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Even the Young Now Hunt

By K.C. Victor

Starting in the late 1970s and entrenched in the law firm culture by the 1980s, lawyers could no longer expect to be made partners at the vast majority of law firms simply by being excellent lawyers. It sometimes still happened, but more and more lawyers needed clients and sizable collections from those clients to be brought into the equity circle. However, even as these shifts became the norm, the rules were basically the same: generally, associates were discouraged from wooing business even though partners were expected to bring in business with some skill almost as soon as they became partners.

More importantly, associates did not think it crucial to have their own business. The entrepreneurial ones could not help themselves. However, neither partners nor associates expected associates to garner business, and such procurement by associates was not thought of as a good in itself. Sometimes getting business before one's legal skills were carefully honed was seen as putting the cart before the horse. At larger firms it was often discouraged. When associates were allowed to develop business, there was seldom a model. Learning was by osmosis. The osmosis model is unreliable concerning successful rainmaking.

In his seminal book, *The Structure of Scientific Revolutions* (1962) Thomas Kuhn coined the term “paradigm shift” in the context of scientific thought. The most widely known scientific paradigm shifts were those begun by Copernicus and Darwin. A new way of organizing a world view becomes accepted. It morphs into the new normal.

Likewise, I believe there has been a paradigm shift concerning the client development skills of young lawyers during the last few years. This shift began with the junior lawyers themselves. When astute young lawyers saw that associates who were laid off at firms were seldom ones with clients or significant potential client connections, it became common for young lawyers to at least think about seeking business and who they may know. Furthermore, those who paid attention could also see that on those occasions when a young lawyer with business was laid off, he or she did not suffer paralyzing fear and terror about landing softly enough. The worst case would be a solo or shared space practice, for a while or for the long haul. Fear and terror shrank to mid-level anxiety when one has business.

As the economic recession continued, I saw a shift concerning teaching client skills to young lawyers. At some of the smaller firms with which I work, young lawyers were asked to contact peers from college or law school at potential clients to discover how that organization selects its lawyers, and to see if their relationship might be a basis for developing business. (This is in direct contrast to what I was told as a young lawyer – that some investment bank analysts become Managing Directors, so I should develop friendships with analysts. It was clear that my expected business development was in the future, way down the line.)

I have been helping lawyers of various seniority levels hone and cultivate their legal, business and client skills with lawyers of various ages for over twenty-six years. Mature lawyers have always cared about what it takes to attract and develop clients. I am not surprised when more senior lawyers ask for business development advice based upon their life particulars. What did surprise me, especially when it first started to happen a few years ago, is that junior and mid-level law firm associates have called or visited with me asking whether to leave their current firm because they have been approached by a potential client with business they cannot bring into their current firm. If they want to stay, they ask how, if possible, they can engender professional respect and loyalty from personal or business connections that cannot be brought into their firms for various reasons, with the number one reason usually that their firm's billing rates are too rich for these clients. This is because if these lawyers later leave, they want to be able to call those same potential clients who could not become clients earlier in their career.

Since I keep secrets for a living, lawyers at various levels of seniority come to me to discuss their experience, skill set(s) and clients. Until recently, when a younger lawyer decided to seek a new professional home, that person focused on and expected to sell her or his skills and a willingness to work hard, not connections or a book of actual or potential business. Younger lawyers were and still are mostly hired for their talent and energy. More mature, partner level, lawyers are hired for their book of business. However, as associate level lawyers seek safety in the arms of clients, they neither want to nor do leave those clients behind. When I meet with younger lawyers now, most of them discuss whether they have business and, if they do not, who they know and how they might go about approaching potential clients if they joined a place which gave them more time to cultivate clients, somewhat flexible billing rates or both.

In the United States there have always been young lawyers who, by brave choice or financial necessity, sought clients from the start of their legal practice. However, in the world of established mid-sized and large law firms, the traditional work of junior lawyers has been to establish their technical abilities by getting increased levels of responsibility servicing established clients. It was believed that the technical aspects of law could not be learned at the same time as one was developing clients. That assumption is shifting. The old pyramid of finders, minders, grinders being tied to seniority is vanishing.

Boxed in roles for lawyers at different levels of seniority being the desired norm is going through its own paradigm shift. The best scientific analogy for this shift in the legal profession is probably the change of perception that had us leave a world of classical mechanics and enter one of quantum mechanics. The new, less stratified lawyer, who performs the functions of both associate and partner in the old regime, is a first cousin to the particle wave. I cannot wait for the legal equivalent of ten dimensions.