SmartPRACTICES

Managing

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A Quick Course in Hiring Your First Associate

You've worked hard to build your solo practice. You now have more work coming in than you can handle by yourself. While congratulations are in order, you are at a crossroads. Do you decline new work, or do you expand by hiring your first associate? Here are pointers for making this important decision and moving forward with the hiring process.

Conducting a Needs Assessment

Evaluate your need for assistance by assessing the following four areas.

1. Actual work demand. Is your workload the result of a specific case that's currently demanding an inordinate amount of billable time? Or are ongoing client demands for the foreseeable future creating the need for help on a permanent basis? If your heavy workload is temporary, consider hiring a contract lawyer—an individual who will work on a limited, often case-sensitive basis. If your needs are long term, think about whether you need someone on a part-time or full-time basis. Could your needs be met by someone willing to work 20 to 30 hours per week?

2. Substantive skills and knowledge. Think about what the new associate would actually be doing. What tasks could this person do that would have an immediate impact on you and your workload? What skills and knowledge would he or she need to perform these tasks and contribute to your firm?

3. Level of experience. It's unlikely that you have the time to train someone who possesses little experience. Given that, the amount of experience needed in a particular substantive area will be of great concern to you. The less experience, the more training the individual will need.

4. Salary. All of the preceding factors tie into how much salary you'll need to pay. Many solo practitioners would rather have an experienced associate. If you cannot afford a full-time salary to begin with, consider hiring someone on a part-time basis, with the understanding that the hours may increase over time.

Once you have evaluated the information in these four areas, you are probably ready to make the decision about hiring an associate. If you decide to move forward, you can use the collected information as the basis for a job description.

Creating the Job Description

A well-crafted job description is important not only for advertising the position, but also for use as a list of selection criteria when you are evaluating prospective associates.

Take the information you gleaned from your needs assessment and add other important information, such as the personal qualities that you seek in an employee. You might, for example, need someone who is well organized. If the associate will be dealing directly with clients, you should specify strong

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people skills. Consider the full range of qualities that would make someone a success in your firm.

In the actual advertisement, include a short description of your practice and detailed information about the legal experience, bar memberships and personal qualities you seek. Specify whether the position will be full-time, part-time or on a contract basis. In addition, you may want applicants to include a short (5-to-10 page) writing sample.

Where should you post the position? Local bar associations and law schools are excellent places. You may also want to run an ad in the local legal newspaper or the Sunday job classifieds of your city paper.

Selecting Candidates

Begin the applicant screening process by reading cover letters and resumes, looking for the qualifications described in your advertisement. The specific legal experience and number of years of experience should be *minimum* requirements. If someone does not meet these, that person's resume should not be in your "yes" pile.

Also, as arbitrary as it may sound, if someone has sent you a document with typographical errors, you may well want to put that resume in your "no" pile. Application materials represent samples of the individual's written work. They say something about the person's ability to proofread information and send out error-free work.

Conducting Interviews and Reference Checks

Once you have culled through the applicants' materials, it is time to conduct interviews and reference checks. Although time-consuming, these processes will give you important information that won't be apparent from a resume. For example, can this person work calmly under pressure? While the best interviews are conversations between two people, have questions prepared in advance that will help you gather the information most important to you.

Do not neglect to check references. In addition to the names that the candidate has given you, ask if there are others with whom you can speak. For example, clients, opposing counsel or fellow associates not listed as references can give you a clearer sense of the individual. While many may be reluctant to say negative things, "faint praise" can be telling as well.

Remember, in gathering reference information, you are looking for themes. For example, is this individual *consistently* capable? No matter how good someone was in the interview process, don't ignore the information you gain in the reference process. It may not be reason to pass on an applicant, but you will want to have tenuous information clarified.

Making the Offer

You have selected the individual to whom you would like to make an offer. But before talking with him or her, decide what is negotiable and what is not. For example, are you willing to pay for bar memberships but not CLE courses?

The offer, of course, is made up of much more than just the salary. Include the following in your thinking about the entire compensation package: salary, benefits (health, disability and life insurance), legal malpractice insurance, profit sharing, bonuses, vacation, and bar memberships and other dues.

Starting Off on the Right Foot

Once the offer is accepted and a start date is agreed on, make plans for your new associate's first week on the job. Think about what furniture, equipment and other materials this person will need. Block out time in your schedule to orient your new associate to your office and its systems. On the first day, present any written materials that will enhance the acclimation to your firm. Take your new associate to lunch on the first day, too.

Putting time and thought into making sure your associate feels welcome and part of the team is a great way to get started—and it will go a long way toward creating a collaborative relationship between the two of you. LP

Action Plan

- ☐ Consider your current and future caseload. Is it time to add a new associate?
- ☐ Determine how much time you need this person to work, the level of requisite experience, the type of knowledge and skills necessary, and the amount of salary you are able to pay.
- ☐ Settle on the selection criteria you will use to screen applicants.
- ☐ Prepare for interviews by determining ahead of time what questions you need to ask.
- ☐ Check references, including individuals not on the original reference list.
- ☐ Determine in advance what is and is not negotiable in terms of an offer.
- ☐ Get started right by taking the necessary time to orient your new associate to your firm and its processes. Training allows the individual to make a faster and more meaningful contribution to your firm.