



**ARE YOU A GOOD CITIZEN
OF YOUR FIRM?
ARE YOU TRAINING THE
NEXT GENERATION?**

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I took my iPad to bed with me the other night. Okay, that definitely came out sounding a lot more awkward than I thought it would be. I had an article due, for which the deadline was already extended. Friday was it. Submission time. Do or die. But I had a problem. I just couldn't focus on a topic. I had three different topics rolling around in my brain. I was simultaneously writing bits and pieces of each. But none was adequately developed to make an article on its own by the time the deadline rolled around. I knew if I didn't have my article waiting in my editor's inbox before she arrived first thing Monday morning, I was dead meat.

The process I go through is that I actually write articles in my mind. Sentences and paragraphs which are seemingly disconnected, form over time. The more I revisit the thoughts already created, the more my mind wanders elsewhere and continues to create. Eventually, when I feel that I have enough for an article, I sit in front of the computer and pretty much just let it all escape. Somehow I manage to build the connections between all the pieces in the process, and an article is born. Usually.

So I took the iPad to bed in order to try writing in a more relaxing venue. I figured if I could just unleash what I had created thus far, I could easily pick one of the three most promising ideas and run with it. While hubby and four dogs slept peacefully by my side, and my favorite (HGTV) TV station played softly in the background, I just started to type.

One of the topics in my head is relevant to the iPad. I want to address procrastination — oh I'm sorry, as an attorney you wouldn't know anything about procrastination, would you? — and make suggestions for ways to use easy and readily available technology to help keep more on track. I originally addressed the

**ARE YOU A GOOD CITIZEN OF YOUR FIRM?
ARE YOU TRAINING THE NEXT GENERATION?**

Page 2 of 7

issue of procrastination a long time ago in an article entitled “Are You A Procrastinator? How To Get Back To Work” [September 9, 1999 issue of The Pennsylvania Bar News. Write lawpractice@pabar.org for a copy.] The article approached procrastination mostly from a psychological viewpoint, but mentioned three software outlining programs. It was written a long time ago, and much has changed since then. The advice given in 1999 is still valid. However, new tools like the iPad, and tons of new software applications, add another dimension to curing procrastination. I will come back to this topic in the near future. If you’d like to share your favorite tip or tool for overcoming procrastination and keeping on track, send it to me. I’ll be happy to share it and provide appropriate credit.

Another topic developing in my mind is related to the failure of Dewey. I know, that’s all you’ve been reading about lately. You’re probably oversaturated. I admit that when I recently blogged on the topic I questioned whether I was really going to be able to add any new insight to the dialog. Ultimately my subscribers will decide, but I think I achieved the goal. I feel that there’s a lot more to say about the lessons to be learned from this debacle for all size firms, from solo to mega. But unfortunately my thoughts in this area haven’t coalesced yet.

The third and last topic I’ve been developing is a collection of best practices tips. I’ve addressed many aspects of best practices before. [For a copy of “Client Intake Best Practices,” “Best Practices for Conflict Checking and Building Ethical Walls,” “Best Practices for Client File Closing and Destruction,” or “Best Practices for Client Billing” send an email request to lawpractice@pabar.org.] Each such article focused on a discrete area. I’m planning to do one which takes a firm-wide perspective, offering nuggets in myriad aspects of firm management . You’ll see it in the near future, too. So be sure to let me know if there’s a particular area you’d like me to address and include.

Unfortunately, taking the iPad to bed didn’t help me further develop any of the above topics into a full article, or even decide which would be the selected topic. I did manage to wake up with a sleeping pug face smooshed on the screen. It was a perfect pillow for the adorable flat furry face. A pleasant but only momentary diversion from the expired deadline which was weighing more heavily on my mind.

