

## You Can't Teach a New Dog Old Tricks

“**W**hat are you stewing over, Sherwood?” Annabelle Under-Appreciated asked her favorite hiring partner.

“Oh, it’s not a big deal. I’ve just run into this situation, and I’m not sure how to handle it.”

“Can you give me more of a clue than that? Maybe I can help.”

“Sure, Robin Freeman has this opportunity to spend a couple months working in the business of a large international company who could become a client of the firm down the road.”

“Sounds good, let her do it.”

“I’m afraid that we’re not as decisive around this firm as you are, Annabelle. It’s complicated, and I need some advice.”

“I just gave you some, Sherwood, in case you didn’t notice.”

“No, I noticed. And I’m not suggesting that your advice isn’t the right way to go. In fact, I think it is. But I can’t just tell my partners that I went ahead and did it on your advice.”

“Need to cover your butt a bit better than that, Sherwood?”

“I suppose you could say that, and you wouldn’t be entirely wrong, but it’s more than that. I need somebody experienced to help think this thing through.”

“Well, why don’t you go to Wayne? He’s the managing partner, isn’t he?”

“Yes, but he’s not an entirely disinterested party.”

“And why’s that?”

“Well, you see, if Robin were to leave and eventually bring in this company as a client, there’s a question as to who would

get the credit for that, and Wayne might feel that he has an interest in the outcome of that.

Also, Robin is in my practice group and, since our area hasn’t been that busy, he might see this as an attempt to make our

numbers look better by reducing our expenses.”

“I’m not sure I’m following all of this, Sherwood.”

“Well, that’s understandable because it’s...”

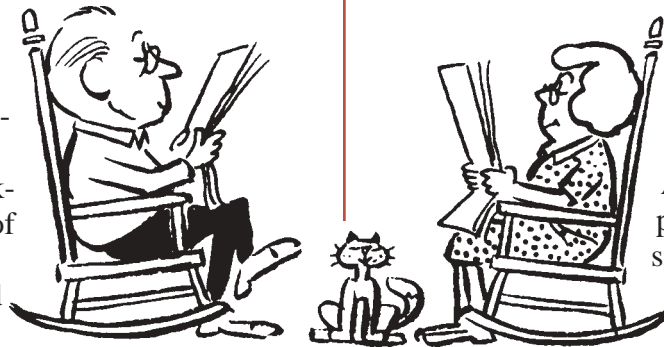
“Complicated.”

“Exactly.”

“But things have always been complicated, haven’t they, Sherwood?”

“I guess that’s right.”

“And yet, somehow, I remember that when I first started here, things got resolved without all of this agonizing. And, as I recall, it often used to get resolved by talking with the managing partner, or one of the other senior partners.”



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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](mailto:ckanarek@aol.com).*

Prior to the last round of associate salary increases, large law firms routinely allowed passed-over senior associates at least a year to secure new employment. Consequently, very few of those lawyers were unemployed when they left their firms—even during the grim years of the early '90s. Now, however, firms commonly give all departing associates the same brief ninety-day severance period, regardless of their tenure with the firm. I am confident that this is one austerity measure that will have negative consequences far outweighing the immediate cash savings it yields.

Bear in mind that these senior associates have demonstrated precisely the traits that you are seeking in your junior lawyers: a strong work ethic, and a loyalty to the firm that enabled them to resist the siren songs of the dot-coms and other attractive nuisances of the mid- to late-'90s. Many of them are victims of the class years in which they entered the profession; had they come up for partner in 1998 or 1999, they would have hit the jackpot.

Junior associates are not unaware of the sacrifices these senior associates have made for the firm. Seeing their senior colleagues abruptly "disappear" without forwarding addresses will only incentivize the juniors to cut and run, for fear that they will face a similar fate a few years down the road. Unless your firm has experienced a substantial drop in profits per partner, I strongly recommend that associates with at least six years of tenure be given no less than six months of paid time to find new employment.

You may be able to extend the period you retain associates beyond six months, with a bit of creativity. Consider the following: (1) offering to pay associates half salary for a year, rather than full salary for six months; (2) transitioning lawyers to work a three or four day week, with a commensurate drop in pay or (3) temporarily redeploying departing senior associates into the oft-neglected or non-existent "knowledge management" area of the firm.

