



The Partnership Track: Everything You Didn't Learn in Law School

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"Law firm economics" how your productivity impacts your progress and your ability to be successful in a firm environment—is something that most associates have no clue about."

—Davis Chappell

What does it take to make partner? As associates move up in the ranks, they may hear it takes hard work, a commitment to the firm, expertise in a certain practice area, and the ability to generate strong relationships with both current and potential clients. But there is more to the partnership track than what associates already know.

The knack to generate business and an understanding of law firm economics are today some of the most important factors in making partner, according to several current partners at various firms, large and small, around the country. Personality also affects an associate's

ability to make partner, as does a talent to "sell" yourself and prove your marketability for the firm. As many firms have formal criteria or levels of knowledge a young attorney must achieve before moving up, it is important for associates to become familiar with the specific requirements at their own firms. Asking questions and building mentor relationships are crucial to both understanding these requirements as well as gaining valuable skills for that partnership experience.

But while all young practitioners have to pay their dues on the way to making partner, women and attorneys of color face additional challenges. Often they lack mentors and advocates who can help clear the path to partnership. Some partners of color say that minority associates sometimes are overlooked by clients for work. Another challenge, typically faced primarily by women, is juggling a busy law practice with a desire to have a family.

While practitioners may feel prepared to practice law when they graduate from law school, the actual learning—and preparation for partner—lies in the real world. To stay ahead of the game and reach partner, associates must realize that while law school teaches its students how to think and write like a lawyer, the most important learning, when it comes to practicing law, is on the job.

"I learned nothing in law school about being a partner," says Kimberly Blacklow, a partner at Cleary Gottlieb Steen & Hamilton LLP, who serves on the large international firm's diversity committee. Law school "trains you to do research, write, analyze, and think like a lawyer, but it does not at all prepare you to work in a corporate law firm. Everything you learn is by observation, relationship-building, and hard work," Blacklow explains.

W. Randy Eaddy, a partner for 20 years, who has spent the last 12 years at the large international firm Kilpatrick Stockton LLP, agrees. "If you just believe, 'I'm a terribly smart person, I graduated at or near the top of my law school class and worked on X law review, so if I just roll in here and do a crackerjack job and don't spill stuff over myself whenever I'm out to eat with partners, I'm going to be OK,'" he says, "you won't be here long."

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—W. Randy Eaddy

BEING A BUSINESS ASSET

In fact, says Eaddy, the path to partnership has changed "fairly significantly" over the past 10 years. Prior to that, most firms in major markets promoted partners who did exceptional work and made themselves assets to clients. Today, that is simply the baseline for consideration of partnership, he says. "Your ability to perform very high quality legal work is a given. This includes not only getting things right but being able to communicate the right answers to

clients in a manner that inspires confidence by them in you that you can help them solve their problems," explains Eaddy. Another "given" is having profitable relationships with clients, he adds.

What's different? When being considered for partnership today, firms are recognizing that partnership ranks can become too large. Therefore, Eaddy says, "increasingly, firms are looking at an individual lawyer's ability to generate business for the firm beyond that lawyer just working on matters given to him or her to do." He calls this "becoming a business asset" of the firm.

"The part of the current partnership track that is not talked about very much is how a young lawyer makes himself or herself into a business asset," he says. "It's more than just working at the very highest level."

The earlier an associate starts thinking about developing business, the better. "That's something people don't often think about," says Deborah Broyles, a partner at Thelen Reid & Priest who chairs the large national firm's diversity committee. "When you're a junior associate, the learning curve is high and you're working very hard to hone your technical skills. But you don't want to lose sight of business opportunities that present themselves through law school, social, or other connections," she says. "It's important for the associate to keep in mind there are always business development opportunities out there."

How can young lawyers develop business? They can focus on institutional clients at the firm and attempt to generate more business from them. They can also become experts in a specific substantive area of their practice and market themselves as guest speakers, Broyles recommends. "That's another way to get your name out there and become a 'go to' person who delivers value."

Blacklow at Cleary Gottlieb discovered her own value when she spent over a year in the firm's Tokyo office. "That was a watershed experience for me in terms of professional development because I was many time zones from the people supervising my work," she recalls. After taking some time off when she returned to the United States, she ramped up her client relationships, developed more leadership skills, and stayed active on firm committees. Two years later, she was voted into the partnership.

When young practitioners ask her about making partner, Blacklow advises not rushing the process. "I tell them, 'You need to come in the door with a good attitude and work as hard as you can. Establish your skills and your reputation for excellence, and then four or five years down the line, we'll talk about the rest of the way the package has to be put together,'" she says. "But without that as your foundation, making partner doesn't work."

