

Onward and Ever Upward

“Why so glum, Sherwood?” asked Annabelle Under-Appreciated, who, in lieu of a raise in these tight economic times in which profits per partner at her prestigious law firm had dipped perilously close to the \$1,000,000 level, had recently been rewarded with the title, “Director of Almost Everything,” her sixth new title in the past four years.

“We placed fourth in The American Lawyer mid-level associates survey.”

“Fourth? Why that’s terrific, Sherwood. Last year we weighed in at 128th. I know that you’re a perfectionist, but you can’t expect to jump from 128th to first in a year. I think you should be pleased as punch.”

“I guess I wasn’t very clear, Annabelle. We were fourth from the *bottom*, and since there were 23 more firms this year than last, we actually dropped 22 places in our absolute ranking. But you know how full of holes that survey is; we ought to be able to explain to law students that this shouldn’t affect their decision to join our firm, right?”

“Yeh maybe. But it’s less easy to explain to our own mid-level associates who ranked us 150th in the nation how this shouldn’t affect their decision.”

“What decision? They’re already here, and in this economy, their chances of leaving aren’t exactly brilliant.”

“Not today, Sherwood. But we’re seeing

signs that the economy is turning around. Our corporate practice is up, and bankruptcy work is down.”

“How did you know that?”

“As Director of Almost Everything I’m now privileged to see all the reports that nobody else in the firm has any interest in.”

“Oh, yes, congratulations again on that promotion.”

“Thanks, Sherwood. As to the survey results, why not try something radical: admit that the survey may indicate that there’s room for improvement and try to address the issues.”

“Interesting thought.

It never occurred to me. But it may be too radical for my partners. Anyway, we don’t know what the problems are, exactly.”

“I suppose one approach to identifying the problems might be to try an upward evaluation, let the associates evaluate the partners on their management skills?”

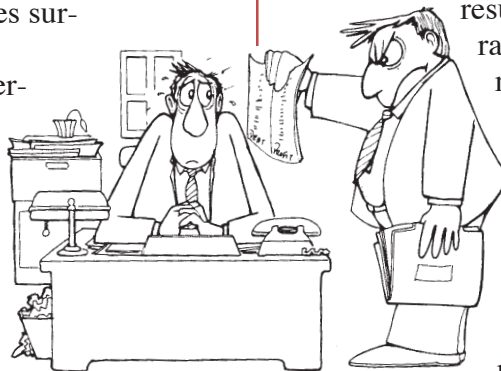
“What is this, camper/counselor day?”

“What’s that, Sherwood?”

“Well, at the overnight camp I went to, one day a summer the campers got to be the counselors.”

“I don’t think that’s what we’re talking about here. The campers, I mean associates, would not get to be the partners, they’d just have an opportunity to tell them what aspects of their management efforts might warrant improvement.”

“So we’re letting the inmates run the



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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.

After a hiatus of several years, many large firms are once again dipping their toes back into the lateral hiring pond, only to risk having them bitten off by piranhas masquerading as experienced associates. The unfortunate fact is that lots of highly-credentialed third to fifth year associates are looking for firms where they can continue to enjoy the same leisurely work style that they came to expect during the long post-9/11 slump. Until very recently, many of them had never worked late nights or weekends; consequently, demands by their firms that they actually bill 2000 (or more) hours this year strike some of them as unreasonable. And headhunters – who've had some mighty lean years themselves – are eager to spin tall tales about your firm that may or may not be true in order to lure these malcontents to your “kinder and gentler” place of business. So how do you separate those who are hungry for opportunity from those who will put up a fight to avoid doing real work? Here are a few ideas:

1. When the candidate has been introduced to your firm through a headhunter, ask what he or she was told about your firm that piqued their interest. The answers to that question can be quite revealing.
2. Include your valued (not burned out or second string) senior associates as an important part of the hiring process for junior to mid-level laterals. Encourage them to sell the positive aspects of your firm's practice and culture, but to be candid about work hours expectations. Candidates are likely to be more honest with an associate than with a partner about their reasons for wanting to change firms, and these conversations may help you to avoid some expensive hiring mistakes.
3. Always do a reality check of any prospective lateral by having the person interviewed by a partner in another practice group. This minimizes the risk of “panic hires”.
4. And finally, don't overlook associates who are currently unemployed. Many of them were laid off for purely economic reasons, and those who want to be back in a large firm often have the “fire in their belly” that their underemployed colleagues may lack. An added advantage is that these lawyers can be offered temporary positions, so that you can check out their performance before committing to them for the longer term.