Saturday was lost to the inevitable and unending rush of errands and home chores. In a blink of an eye I was toiling in 90°+ temperatures in the garden on

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**ARE YOU A GOOD CITIZEN OF YOUR FIRM?
ARE YOU TRAINING THE NEXT GENERATION?**

Page 3 of 7

Sunday. I was aware the clock was ticking as I worked. But I've always found performing manual labor to be a great way to free the mind to sort things out, so I continued. Sure enough, without actively thinking about it, my mind wandered here and there, creating pathways between the topics I'd been considering, and expanding from there. And I finally and gratefully came to the topic of this article. It may seem unrelated, but there is a slice of each topic included.

In thinking about procrastination, my thoughts turned to how harmful it can be to an attorney's career when left unchecked. And then I thought about the larger implications, where procrastination on a firm-wide perspective creates such situations as addressed in my most recent article entitled "Get Your Head Out of the Sand."

In thinking about Dewey, so many thoughts went through my head, it's difficult to tell where the actual connection was. I recall thinking about the fact that so much of what others have written has focused on greed, hubris, and most lawyers' typical lack of business skills. In my recent article, I explored my additional opinion, that the Dewey failure is in part a spectacular example of what happens when one chooses avoidance as a strategy to deal with difficult issues.

Then turning to best practices, my lingering thoughts about Dewey had me thinking about how poorly most firms deal with developing young associates into future productive partners, or even illuminating a clear path for them to get there.

That would require thought that might lead to difficult realizations and discussions. Because in point of fact, there are partners at a lot of firms who wouldn't actually meet the criteria for partnership if those criteria were ever clearly defined. So even though thinking through what it should mean to be a partner at your firm will help your firm establish a clearer path for associates, and likely help your firm hold onto them more successfully as a result, it may also cast a light on dark places you don't want to see. Then your firm might have to address the incongruity you've been purposely avoiding.

The common denominator to all this is avoidance. The implications are so widespread — impacting lawyer and firm on a micro and macro level — that my mind started exploring possibilities for improvement. As the sweat poured off my



**ARE YOU A GOOD CITIZEN OF YOUR FIRM?
ARE YOU TRAINING THE NEXT GENERATION?**

Page 4 of 7

toiling body, ideas spilled through my brain's pathways. Ultimately I came to the realization that pulled me from my manual labor, and led me to the shower — where my most creative thinking takes place — and then to my computer. In my mind, the common denominator is the answer to the question: what is the fundamental commitment one must make to one's firm?

I can best define the necessary fundamental commitment that every partner must make is that of being a good citizen of the firm. What does that mean? Well, there are many facets to good citizenship. At a minimum I feel it should include:

- A conscious decision to sometimes take action designed for the care and feeding of the firm, regardless of whether it leads to one's own enrichment;
- A demonstrated willingness to compromise, to be led, and/or be a leader;
- A willingness to be held accountable to ones partners;
- A willingness to take some active part in firm management, no matter how small, and to acquire a minimum understanding and competency in key management areas;
- A commitment to assist fellow partners and younger associates in setting and reaching their success goals;
- A commitment to actively work to resolve issues and disagreements rather than ignore them;
- A strong sense that the firm is a community in which you choose to live and contribute; not just a place to earn a paycheck; and
- A commitment to continually strive to leave the firm better than you found it, when retirement rolls around

Let's keep in mind that these are what I consider to be *minimum* requirements of good citizenship. If you take a close look at this minimum list two things become apparent. First, it takes a fair degree of emotional intelligence to be a good citizen of a firm. People who lack emotional intelligence — think about those 900 lb. gorillas you've encountered here and there — are rarely able to compromise, think about the greater good, be led, or be held accountable. Second, many of the



**ARE YOU A GOOD CITIZEN OF YOUR FIRM?
ARE YOU TRAINING THE NEXT GENERATION?**

Page 5 of 7

necessary requirements require training for most people. Business skills don't come naturally to most attorneys. But that doesn't have to deter you or the firm. Because most of these skills can be learned.

I know, some of you "old timers" are shaking your head in disagreement. You were "raised" in a law firm environment where the prevailing wisdom was that either you were blessed with certain skills, such as rainmaking, or not. And if not, no one and no amount of effort was going to be able to help develop those skills. It was a sink or swim mentality. We know now that this isn't the way it has to be. Business development, business management, leadership, people management, and even emotional awareness and self-control, can all be learned. IF one is willing.