In addition to the enormous morale value to be derived from this fair treatment of your senior associates, your firm may reap an unexpected benefit; before the end of the extended severance period, work may have picked up to the point that you may decide to retain some of these folks after all.

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## 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.*

Here's an excerpt from a "Plaintiff's First Request for an Interview" that has circulated around the legal world. Clearly the petitioning law student has one attribute that firms are looking for - motivation.

As a young adult, I am not bogged down by personal considerations that tend to distract even the best employees. If hired, I would be willing to do anything within the ethical guidelines of the Model Rules of Professional Conduct (and any relevant state ethical guidelines) necessary in order to serve as the best possible advocate for \_\_\_\_\_'s clients. I am mature enough to recognize that the viewpoints of my clients do not necessarily reflect my own beliefs. I am unconcerned with whether \_\_\_\_\_'s client is a murderer, rapist, corrupt business executive, credit card company, insurance company, or an indigent migrant worker who was injured at the tail end of a 16 hour shift by a teenage drunk driver. I understand that my role in \_\_\_\_\_'s would be to serve the firm's clients with zealous advocacy to the best of my ability and that is exactly what I would do.

I am utterly unconcerned with having any sort of personal life outside of the office. I would work 100 hours a week, 52 weeks a year if required. I do not feel that collecting fees for 3000 hours of work (not merely "billing" but "collecting") my first year would be unrealistic, so long as the work is available. While I have no interest in "face time," that is sitting around the office doing nothing just because everyone else is there, so long as there are pressing client demands and money to be made, I will work nights, weekends, holidays, vacations, whatever. If my mother's funeral was the day of a key deposition, I would do the eulogy via teleconference after the deposition. If my wedding was on the date of a key trial, the wedding would be postponed. If the wife-to-be did not like it, I would inform her that work comes before EVERYTHING ELSE and that if she does not like this, she is free to find a competing husband. Please understand that if I do not see the light of day (arrive at work before the sun comes out, go home after it is pitch dark) for the next 30 years, if I have to eat all meals in the office or even sleep in the office, I would accept that opportunity eagerly, with open arms and with a big smile on my face.

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## 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](mailto:arnie@kanterprofessional.com) if you're interested. Additional consulting services can be found on my website at [www.kanterprofessional.com](http://www.kanterprofessional.com)*

Too many firms are in a rut. They do whatever it is they are going to do this year because that's what they did last year. They make modest adjustments from year to year, but they never ask the question of whether what they've been doing for the last five or ten years makes sense. They never consider whether shaking things up a bit might not reenergize their recruitment efforts. They never try to look beyond their own firm and lawyers. With seven years on a large law firm hiring committee, twenty years of consulting experience and more than forty conferences I've chaired under my belt, I can help you take a fresh look at your recruitment efforts that may both save you a lot of money and improve your results.

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## 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.*

We need to get our arms around who we are.

We need to generate a public enthusiasm within the firm for the firm and where it is headed. If we don't have that, you're never going to generate the enthusiasm in law students.

You don't do it [generate support for the firm] by saying here's your budget and you'd better make it. You don't beat people over the head with it with heavy-handed threats. You've got to be there for people and, if you do, they will go the extra mile for you without complaining.

Recruitment used to be an extremely high priority in the firm. Some time in the last ten years, it became a commodity business - "We've got to have 10 or 12 bodies" - and ceased to become a priority.

There's a lot of talking the talk, but when it comes to walking the walk people claim they have a twisted ankle.

We need to build a cultural commitment to recruitment.

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## 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.*

The need to manage associates effectively has become increasingly important to law firms. One large firm has decided to invest in sending all of its practice group heads to a special one-week training session at a prominent business school that will teach them how to manage associates more effectively. This firm then intends to hold these practice group heads responsible and accountable for the performance of their associates and for attrition among associates in their practice groups.

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## 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:*

If you have any doubts about the growth in size of the legal profession, consider these numbers taken from The American Lawyer's Global 100. Twenty-six firms had gross revenue exceeding \$500,000,000 (five of whom exceeded \$1 billion), twenty-one firms had more than 1,000 lawyers and twenty-eight firms' profits per partner exceeded \$1,000,000.