Are You Serious?

I firmly believe that recruiting and managing lawyers effectively requires a (sick?) sense of humor. This space is reserved for humor. Please feel free to send in your contributions.

The following email was sent to all attorneys by an associate on his last day at the firm:

As many of you are aware, today is my last day at the firm. It is time for me to move on and I want you to know that I have accepted a position as “Trophy Husband”. This decision was quite easy and took little consideration. However, I am confident this new role represents a welcome change in my life and a step up from my current situation. While I have a high degree of personal respect for _____ as a law firm, and I have made wonderful friendships during my time here, I am no longer comfortable working for a group largely populated by gossips, backstabbers and Napoleonic personalities. In fact, I dare say that I would rather be dressed up like a piñata and beaten than remain with this group any longer. I wish you continued success in your goals to turn vibrant, productive, dedicated associates into an aimless, shambling group of dry, lifeless husks. May the smoke from any bridges I burn today be seen far and wide.

And the firm's response:

Some of you may have seen or heard about a widely distributed email sent by a former ___ associate in our ___ office. For the obvious reasons, the Firm plans no response at all.

However, since you may be asked questions about the email, we wanted you to have some background information. _____ was an associate in our _____ office. He left the Firm by mutual agreement. He is obviously very angry about that outcome. The wide distribution of the email is unfortunate, but it's just the nature of the email culture in which we live...people have a taste for the sensational (the email that is, because the circumstances surrounding his departure were very unextraordinary) and the means to distribute it widely. Nonetheless, we wish _____ 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. Additional consulting services can be found on my website at www.kanterprofessional.com

The exit interviews I have done for clients have not occurred immediately upon the associate leaving the firm. I have found that associates are often in a swirl of emotions at that time and unable to think as clearly and as objectively as possible about their experiences. Waiting anywhere from six months to a year after the departure allows for a more reflective discussion. The associate will then have experienced another work setting for a period of time and will be able to compare the strengths and weaknesses of her new position with the position at your firm. Also, doing this on an annual basis allows you to compare the reactions of many associates who have left the firm to see if common threads emerge.

Even after having left the firm, many associates are reluctant to "burn bridges" by criticizing aspects of their experience, so utilizing an outside consultant is valuable in getting the most candid responses. That consultant will also be able to help you assess the reactions of your former associates in the context of his or her broader experience with other firms.

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.

Learn from experience. When associates leave your firm, set up a system that will allow you to identify the reasons they are leaving, why they have failed (if they have failed) and what suggestions the associate may have. Keep track of this information and review it over a period of time to see whether you are improving. Taking the time to do this systematically and sensitively may also cause the associate to leave the firm in a frame of mind that is friendlier to your firm. Consider using a person from outside the firm to help you to gather this information in a way that will assure candor.

Ask Arnie

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

How can you make an in-firm interviewee more comfortable at the beginning of the day?



This is an important question. It's critical for both the firm and the interviewee that the interview day get started off on the right foot. An interviewee who starts the day nervous may never recover his or her composure, thus depriving the firm of an accurate look at the candidate.

The best way to get the interviewee to relax is to have the on-campus interviewer greet the interviewee and spend a few minutes with her. The interviewee will welcome seeing a friendly face and somebody she will know is in her corner.

You may then want the interviewee to spend a little time with your recruitment director. In order to level the field, give interviewees the names, biographies and photographs of the interviewers they will be speaking to that day. Alternatively, consider starting the interview day with a half hour meeting with the hiring partner in a conference room, with a buffet breakfast.

