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Young Attorneys Want To Change The Workplace – Not Settle: It’s time for an extreme makeover

By Diane Costigan

We all know that the legal industry is a high-stress environment. Thankfully, the compromised state of their chosen profession is a subject on which the new generation of lawyers has a lot to say. For example, the grassroots organization Building A Better Legal Profession is “dedicated to helping law firms and lawyers recommit to a legal profession devoted to effective and efficient client service, to lawyers as people, and to the roots of our profession in service” (www.betterlegalprofession.org). Founded by Stanford law students in 2007, the organization encourages students to leverage their market power by choosing law firms that support a more balanced and diverse working environment. A very sobering account of the challenges currently facing law firms is depicted on their website.

This new crop of lawyers is not afraid to say what they think out loud and online. They are less willing than previous generations to put up with inefficiently managed firms, and more willing to directly question the system. Since they hold the very concept of the billable hour in question – as do more and more clients – the entry of these lawyers into the work force may create the conditions for a perfect storm.

Law firms are in a tough spot, though. Because they feel pressure from their own clients to justify ever increasing billable rates – increases that in large part offset higher associate salaries – firms expect associates to be profitable by burning the midnight oil. From a bottom-line, business standpoint, this expectation doesn’t seem all that unreasonable.

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New associates, however, feel equally entitled to time to pursue what’s important to them. As described in a recent article in Fortune Magazine, “They’re ambitious, they’re demanding, and they question everything, so if there isn’t a good reason for that long commute or that late night, don’t expect them to do it. When it comes to loyalty, the companies they work for are last on their list – behind their families, their friends, their communities, their co-workers, and, of course, themselves”ⁱ.

Unfortunately for law firms, the time may come – here’s a crazy thought – when new associates may actually decide they are no longer willing to make the traditional trade-off of time for money. Because many parents are paying for law school and are more than happy to have their children live at home, this new generation of lawyers enters firms unencumbered by golden handcuffs: they have the security to walk away from the money law firms are throwing at them. This means that firms have to get more creative about attracting and retaining talent.

Can these new developments result in a win-win? Can new associates push the envelope to help a stressed-out industry on the verge of a breakdown find more balance? Can law firms help new associates accelerate their professional growth by teaching them that in order to get the experience they desire they need to inspire more senior attorneys to participate in their careers?

Lawyers Young And Old Have The Tools To Solve The Standoff

Progress can be made if both sides want to move forward, and are willing to engage in a trust-based, forward-focused dialog. Each group will need to advocate for itself, negotiate with one another and compromise. The good news is that lawyers excel at advocacy, negotiation and creative problem-solving – and that the legal profession is filled with some of the brightest minds in the country.

Firms that get ahead of this curve will be strategically positioned to have their pick of the undeniable talent the new generation of lawyers will bring to the table. Unfortunately, this will require firms to invest time and resources, which are already scarce – perpetuating a vicious cycle.

The downturn in the market may provide the perfect opportunity for law firms to start getting ahead. Firms can spend the extra time recovering and instituting best practices that will benefit everyone involved. We're all more amenable to adopting new behaviors when we're less stressed and have more time to practice. Here are some ways law firms can proceed.

Option 1: Set and clarify expectations for associates during the interview process, summer program, orientation and annual evaluations. Expectations also need to be reinforced in one-one one interactions. If an associate is falling short, this person needs to be held accountable, and an intervention needs to take place in real time. Once the initial contract has been established, first acknowledge the associate's perspective and then turn the conversation to something she has already agreed to, or is at least aware of. Off-track relationships seldom self-repair in the absence of communication.

Option 2: Train your attorneys to be more efficient with their time, manage their stress, run productive teams, be effective communicators, and become leaders. Because students don't learn these skills at law school, they need to learn them once they're employed. Right now, law firms provide neither the time nor incentive for skill-training, but this needs to change. When lawyers are formally trained in the above skills, everyone will become more efficient and productive, more willing to dialogue, and more invested in creating an enjoyable and balanced culture.

Option 3: Meet your new associates at least halfway – they may be on to something. There's a saying in management that happy workers are productive workers. A powerful business strategy that factors in employee happiness could bring some sanity and humanity into law firms.

Consider letting new lawyers work from home or on reduced schedules that do not take them off of partnership track. Give them the flexibility to get their work done the way they want – as long as it gets done. These changes are daunting but they are not impossible. Here's a challenge I give to clients when they diligently list all of the reasons a suggestion or idea will not

work: try to come up with at least one reason why it could work. Make the counterargument and see where it takes you. You may be surprised to find it's not as hard as you originally thought.

Watching this scenario play out should prove fascinating. I hope all parties will keep talking, trying to understand each other's differing perspectives and borrowing best practices. My greatest wish for law firms and the lawyers who walk their halls is that the new generation forges slow and steady victories in the struggle to bring balance back to the industry with minimum collateral damage.

ⁱ "You Raised Them, Now Manage Them" by Nadira A. Hira, *Fortune*, May 28, 2007.