



PROFILE OF A PARTNER

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Over the years I've only had the pleasure of working with a few progressive firms in defining what a partner should look like at their firm. It is not necessarily exceedingly difficult, but it requires a good deal of introspection, communication, and consensus-building. The outgrowth of this exercise is a tool which serves the firm in many ways.

At some firms partners are made more by accident than design. You may have witnessed or participated in those awkward conversations. It goes something like this: *“Attorney X has been here for over 7 years. She does my client work and I don't know how I'd get it done without her. I realize that she doesn't bring in any business, or even try. I know that she has no interest in firm management. On the other hand, we've never told her that she is **not** on track for partnership. How can we consider Y next year and bypass X? And what message will it send if we don't make anyone partner this year?”*

Firms which have a partner profile are able to clearly illuminate the path to partnership. It eliminates the awkward and inevitable difficult conversations with those who fail to meet the requirements. In fact, it provides a tool for discussion each year. It's even a good tool for use in the firm's recruiting efforts.

A partner profile enables attorneys to monitor and assess their own performance. It can save the firm from having to push an attorney out the door. In most cases, those who identify themselves as unable or unwilling to meet the requirements will usually choose to preserve dignity and leave on their own. That's a good thing.

It may be a temporary inconvenience when someone leaves, but it opens a slot (workload) for someone who will hopefully be a better fit. And it actually preserves the best possible relationship with the departed attorney. In today's marketplace we must always be mindful that yesterday's employee may become tomorrow's client or referral source. Ask your Big Firm counterparts. That's why so many of them are passionate about their alumni programs.

Having a partner profile can enable a firm to assess a lateral with greater speed and accuracy. Very often the possibility of acquiring a quality lateral partner or practice group depends on the firm's ability to reach a fast conclusion. Many an opportunity has been lost while a firm struggles to decide about "fit".

Having established criteria which defines a good fit in advance, enables the firm to focus on other areas of due diligence which might otherwise take a back seat. Furthermore, it enables a prospective lateral or group to quickly assess whether the firm culture is a good fit from their perspective. As we've all witnessed, a great number of lateral moves turn out to be long-term failures. They are costly for the firm in many ways. [For a copy of my previous articles on due diligence for mergers and acquisitions, send an email request to lawpractice@pabar.org.]

Perhaps the most beneficial aspect of a partner profile is its usefulness as a tool to create accountability of partners within the firm to meet standards. Rarely do I encounter a firm which does not have one or more partners who fail to meet the standards others feel every partner should reach. I find most often these things are not openly discussed. Rather, they simmer under the surface and fester. At the least, it creates resentment and impairs communication and alignment between partners. At the worst, it can cause the firm to lose a key rainmaker.

You might think that reaching consensus on what qualities and productivity factors a partner should reflect would be resisted by those individuals who fall short of the mark. Certainly that can be the case, depending on where they fall short. For that reason, the manner and method of creating the firm's first partner profile is best handled in a setting such as a retreat.

As an example, a common shortfall of some partners is a lack of client development effort. Rather than point a finger, it is far more effective to discuss as a whole all of the activities which can contribute to a firm's collective efforts, and during the enthusiasm of the creativity process, get all to agree that they will find at least a couple of the activities to perform. So for those who refuse to wine & dine or get on the dais, they can still contribute through blogging, writing articles for an e-Newsletter, participating in a quality assurance program, and so forth.

In some cases, it may be clear to some that criteria being considered are beyond their reach. For example, billable hours can vary all over the place. An under-performing partner who barely reaches 1,200 hours will likely resist a profile



which defines 1,600 as a minimum threshold. The only way around that is peer pressure. If the majority of partners agree that 1,600 is the minimum acceptable level, all can also agree that reduced schedules will be permitted with a corresponding adjustment in compensation or profit share. The partner(s) affected have the option to choose their future path. What is different, is the creating of accountability for those who don't meet agreed-upon standards.

Remember that senior associates will be looking carefully at what the requirements and accountability are for partners. A lack of accountability will discourage some from accepting a partnership offer. Why? It's inequitable.

Partners, if you suffer from lack of accountability at your firm, and/or have resentments bubbling under the surface, you can address those issues by coming to agreement as to the qualities and contributions that define a partner of the firm. It will also enhance your ability to make partner elevation and acquisition decisions.

You should be prepared to invest some partner time, and firm dollars to schedule an out-of-office meeting with a good facilitator. After all, you want to build a better firm, not destroy it! So do it right or not at all.

Some of the most important processes we go through in our career are difficult or take a great deal of thought and care. Those are invariably the ones most worth doing. Remember, I'm here to help!

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