Choosing a Destination: Proactively Managing Your Career as a Midlevel Associate

Marian Lee, JD, ACC
Presented by ABA Legal Career Central
September 8, 2017

- Search and apply for more than 1,000 high-quality legal jobs nationwide
- Upload your resume for review by hundreds of potential employers
- Receive email alerts when new jobs are posted that meet your search criteria
- Or post a job if you have an open position to fill.
- Free monthly webinars offering career development and job search tips
  - Career Advice Series
  - Career Choice Series

Visit ambar.org/careers today!

Faculty

- Marian Lee is a coach, author, and consultant on lawyer career development. She practiced as a commercial litigator for sixteen years before becoming the first Director of Professional Development at Bernstein Marcus Friedlander, a 200-lawyer firm based in Denver. There she created in-house training programs, a level-based associate advancement process, and programs focused on first year lawyers, senior associates, and new partners. She also wrote a book on lawyer career development, "Building Your Ladder: An Associate's Guide to Success Beyond Partnership," published by ABA in 2013. In early 2017, she left her firm and started Career Reinvention, a coaching and consulting practice focused on lawyers.
Part 1: How We Got Where We Are

- Firms could increase revenue by billing more hours.
- Firms could also raise billing rates every year.
- Efficiency in delivering legal services was not valued.
- Clients would generally pay what they were billed.
- In the legal services industry, it was a “seller’s market.”

Implications for Associate Careers:

- Partnership was presumed to be the goal of every associate.
- The path was fairly straightforward, one-size-fits-all.
- There was a lot of room for new partners, whether they generated new business or not.
- Once you made partner, you were likely to stay at the firm for your whole career. There wasn’t much lateral partner movement.
The Transitional Years

- Clients became more savvy and started scrutinizing bills more closely.
- Non-equity partnership models were created.
- Mergers and lateral partner acquisitions became more common; firms would “buy” a practice to increase the services they could offer to clients and grow the firm’s profits.
- Despite these factors, firms still enjoyed high profitability, and demand for legal services continued to grow.

And then, it changed to a buyers’ market.

- In-house counsel were pressured to slash legal budgets.
- They began scrutinizing billing entries, refusing to pay for inefficient work.
- They scrutinized staffing decisions more closely than ever before.
- They balked at annual billing rate increases and instead, demanded discounts.
- This movement, plus the overall decline in the economy, caused a sharp decline in demand for legal services.

Chart 1: Growth in Demand for Law Firm Services
Partnership in the New Normal:

- There is less room for partners who don’t generate business
- Fewer associates are making partner
- Proven business generation, rather than potential, has become a requirement for partnership at many firms.
- Those who are already partners are under greater scrutiny and more pressure to produce revenue
- “Service partners” are becoming more rare
- Firms are creating new categories of lawyers (non-partnership track) that meet market demands and cost less


How do these changes affect associate career strategy?

- From the start of your career, you need to lay the foundation for developing business later by focusing not only on doing work, but on creating work and building relationships.
- “Creating work” starts with creating demand for your work within the firm. Top associates are always busy, even in slow economic times, because partners love to work with them.
- The better you are at earning work and building relationships, the richer your assignments will be, the better experience you’ll get, the more mentoring you will receive, and the brighter your career prospects will be.

Part 2: The Associate Value Proposition
### Building Your Value as an Associate

<table>
<thead>
<tr>
<th>Junior Associate (Years 0-3)</th>
<th>Midlevel Associate (Years 3-5)</th>
<th>Senior Associate (Years 6+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(deficit for firm)</td>
<td>(profitable for firm)</td>
<td>(profitable, but not sustainable)</td>
</tr>
<tr>
<td>- Build your reputation by demonstrating &quot;gateway&quot; attributes</td>
<td>- Gain more sophisticated skills and knowledge, so add high value while your billable rates are still relatively low</td>
<td>- Maintain high productivity</td>
</tr>
<tr>
<td>- Stay as productive as possible on billable matters while also pursuing learning opportunities</td>
<td>- Work more independently, create strategy as well as executing</td>
<td>- Run matters with little or no supervision</td>
</tr>
<tr>
<td>- Develop solid fundamental skills and practice area knowledge</td>
<td>- Build relationships throughout the firm</td>
<td>- Increase involvement in firm committees and activities</td>
</tr>
<tr>
<td>- Establish relationships throughout the firm</td>
<td>- Begin getting relationships with client contacts at your level</td>
<td>- Mentor and supervise junior associates</td>
</tr>
</tbody>
</table>

### Associate Marketability and Value Over Time

![Graph showing marketability vs. value to firm over an associate's career]

### Part 3: Taking Stock
How attainable is partnership?

- Identify your firm's criteria
- Find out how the process works
- Determine how you are currently perceived
- Ask about recent partnership promotion history
- Evaluate the status of your practice group

Typical partnership criteria

- Quality of Work
- Productivity
- Business Development – proven and potential
- Developing Others
- Contributions to the Firm, Profession, and Community
- Leadership Skills
- Management Abilities

What Contributions Play to Your Strengths?

