? What should we know about you that we would not or might not otherwise know? This latter question leads to a firm learning about special circumstances in the associates life and practice that they might not otherwise be aware of.

You also need to keep track of programs from one review to the next. Each review after the first should start with exploring what programs were made on the issues that were raised at the last review.

Ask Arnie

Please submit your questions about recruitment or life. The swami will reply.

We all recognize that one of the things that makes a summer program very successful is a bonding between summer associates. Is there a way of facilitating that bonding?

Yes. A number of firms have summer associates participate in a joint pro bono project during the summer. At least two firms have had summer associates participate in Habitat for Humanity building projects. These firms report that these experiences are very helpful in having summer associates bond. They also send the message to students that this type of pro bono activity is supported by the firm. Of course, there are many entities other than Habitat for Humanity who would be happy to receive this type of support.



The Whole Truth

In interviews at firms around the country, I'm often struck by the way lawyers say things to me. Because I think they help bring home some truths, I use quotes in my reports.

The partners seem to have little incentive to train associates; those who cannot do the tasks this time would not be asked to do them again. The partners need to decide that associates are long-term investments; not short-term workers.

You don't know where you stand. You don't know if your work is good or not. That's part of the reason people leave. It's hard to make decisions to stay or leave without feedback. There are a lot of paranoid people because of that, with low self esteem.

Other junior associates at large firms take depositions, appear in court, etc. (albeit on smaller matters); hardly any junior associate (1-3 years out) does that here. Waiting 3 or 4 years to take a deposition or appear in court is too long! This is my No. 1 concern. I am not learning the skills I need to become the lawyer I know I can be.

Training has been nonexistent. I view training and career development as the single most important factor and am appalled that there has not been a single minute of training for new business associates. Training should take place on a regular basis so we can always be improving our skills as lawyers.

You'd like to feel that if you leave after four years you've gotten to where you should be in your development in four years, whether or not you ultimately make it.

A little constructive criticism once in a while would be nice. It is only on the rarest of occasions that I am told whether my work product needs improvement and how it may be improved. Partners should try to take the time to evaluate an associate's work product at the time the associate does the work (the annual reviews, which are vague at best, are not helpful).

It is surprising to learn, up to fifteen or sixteen months after the fact, that one assignment was handled brilliantly, or another unsatisfactorily. Although it is time-consuming, much more attention needs to be devoted to giving feedback as assignments, especially major ones, are completed, so that we can modify our conduct as we learn what works and what does not.

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“Well, evidently Joe thought it required more time. He had some questions.”

“And I’m going to answer those questions.”

“As soon as Joe calls your secretary to set up a meeting, which may be sometime this week, if you’re able to squeeze him in.”

“Of course I’ll ‘squeeze him in’ Annabelle, what are you talking about?”

“I’m talking about the impression that you gave Joe. You pull him into an empty office, tell him he’s fired and then when he says that he has some questions you tell him that you don’t have time to talk, to call your secretary for an appointment. He’s given the firm three years of his life, and you’ve made him feel as if he’s the least significant thing on earth.”

“I see what you’re getting at, Annabelle. I suppose I may have come off that way a bit, but there really wasn’t a big rush. Joe will get answers in plenty of time.”

“No, I see that there was no rush as far as you’re concerned, but there may well have been from Joe’s standpoint.”

“Why would there be?”

“I’ll tell you why. Joe’s married and has a small child. He and his wife recently bought a home. Don’t you think that he might like to know whether he’ll be getting some severance pay and, if so, how much? And isn’t it just possible that he’d want to know how long he will have to find another position? These are things he may want to discuss with his wife, when he gets home tonight.”

“I guess that’s right, Annabelle. I’ll have my secretary give him a call to see if we can’t get together yet today.”

“Instead of having Roberta call, why don’t you pick up the damn phone and call him yourself, Sherwood? It will take you thirty seconds longer than it would to have Roberta do it, but, what the hell, splurge. After all, you’re only going to fire Joe once.”

“You seem awfully exercised about this, Annabelle. Why is that?”

“I think it’s because it’s typical of some of the things that go on around this place that frustrate me because they’re so damn stupid. You’re running a multi-million dollar business. You spend huge sums of money on salaries, perks and parties, but when it comes to doing the simple human things

that don’t cost you a dime and that matter much more to people, you don’t do them.”

“Well, you may be right, Annabelle, but I do think that you’ve picked a rather poor example here.”

“Why is this a poor example?”

“Well, granted that I could have handled this thing with Joe a little better, but it’s all going to get straightened out by the end of the day. And, even if it didn’t, Joe is, after all, going to be leaving the firm. So it’s not exactly going to have lasting impact.”

“First of all, it’s only going to be straightened out by the end of the day because I happened to catch you. And second of all, second of all…”

“Yes, second of all, Annabelle?”

“Second, you just don’t get it, do you Sherwood? You just plain don’t get it.”

“I just plain don’t get what?”

“Sometimes I think ‘anything.’ You say that this is not going to have lasting impact. Doesn’t Joe have good relations with several large firm clients?”

“Yes, he does.”

“So he may wind up becoming a client of the firm. And, if that does happen, don’t you think that he may remember the way he was treated when he was asked to leave, and that that may have an impact on where he directs his legal business?”

“I suppose it could. And even if he doesn’t wind up with a firm client, he could wind up with another potential client.”

“That’s right. But let’s suppose he doesn’t wind up as a client. Don’t you think that Joe has a lot of friends here among the associates?”

“I’m sure he does. He’s a hell of a nice fellow, Joe.”

“And I suppose some of his associate friends are folks the firm is hoping to keep around for the long haul.”

“Absolutely.”

“I don’t imagine those folks would be too happy to learn the way their friend Joe was treated when he left.”

“Y’know, Annabelle, I’m beginning to think that you’ve got a point here. I’m going to call Joe myself, take him to lunch and apologize for the way I behaved.”

“You are a prince among men, Sherwood.”