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## Idea of the Quarter

In your practice, you develop experts in various areas. Do the same thing with your recruitment efforts. Develop experts in different phases of recruitment, including: contacts with law schools, the law school interview day, the in-firm interview day, lunches and dinners, follow up with students and various aspects of the summer program. Assign one member of the hiring committee to explore each area and learn what other firms are doing in those areas, and to take charge of your firm's efforts.

(con't from pg. 1)

“Yes, we seem to have lost that ability, and I’m not sure why.”

“Well, I can tell you why, or at least I can guess.”

“I’m all ears.”

“How old is Wayne, Sherwood?”

“I’m not sure, maybe 47, or 48. Why, does that matter?”

“And how old was Ralph Kinder when he was managing partner?”

“Oh, I guess Ralph was managing partner from the time he was 68 or so until he was 75.”

“And Joe Gentler, before him?”

“I’m not sure, but I’d say around the same age as Ralph.”

“So, Kinder and Gentler were a good generation older than Wayne, right?”

“Yes, I guess they were.”

“And we’ve pretty much lost that generation altogether, haven’t we? I mean when Ralph and Joe were around there were plenty of other partners around their age, and ten or fifteen years younger. Now how many partners are there older than Wayne?”

“Not very many, now that I think of it.”

“That’s right. You walk down the halls now and this place looks like an investment bank, not a law firm. There are precious few people who look like the counselors that we used to have. In a sense, we don’t have any senior partners.

“That’s right, most of them have retired.”

“Retired, my foot. They’ve been pushed out, haven’t they? Treated as dead wood, de-equitized, whatever you want to call it.”

“I think you’re being a bit harsh, Annabelle, but certainly the economic times have changed. What would you have had us do, keep all of them around, watch our profits per partner drop and then see some of our most productive lawyers leave?”

“No, of course not. What I am suggesting is that the decisions you’ve made are, to borrow a phrase that you seem to favor, complicated. In fact, more complicated than simple economics might suggest.”

“By which you mean?”

“By which I mean that it may be that you and your bevy of accounting experts can do the math. So, if a senior partner—let’s call him Sherwood - is generating business of X dollars, has a draw of Y dollars and expenses of Z dollars, then he is lowering the profits per partner. But when you lose Sherwood, you lose more than just a dollar figure. You lose his experience, you lose his wisdom, and

you lose his ability to resolve a question like the one you have described with Robin. You lose him as a mentor to associates and, perhaps more importantly, as a mentor to partners.”

“You make some good points, Annabelle, but, uh, I wish you wouldn’t refer to this guy as ‘Sherwood.’”

“I referred to him as Sherwood for a reason. Sorta helps you to focus more clearly on the issue when you see yourself in that position, doesn’t it? And it also gets to what really is the main point here—it changes the nature of the firm.”

“What do you mean by that, Annabelle?”

“You said that one of the reasons that you were reluctant to discuss this issue with Wayne was because he might perceive that he had an interest in the outcome, albeit a speculative and indirect one. Don’t you think that when Fred Kinder and Joe Gentler were brought issues at the time they were managing partners that they might have had personal interests in the outcomes, as well?”

“Sure, I suppose that must have been the case.”

“So it wasn’t the lack of a personal interest that distinguishes them from Wayne, right?”

“No, doesn’t seem so.”

“Maybe it was that they were able to take a longer-term view of things. They’d been around longer, been through more ups and downs, developed some perspective, perhaps even wisdom. And other partners recognized that, were willing to trust them to come up with resolutions that took into account more than their own interests. I would guess that that may have made for a different feel around this place. Maybe it felt more like, well, like a firm.”

“So, what do we make of all this, Annabelle?”

“Oh, I don’t know, Sherwood. I guess it’s, well, complicated. Firms need to evaluate how they can try to recapture some of what the generation of lawyers they’ve exorcised brought to the firm. It’s not an easy question, and there’s not an easy answer, but you’re unlikely to find any answer if you don’t ask the question. But, then, I guess I didn’t help you much with your question about Robin.”

“Oh, yes you did, Annabelle. I’m going to tell her she can do it. It’s the right answer, for Robin and for the firm, no matter which partner may wind up gaining or losing a few bucks. And if anybody questions my authority, I’ll tell them some wise old senior partner advised me to do it.”