

New York Law Journal

MAGAZINE®

ALM

Volume 7, Number 2
May 2008

LAW FIRM RECRUITING

Selectivity + Formal Training + Day-to-Day Feedback On Serious Work = Improved Attorney Retention

By Edward H. Tillinghast III and Bob Neufeld

Conceptually, retention in law firms should be an easy topic; the fundamentals are clear. They can, however, be overlooked or misunderstood due to generational issues and ineffective communication of goals and evaluations. Thus, successful retention programs are often elusive.

Every element of the business eventually affects an attorney's experience with a firm and, therefore, that individual's decision to stay or leave. This article will focus on a few fundamental and inter-related elements in the pursuit of effective attorney retention. The business case for improving retention is clear: It improves morale, is more efficient for clients and produces a significant positive impact on a firm's profits.

Step One: Hire the Right People

Mike Nichols, the film and theater director said, "Half of directing is casting."

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When firms hire the right people, things just seem to go the right way. We point them in the right direction, provide the tools and they take care of the rest.

When we do not hire the right people, not only do we not succeed, but the time, energy and money we spend trying to improve mediocre performance, or finally deal with a situation that will not turn around, is wildly out of proportion to any benefit we derive.

But how do we select the right people the first time around? We have all seen situations where the perfect hire on paper and in interviews fails miserably in our organization. Then there is the candidate who we think is unlikely to succeed, but to our delight becomes a star.

What is it about them (and our organization) that makes the difference?

We'll never get it 100 percent correct, but there are things we can implement to increase our chances.

First, we need to have a clear picture of the skills and characteristics necessary for success in our organizations. While in general the traits of success may be universal, they do vary in application to individual organizations and cultures.

The ability to influence others is important everywhere, but how is that done in your organization? Everyone needs the desire to succeed, but how is that demonstrated? In teams? As an entrepreneur?

Any assessment of the characteristics that forecast success in a firm should begin with a candid assessment of "who" the firm is, and the type of work it does and wants to do for clients. Next, the firm needs to look at the characteristics and practices shared by the top performers as a guide (as well as those shared by the lower performers).

This success profile will drive the rest of the process, from which law schools to target, to training interviewers on spotting the key elements.

Such an internal assessment leads to the second item—training those who will

be looking for the success characteristics. As critical as selection is to their success, interviewing skills tend to be severely lacking in most organizations.

Interviewers, for the most part, just want to get it over with. They talk too much, or ask stock questions and take the well-prepared answers at face value, or just chat about some common interest like sports or travel.

Predictably, the feedback they give on the candidate is often not particularly useful. It frequently repeats information we already know (“He’s in the top 10 percent of his class, so we should hire him.”), or is too general (“She’s really smart!”), or establishes the ever-important “He’d be great to have lunch with.”

In reality, interviewing successfully is not difficult, with a little technique, patience and perseverance. Focusing on the characteristics from the success profile (and probing well past the first responses) allows interviewers to find out in detail what the candidate has done that will predict success in their organization.

We have found that feedback from trained interviewers is invariably more focused, job-related and in depth when this technique is used, which makes hiring decisions more successful.

Make Sure Learning and Development Happen

Attorneys are professionals. They want to learn and grow and take on responsibility. (If they do not, there is a fundamental misstep in the hiring process.)

They are attracted to, and are more likely to stay with, firms that give them opportunity, and support them with the tools and guidance to make use of those opportunities. That is increasingly true with the more recent generations entering the practice of law.

We can no longer leave that to chance. A relatively formalized approach is important to ensure that all attorneys are getting what they need and that the law firm is building the capacity it needs to achieve its business plan. Whether the learning comes via a dedicated performance coach, structured learning events or substantive feedback on assignments, firms have to be sure that all attorneys have the skills they need.

The majority of our learning happens on the job, through assignments, observation, challenges, coaching from managers and mentors, and the collective wisdom and experience we can pick up from those around us. The mistake that firms often make, however, is assuming that it will always just happen and that there is not a need to guide or structure it.

The fact is that firms can substantially enhance and accelerate learning if they provide

enough structure and guidance to be sure that focused training is happening; and that it progresses with the individual, is productive and is aligned with the firm’s business plan. It is not hard to accomplish that. It just requires intention, attention, some tools, and a large dose of reality.

To add legal and other skills to the success profile in order to create a skills and knowledge matrix for each role, we need to have a clear and current understanding of the needs of each attorney and a defined, supported and managed plan to fulfill those needs. If we ask associates to demonstrate particular skills, we need to provide a way for them to acquire those skills.

Again, most of such a plan will focus on the work the lawyers are doing or could be assigned, along with a performance and development advisor who is truly responsible for making sure the plan is achieved and the development needs are addressed. In addition, in a partnership structure like a law firm, the partners (as owners) should take collective responsibility for the performance and development of their attorneys.

Formal, structured learning (classes and seminars, for example) are essential. They help disseminate information, educate on technical subjects, and communicate firm concepts, templates and standards. They will enhance on-the-job development, but not replace it. Associates will learn about better interpersonal skills in a seminar. They will acquire better interpersonal skills on the job. Ideally, the structured and on-the-job development activities will be part of a single strategy, with seamless movement between the two, each reinforcing the other.

Attorneys who perceive this level of organizational commitment and see their careers advancing with the benefit of thoughtful and constructive reviews and support will think long and hard before talking seriously with another firm or the general counsel’s office of a company. In addition, part of this process must include and build a culture of “inclusion” by reducing hierarchical barriers, and developing the firm’s future leaders from nearly the moment a new associate begins a relationship with the organization.

Expose Them to Real Work

As in most professions, work is key. It drives, structures, teaches, motivates and rewards. Young associates need to be exposed to “real” work as soon as possible.

That does not mean taking a deposition or closing a major transaction in their first week. What it does mean is continually engaging their minds as they make the transition from

student to attorney, and providing them with the necessary training so they can meet or exceed their expectations for professional growth.

For example, taking a few minutes to provide the legal context of a matter, rather than simply sending an e-mail with an isolated research question or a request for a specific contractual clause, will not only help prevent errors, but will show attorneys the real world application of the law they learned in school and accelerate their ability to take on greater roles in future matters. It will also free up time for the lead attorneys, now and in the future, as they are able take on larger and more complex assignments.

Similar benefits derive from exposure to clients and client issues. Understanding early in one’s career about issues facing clients, the challenges attorneys overcome in assisting their clients, and the principles and practices of client service helps associates complete a full appreciation for the professions they have chosen. Participating in discussions concerning the central legal and business issues in a matter, accompanying partners or more senior associates to client meetings or court appearances, or listening in on conference calls with clients are all effective ways to train and involve attorneys.

Conclusion

In the end, the retention odds, without a well thought out plan and careful implementation thereof, are stacked against us. Fewer attorneys (and not just Gen Y) want to make partner or even stay with one firm for years on end. Those who do are courted by competitors, clients and the wider marketplace.

The good news is that focusing on the above retention items can be effective and requires a relatively small investment to produce a significant positive impact. The central challenge is that the chief investment must come in the form of time and attention from partners and senior associates. In today’s increasingly business-driven legal marketplace, their attention can be harder and harder to come by.

The firms that are diligent and smart about selection, associate development and work assignments, and that fully engage their partners in the process, will have the upper hand in the retention wars and will benefit from the contribution provided by skilled, committed attorneys with loyalty and high promise.

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