<table>
<thead>
<tr>
<th>Finder</th>
<th>Minder</th>
<th>Binder</th>
<th>Grinder</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Everyone’s job; we are all in sales</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Expansion of existing business counts; do great work for important clients</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Don’t overlook marketing internally, to attorneys in other practice groups</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Managing your own work for maximum profitability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Managing client service teams efficiently</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Participating in firm management and committees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Builds lasting relationships</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Helps to bind clients to the firm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Helps to bind lawyers and staff in the firm to each other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Leads and influences others</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Keep your plate full</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Perform top-quality legal work</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Keep growing your skills and expertise</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Doesn’t stop once you’re a partner</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
What does the long term look like?

Consider the costs of partnership, in addition to its benefits

Financial Implications
- Buy-in?
- Higher cost of benefits, e.g. insurance?
- Tax consequences?
- Uneven salary flow?
- Any chance of the firm going under?

Time Commitment
- Billable hours
- Service to the firm
- Matter management, billing, etc.
- Business development

See 9/5/17 article on Law.com, "The Cost of Making Partner and How Senior Associates Should Prepare"

http://www.law.com/sites/almstaff/2017/09/05/the-cost-of-making-partner-and-how-senior-associates-should-prepare/?slreturn=20170807141459

After taking stock:
- Make an informed decision about where you stand:
  (a) You want partnership and are well-equipped
      - In that case, consider seeking coaching or mentoring to focus on higher-level partner skills
  (b) You want partnership, but need development to get there
      - In that case, seek coaching to shore up any areas that need development
  (c) You wanted partnership, but it doesn't appear realistic to attain; or
  (d) You don't want partnership
      - In case (c) or (d), the process will involve exploring options within and outside of the firm
Part 4: Building an Action Plan

Which type of plan?

- Typically, your action plan will be one of three types, depending on whether you want to move up, over, or out:
  - Development Plan
  - Proposal to the Firm
  - Transition Plan

(a) Sample Development Plan

<table>
<thead>
<tr>
<th>Goal</th>
<th>Action Steps</th>
<th>By When</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship Development - Internal and External</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication, Visibility, and Profile Building - Internal and External</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leadership Development - Internal, Community, and Professional Organizations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Management Skills - Clients, Matters, and Teams</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(b) Proposal to the Firm

- Plan should include:
  - Research
    - Precedent, policies, history within the firm
    - Discussions with stakeholders
    - Discussions with prior parties involved in similar proposals, if any
    - External research – what have other firms done? This information will be important.
  - Identification of Obstacles and Advantages
    - Assess viability of proposal
    - Identify obstacles
    - Prepare to address likely objections and identify benefits to the firm
  - Timeline and strategy for making proposal
    - Outline of the proposal

(c) Transition Plan

- Identify the elements of the desired career outcome; how would you like your new position to be different from your current situation?
- Gather information
  - What are the options that might fit your desires and qualifications?
    - Another firm
    - Solo practice
    - In-house
    - Government
    - Non-profit
  - Analysis

Working the Plan

- Once a plan is established, a coach can support you in working the action plan and holding you accountable.
- Coaching sessions involve checking in on progress, accountability for completion of action items, discussion and identification of obstacles, and action items for next session. You can also ask a mentor to serve this role, if you have a well-established, trusting relationship with them.
- You may get down the road and learn new information; the plan may evolve or change along the way.
- Set deadlines for reaching milestones, and calendar reminders to assess your progress.
Conclusion

- In today’s environment, partnership is not an automatic choice; it’s harder to achieve and maintain than ever before.
- At the same time, new career possibilities may be available that didn’t exist twenty years ago.
- You can increase the likelihood of a satisfying outcome by taking charge, educating yourself, evaluating your options, and choosing a direction sooner, rather than later.

Questions?

Upcoming Career Advice Series Webinars

- Friday, October 13, 2017, 1-2pm ET, Legal Technology and Innovation: A Framework and Skills for Success
- Friday, December 8, 2017, 1-2pm ET, Keeping Up with LinkedIn
Upcoming Career Choice Series Webinar

Friday, September 22, 2017, 1-1:30pm ET, Health Law

http://ambar.org/careers
https://www.linkedin.com/company/aba-legal-career-central
https://www.facebook.com/ABALCC/
https://twitter.com/abalcc
https://www.youtube.com/channel/UCgleqg8YUPO-F4Uww3eYAA

http://ambar.org/jobs

Chair:
Liz Stone,
The Dubin Group,
San Francisco

Advisor:
Mark Weber,
Harvard Law School,
Cambridge

ABA LCC Staff
Emily Roschek, Chicago

Check out http://www.abalcc.org/about/ to meet the LCC Board.

ABA LCC Board Members:

• Dan Brindick, Garrison & Scan, Washington, DC
• Avery Battle, Avery Bank Consulting, Philadelphia, PA
• Owen Davis, Harvard Law School, Cambridge, MA
• Judith Gordon, LeaderEsQ, Los Angeles, CA
• Cheryl Rich Heiker, LAWTERNAIVES, Chicago, IL
• Fiona Tevelyann Hombower, Boden University School of Law, Boston, MA
• Kael Horne, Santa Clara University School of Law, Santa Clara, CA
• Betty Munroe Edelman, Boston, MA
• Samoril Selin, Samoril Selin Coaching, San Francisco, CA
• Bob Young, English, Lucas, and Ossway, LLP, Bowling Green, KY