



IT'S TIME TO TEACH YOUNG LAWYERS WHAT THEY REALLY NEED TO KNOW: HABITS ESSENTIAL TO A HEALTHY BOTTOM LINE

Ellen Freedman, CLM
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As children we all experienced the transition from the senior class in one school to the sophomore class at the next school. All of a sudden our confidence and savvy seemed to vanish in smoke as we were confronted with other students who knew more about everything than we did. The same emotional experience overwhelms the new associate. Consider that the attorney has worked long and hard through college and law school, possibly to graduate with optimal credentials, perhaps also distinguishing his or herself with a prestigious clerkship. When the lawyer starts the first law firm job reality sets in quickly, as the arrogance that success in school produced gives way to the insecurity of wondering if the firm will discover that the lawyer really knows very little about the practical application of the law.

Often, in an effort to hide their fears of being discovered by the firm as a fraud who does not yet know how to practice law, the attorney will overcompensate. Symptoms include at least some of the following: 1) pretending to know everything; 2) refusal to listen to the secretary's suggestions and information; 3) insisting that things be done *their* way, instead of the way the firm as a whole does it; 4) refusal to ask questions except of other attorneys on specific legal points; 5) disorganization and poor time management skills; 6) constant repeated and unnecessary revisions to documents; 7) missed deadlines; and 8) increased turnover as attorneys seek a more mentor-oriented environment.

Many of you are thinking back to the days you started out as a lawyer. So what, you think, this is the necessary and unavoidable rite of passage for the young lawyer. I liken it to fraternity hazing. Each year the rituals get worse, as those who lived through it previously are bound and determined to make sure future initiates suffer equally or worse. The problem is that the marketplace has changed dramatically in the interim. Top graduates are in great demand and short supply. Firms are competing consistently for the top layer of lawyers, and paying dearly for them. In addition, support staff are increasing in cost at a disproportionately higher rate, and are an even scarcer commodity than attorneys in many geographic areas. Staff turnover can drain a firm's bottom line in terms of productivity loss and additional expense just as surely as attorney turnover. And as the bottom line at law firms continues to get squeezed, it becomes essential for survival and growth that the firm be able to reduce turnover, as well as recoup its investment in new

lawyers as quickly as possible. That just doesn't happen in a "sink or swim" environment where anything goes. It's time to provide training and supervision in a whole host of areas not covered before.

A smart place to start training is with staff relations. The lawyer must first understand that staff members are experienced and may actually know more about many aspects of the practical application of law than the attorney. The secretary should be respected as a professional, which includes listening to her suggestions on procedures, workflow and such, and including her in the client service team. The lawyer will be working under tremendous pressure, driven equally by the firm and client needs, and must not use staff as an object of stress release, or make deadline problems consistently the staff's problem instead. Teamwork, promoted by an attitude of "we're in this together", will provide the stimulus needed to motivate staff to work longer and harder when really needed.

The lawyer should *never* be permitted to abuse a staff member. Tantrum behavior should be confined to children, not adult professionals. Firms that permit this behavior from young lawyers will be setting their undesirable habits for an entire career. If the attorney has a problem with a staff member, it should be discussed as calmly as possible behind closed doors. Yelling or cursing at a staff member must clearly be unacceptable behavior. Poor staff relations should play into the compensation analysis.

As part of staff relations the lawyer should know the key staff members, and what their various areas of responsibility are. Equally important, the lawyer should have a basic understanding of how the firm wishes the staff member to go about managing their area(s) of responsibility. In this manner, the new lawyer may be made to realize that he or she is not the first or only new associate at the firm, and should not try to be an exception to every rule. The lawyer should know to pick and wage battles carefully, not simply because *no* as an answer provokes indignation on an emotional level. Rarely does a staff member say no to a lawyer unless it is because the firm has established certain guidelines for the staff member to follow in performing the job, and the request takes him or her outside those guidelines. If the lawyer truly feels strongly about the denied request, the staff member will gladly take it to the next level for further consideration upon request. In fact, I have observed that if the lawyer is understanding and polite about it, the staff member will usually *volunteer* to take the request to the next level for review, and often find a creative argument to assist the lawyer in satisfying the request. Staff *want* to say yes, whenever possible, and that thought must be kept in mind by the lawyer. Instead of treating a staff member as an obstacle in front of what you want, treat him or her as a team member who will try to assist you in getting any reasonable request filled.

