

Recruiting and Developing Associates

To Provide Sustained Value to Clients, Changes Are Needed

By Robert W. Denney

Ever since the Association of Corporate Counsel (ACC) issued its Value Challenge several years ago, much has been written and discussed about how law firms can provide the greater value their clients are demanding. While there are still many general counsel whose definition of "greater value" — whether they admit it or not — is for firms to reduce their fees, the major emphasis has been in three areas:

- Listening to, or "partnering" with, clients.
- Alternate fee arrangements.
- Process or project management to improve efficiency.

These are all important components which, if properly implemented along with other steps, should result in clients feeling they are receiving greater value or "bigger bang for their legal buck." However, ensuring longer-term and continuous improvements in providing greater value, and therefore sustaining higher levels of client satisfaction, requires addressing areas that have received little attention in the whole value discussion — the recruiting and development of associates.

LOOK PAST THE GRADES

The firms that have continuously had the greatest success in recruiting — and retaining — quality asso-

Robert W. Denney, a member of this newsletter's Board of Editors, is President of Robert Denney Associates, a boutique consulting firm that provides strategic management and marketing counsel to law firms throughout the United States and parts of Canada. The firm's Web site is www.robertdenney.com. Mr. Denney can be reached at 610-644-7020 or bob@robertdenney.com.

ciates begin the recruiting process by reviewing the personal qualities and characteristics of their highest-rated associates and younger partners. They also identify the traits of the associates who, due to the firm's initiative or their own, did not remain with the firm. These findings are compiled into "favorable and unfavorable" check-off lists to be employed in screening and interviewing students.

It is unfortunate that, in many firms today, even the most senior associates do not really know what the criteria are to be considered for partnership.

Many firms, including most Big-Law, for the most part only interview students with a grade-point average in the top 10%. But, because of the increased emphasis on client service, business development and work management, a growing number of firms consider other factors to be as important as a high G.P.A. — or perhaps even more so.

Beginning five years ago, Greenberg Traurig was one of the first firms to adopt this approach. While still seeking students with high grades, the firm looks for more. It wants candidates who have had to pay for their tuitions by working full- or even part-time. The firm also looks for candidates who have business experience or at least an affinity for business issues. Furthermore, it also looks for traits such as entrepreneurship, sales experience, the ability to take initiative, think creatively and solve problems — qualities that are important in providing value to the clients they serve. The corporate world has included behavioral traits in hiring for many years. Now some law firms are learning from their clients.

THE INTERVIEW TEAM

The next step Greenberg Traurig and now other firms are taking is to change the makeup of its on-campus interview teams. Instead of using young partners and senior associates — the customary approach in many firms — they send some of the most-senior partners to the campuses. There are at least two reasons for this. Lawyers with the most experience and time with the firm are best qualified to identify the students who have the personal qualities and characteristics the firm is seeking.

These are also the lawyers who know and can discuss the criteria used to eventually recommend associates for partnership, a subject of great interest to applicants when considering a firm. It is unfortunate that, in many firms today, even the most senior associates do not really know what the criteria are to be considered for partnership.

THE INTERVIEW QUESTIONS

The final change in the interview process is to ask "behavioral" questions in addition to, or instead of, the traditional ones. A few examples:

- "What is the biggest challenge you have faced in your life so far?"
- "What job or activity have you enjoyed most?"
- "If you were not practicing law, what other career would you consider?"
- "What person do you most admire and why?"
- "What person has had the most effect on your life?"

Furthermore, the interview lawyers are allowed to add other questions they feel would give them the most complete picture of the student. This approach to screening and interviewing candidates makes a lot of sense, particularly in identifying lawyers who can provide greater value to clients. Today's lawyers need much more than sheer legal ability. They need to possess skills in marketing, business development and management. They also

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need to possess empathy and the ability to listen to clients.

TRAINING AND DEVELOPMENT

The increasing refusal of clients to pay for the work of untrained or poorly trained associates has already had an effect on the training and development programs of a growing number of law firms such as DLA Piper and Orrick. These firms have eliminated lockstep compensation and promotion, and developed new models. Orrick's model, for example, has three tracks — partner, custom and career attorney — based on performance and not on the year hired.

This is an excellent trend that ultimately leads to providing greater value to clients. However, to make this worthwhile, firms must be prepared to provide considerable time and resources to individually monitor and evaluate each associate's progress or lack thereof.

APPRENTICESHIPS

Beginning about a year ago, a small but growing number of firms, including Howrey, Frost Todd Brown and Strasburger & Price, instituted a further change in associate development by creating apprenticeships. In these firms, the first- and even second-year associates receive almost full-time training and coaching. Furthermore, during

their apprenticeship, they are either not billed to clients or, if they are, they are billed at much lower rates. This is based on the same principle as internships and residencies for newly minted doctors but does not last as long.

There are still cynics who feel that this intensive emphasis on training and development only makes it easier for associates to eventually leave. What these critics fail to recognize is that providing associates with skills and training that make it easier for them to leave actually creates a sense of loyalty and commitment that encourages them to stay with their firms.

MENTORING

Another, and perhaps unintended, result of the emphasis on providing value to clients has been an increase in mentoring. In many firms, this is a term "more honored in the breach than in the observance." But in other firms, it is a serious and respected program. These are firms where an experienced partner takes a protégé under his or her wing to help that lawyer develop legal, business and leadership skills.

As in other fields, mentoring in law firms can be formal or informal. Formal programs are like "arranged marriages" and may not always be successful. But if the mentoring lawyers are willing to make a meaningful commitment to the program, the results in terms of associate devel-

opment and, ultimately, increased client satisfaction, are worth the time and effort.

MANAGEMENT TRAINING

In recent years a growing number of firms, mostly BigLaw such as Reed Smith, have developed management training programs, often utilizing outside resources. The objective of these programs is to prepare younger lawyers, in most cases younger partners, to assume roles such as practice group head, committee chair, office head and eventually firm management.

Now, with the emphasis on providing greater value to clients, project or process management is being introduced. This is an area where senior associates can have an early and significant effect on providing value by efficiently and profitably managing the work they produce for clients.

CONCLUSION

Responding to the ACC Value Challenge and providing greater value to clients is going to involve a lengthy and complex process, often including a change in firm culture. It must begin in the areas listed at the start of this article. But, if increases in clients' perception of the value they receive are to be sustained, then changes must be made all the way back to the recruiting of entry-level associates.



Diversity Metrics

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Law Placement ("NALP"). This form requires firms to provide, among other things, the following diversity information:

1. Number of minority lawyers,
2. Number of women lawyers,
3. Number of gay, lesbian, bisexual or transgender ("GLBT") lawyers,
4. Number of disabled lawyers, and
5. Number of part-time lawyers.

These forms are available publicly and used by law students, potential

lateral candidates, clients and potential clients to learn about firms, either individually by looking at year-over-year performance or relatively, as compared with peer firms. The information on this form as well as information provided by the firm on its NALP Workplace Questionnaire are also used by third parties to compare law firms on diversity metrics. For example, Building a Better Legal Profession, a national consortium of law students founded in 2007 by law students from Stanford Law School, www.betterlegal-profession.org, utilizes the NALP form information to prepare "report

cards" for law firm offices in 11 legal markets (Atlanta, Boston, Chicago, Manhattan, Miami, Northern California, Pacific Northwest, Philadelphia, Southern California, Texas and Washington, DC) on the following diversity categories: female, Black, Hispanic, Asian, and out GLBT. The site also tracks billable hours.

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