What makes a difference between success and failure in learning these new skills will be determined by when the training is offered, by how clear the requirement is that the skills be mastered, and to some extent by the stigma which may be attached to needing or undertaking such training. I've seen — and on occasion personally coached — established service partners learn how to become rainmakers. At least to the extent necessary to turn their own bottom line from red to black. I've assisted many a partner in learning to effectively comprehend and adeptly manage finances, people, strategic planning, and more. Just because you don't have an innate ability doesn't mean you can't develop it.

In today's competitive environment, it's more important than ever that we institutionalize the requirement that every partner must be a good citizen of the firm, and provide instruction in these skills as early in lawyer careers as possible. Young lawyers *want* to know what it means to be a good citizen of the firm. And they want to know how to become one.

No one starts out their career *wanting* to develop into a 900 lb gorilla, or to be locked in constant battle with their partners. Ok, I acknowledge there are some individuals with sufficiently damaged emotions or distorted needs who will be the exception to this statement, but thankfully they are few in number. For the vast majority of those who enter the law firm environment, they have the best of hopes and intentions, but no real knowledge. Without proper guidance they may turn mistake into bad habit, and management omission into poor attitude. Mixed



**ARE YOU A GOOD CITIZEN OF YOUR FIRM?
ARE YOU TRAINING THE NEXT GENERATION?**

Page 6 of 7

messages — for example citing desirable behaviors but economically rewarding undesirable ones — create not only confusion, but also an unwillingness to be accountable. Remember how lawyers learn. They observe, and then they *do* what they've observed.

Lawyers learn in the doing. That's why it's so important that partners not only talk the talk, but actually walk the talk, so as to demonstrate proper behaviors to be copied. And that's why it's important that unacceptable behaviors be corrected quickly and decisively, before they become habit. A smart, promising young associate who can't manage to get his timesheets in on time is often not corrected, other than perhaps with a mild verbal admonishment, for this failing. Trust me, it won't improve with time. It will worsen, and develop into an attorney who also doesn't get billing out the door, or receivables converted to cash in the bank. Without accountability and consequences early on, the firm fails in its mission to develop good citizenship in this area.

I encourage firms to assign small management responsibilities to young associates. It doesn't matter whether it's managing the library, serving an increasingly active role on the firm's technology committee, (or for small firms, *being* the technology committee), researching new medical insurance policies, or working with a partner as an apprentice in learning about management of people, finances, and so forth. What matters is that it starts early, and steadily increases in scope and responsibility.

While it's true that some firms are large enough to carve out a "permanent associate" career path for lawyers disinclined to be more than an employee, most firms need to ensure that their lawyers, from most junior to most senior, have an "ownership" mentality, with all that entails in terms of commitment and business skills. You can't just expect to keep those who develop this "naturally" and expel those who don't, after you've invested a significant amount in their professional skill development. That doesn't make economic success, nor promote stability for the firm.

And if you're at a large firm, you know from very recent experience, particularly from 2009 through 2011, that in tough times those who are merely employees, (even if they have the title of partner), are the first to go, because they contribute little to the firm other than billable hours. When work is lacking, their value is also lacking.

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**ARE YOU A GOOD CITIZEN OF YOUR FIRM?
ARE YOU TRAINING THE NEXT GENERATION?**

Page 7 of 7

It just makes sense to identify what defines a good citizen at *your* firm. It makes sense to communicate it clearly. It makes sense to hold your fellow partners accountable, in other words, to make good citizenship part of the very culture and fabric of the firm. And to illuminate the path and provide the means for young attorneys to become good citizens of the firm. The consequences for failure to do so can include increased friction and stress on a daily basis, decreased career satisfaction and success, an impaired ability to innovate, an inability to implement change in response to environmental factors, lower overall profitability for the firm and most of its citizens, increased turnover at all levels, and perhaps, in the extreme, the eventual demise of the firm.

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