Good timekeeping habits are an essential tool of the trade. When I see young attorneys who fail to hand in timesheets when due, or pay minimal attention to capturing the time actually worked, I know that the firm has been derelict in proper training and



enforcement. I also know that the habits will get *worse* with the passage of time, not better. Regardless of what partners do, new associates must clearly understand that timekeeping must be contemporaneous and accurate. It must be an activity which is so incorporated into daily work flow that it becomes second nature. And the compensation scheme must take into account poor timekeeping habits.

New lawyers must quickly learn the file numbering system in use at the firm. I repeatedly observe that many attorneys consider it the “secretary’s problem” to figure out to what number time should be recorded. As a result, aside from increasing the stress level of the secretary, much administrative time is wasted in trying to ascertain numbers, and in later editing pre-bills due to a high level of errors. Often incorrectly recorded time gets transferred to a correct matter only after a final bill has gone out. When the matter cannot be billed again, like transactional matters which result in full payment at closing, the transferred time becomes a loss to the firm. If the attorney has the number handy, it should be recorded. Likewise, when the lawyer receives an assignment from a partner, he or she should immediately ask for the client/matter number. The secretary can assist by keeping an updated list on each client/matter delegated to the attorney, which in turn helps them both record timesheets accurately and timely. One “trick” I often suggest to lawyers is to note in the margin of a time entry the partner who assigned the new matter, so that the secretary will know which secretary to contact for the missing number. The larger the firm, the more necessary this step becomes.

Lawyers should be informed and involved in the firm’s conflict avoidance procedures. At many firms conflict avoidance is performed through a combination of computer research against a billing system database, and individual memory through circulation of email or written form outlining the matter and parties involved. At one firm I observed that a very young associate single-handedly held up the opening of many matters because he did not promptly review and sign off on potential conflicts for new matters. Even though it was unlikely that the attorney would know of any potential conflict, he effectively became the log-jam in the system. The direct result included loss of time and costs to the firm, increased administrative work and stress at month’s end as staff struggled to “open” all pending matters, and much sniping between staff members and between attorneys because of the inconvenience factor created by the one attorney’s consistent oversight. The message should have been delivered loud and clear by the firm’s partners that this was not acceptable performance. It was not, and the behavior persisted to the point of becoming so ingrained in the attorney’s work ethic, it will likely never change.

Young lawyers must understand and be prepared to share firm resources. Competitive economic pressures and increased leverage due to improved automation have made for an increase in sharing of secretarial and other services. The economic advantages of sharing resources overwhelm objections of individual attorneys. That means *planning* emergencies by practicing proper time management and not leaving work go to the last



possible moment. It also means that the attorney may no longer be “possessive” of the secretary or paralegal. In many firms teams are formed around practice areas or client service groups, and attorneys must learn to work and share fairly in this altered environment. To keep an adequate stable of talented staff, firms must also innovate with telecommuting, job sharing, 3-on-2 assignments and so forth. The young lawyer must develop coping skills that enable him or her to work *with* the arrangements made by the firm, not against them.

Additional areas in which young lawyers need training include marketing, records management, trust accounting, firm management, ethics, and more. The most important skills to develop early, however, will be those involving staff relations, timekeeping, and other essential administrative processes within the firm. The long-term payoff in terms of productivity and reduced turnover will be significant to the firm. The short-term payoff will be a decrease in disruption, error, and morale problems, accompanied by a more conducive growth environment for the lawyer.

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