Idea of the Quarter

To help to distinguish your firm from others, expend a little effort contacting prospective summer associates between the time of the on campus interview and the time that they arrive at the firm. Exactly how you do that or what the substance of your contact might be is less important than having made the effort. The objective of this contact should be to attempt to precondition the prospective new summer associate favorably towards the firm prior to the in-firm interview. Simply having the on-campus interviewer contact the student to say that he or she is pleased that the student is coming in and perhaps making an effort to ascertain what would make the visit most valuable to the law student (other than, of course, receiving an offer) may be all you need to do.

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prison?"

"Sherwood, again you seem to be missing the point, though I think the analogies you're drawing to associates as 'campers' and 'prisoners' may be worth exploring. Do you think that's a healthy way to view associates?"

"Oh, I don't really view them that way, Annabelle. It's just my colorful way of speaking."

"Well I certainly appreciate your colorful speech, Sherwood, it brightens my every day. And I'm sure you don't *consciously* view associates as campers or prisoners"

"Wait a minute, here, are we talking Freud? Because, if we are, I get Freuded-to-death at home by Lucille."

"Okay, Sherwood, I won't Freud you anymore, but what's wrong with letting associates express their views on partners' management practices?"

"For one thing, I don't think you'd get candid views. Associates would be scared to death that their views would be held against them by partners."

"Unfortunately, I think you're right, Sherwood. That tells you something about relationships between associates and partners. We'd need to guarantee that the associate reviews would be confidential."

"But then some associate could just have an axe to grind and knock a partner for no good reason."

"I think that most associates who fill out upward reviews would do so honestly and in good faith (just as most partners do with respect to downward reviews)."

"That's probably right, but associates might be wrong in their assessment of a partner, or misunderstand their actions."

"Oh, and I suppose that never happens in a partner's review of an associate, Sherwood?"

"No, I wouldn't say that, but there does need to be some protection for the partner."

"I think you're jumping ahead of the game, Sherwood. There may be no reason for protection."

"Why not?"

"Well, there would be a need for protection only if the results were being shared with management and used to affect the partner's compensation. We haven't decided that yet."

"You mean you'd do this and not share the results with management? What would the purpose of that be?"

"I'm not saying that we *should* do that, but it's at least a possibility. The purpose of doing the upward review, then, would be developmental, to give

partners some candid feedback that may help them in their relationships with associates."

"And you think that would be worthwhile?"

"It certainly might. For one thing, managing associates well is in partners' self interest. Beyond that, I think most of your partners would like to feel that they are doing a good job of managing associates. Many of them may be doing things they're not aware of, or at least not aware of the impact it's having on associates. Pointing that out to them could be very beneficial, even if it were not shared with management. You might try doing it that way the first time and then switch it, if you were to do the upward reviews again."

"How would we assure the confidentiality of the process, because that's key."

"I think you're right. You'd want all of the information to go to an outside party and be compiled there. Then that information would go to whomever the firm decided should get it—only to the partner, to the partner and certain members of management or perhaps to the partner and a coach."

"A coach?"

"Yes, we talked about how partners may not be aware of some of the things that they are doing. They may also not be aware of strategies for addressing the concerns. An experienced coach could help with that. Remember you talked about associates with axes to grind or whose answers may not comport with the partner's self-image?"

"Yes."

"Well, where a particular answer appears to be inconsistent with the partner's self-image or the views of other associates, the question for the partner (or coach) to ask is 'Are there behaviors of mine that might have led an associate to feel that way?' If the answer is 'no' the comment may be off base. Where several associates come to the same conclusion, though, the 'axes' are almost always worth attention. At that point a coach can help to identify strategies consistent with the partner's working style to help address the concern."

"I don't know, Annabelle, maybe this is worth thinking about after all. I'm sorry if I overreacted to being Freuded-to-death."

"No problem, Sherwood. The fear of death is a powerful force, often prevalent in dreams. If you would care to talk about your dreams, you know my extension. And, as Director of Almost Everything, dreams fit within the purview of my responsibilities."