LAW FIRM ECONOMICS

At Ulmer & Berne LLP, a mid-sized regional firm, partners try to impart the importance of what Inajo Davis Chappell, partner and diversity committee co-chair, calls "law firm economics." Most associates know they typically are paid a salary rather than a percentage of the firm's quarterly or annual business. But they rarely are exposed to the quantitative elements of running a firm, says Chappell. "Law firm economics—how your productivity impacts your progress and your ability to be successful in a firm environment—is something that most associates have no clue about," Chappell explains. "As an associate, I knew I had to work hard and put in the time and be committed, but all those things actually translate quantitatively. I don't think I realized for a long time how the decisions on who makes partner are ultimately made. There's a whole economy that drives some of that decision making."

According to Chappell, during the middle years of an associate's career, partners are examining that lawyer's billable hours, productivity, the number of clients the practitioner works with, and the profitability of matters being worked on. "In our firm, it's important to not only bill good quality hours and be productive and profitable, but also generate dollars by generating new matters from existing clients or new clients," says Chappell.

The first week Marco Gonzalez was on the job at the Newark, N.J., office of Duane Morris LLP, he already was generating business. A partner from the New York office asked if Gonzalez, a new fifth-year, would be interested in taking on a New Jersey case for the firm. Gonzalez said yes. "I handled the matter from filing the pleadings to the jury verdict, which was favorable," he says about the February 1999 case. The New York partner also became one of his mentors.

In January 2004, Gonzalez, who had worked at two regional New Jersey firms before moving to Duane Morris, made partner. Today, he mentors two law students from his alma mater, Rutgers University Law School, and advises several lawyers through the firm's diversity committee mentorship program. "I'm trying to do the same thing that was done for me—reach out to younger associates and show them the ropes," says Gonzalez.

To learn the ropes on the way up, they must ask questions, conveys Julie Lierly, a partner at Kilpatrick Stockton since January 2004. "I advise young associates not only just to ask, 'How am I doing?' but to also ask if you have any doubt as to why a decision was made on a particular case. That way you can not only understand the results, but also understand the strategy and motivation behind it," she says.

Asking a more experienced lawyer about his practice can lead to unique learning experiences, Lierly explains. "I certainly benefited from asking questions when I had uncertainty or just wanted to hear what they had to say about something," she says. "Don't let those unknowns and silences dominate your life—be unafraid to ask questions so you can learn."

PARTNER PERSONALITY

Young attorneys who ask questions learn the partnership process at their firms. At most law firms, it's the seventh- and/or eighth-year associates who come up for a partnership vote. At many large firms, such as Duane Morris and Kilpatrick Stockton, those associates often are nominated for partner by their department heads. Candidates then are reviewed through formal interviews, examination of records, and comments from other attorneys and staff. Each candidate is then voted on by the entire partnership at a special meeting.

At many smaller firms, such as Denver-based Wheeler Trigg Kennedy, all partners, rather than department heads, identify potential candidates, but the reviewing and voting process is the same as for large firms. Many firms have specific criteria on which they base their partnership decisions. Associates learn about the criteria—and how well they are faring—as they move up in the ranks, says Michael O'Donnell, chairman of Wheeler Trigg Kennedy.

"We are a really progressive, open firm. We share information, including numbers, with associates so they know what they're getting into," he says. "We actually have 10 criteria we use in evaluating each lawyer's candidacy and we share that criteria with them."

Personality is key in partnership decisions because partners are in the firm for the long haul, explains Mark Clouatre, recruiting partner at Wheeler Trigg Kennedy. People who take initiative, are outgoing and team players, and are open to new opportunities and experiences do well on the partnership track, he says. "We're going to work together and see each other a lot so I want to like what you stand for and what you do personally and professionally," he explains. "It goes back to the collegial atmosphere—we have to like those we work with."

Like many firms, Wheeler Trigg Kennedy promotes partners from within, says Clouatre, "so it's really important that we closely look at candidates coming through for partnership potential. We look at people more for the long term, which is a healthy way to approach recruiting because the candidates are investing in a firm and it's important for a firm to invest in candidates."

Some firms, such as Cleary Gottlieb, have a lockstep system, meaning partners are compensated equally based on their seniority. Wheeler Trigg Kennedy has a similar program, which the firm calls a merit-based partner compensation system. Therefore, says Clouatre, building relationships with existing clients is crucial in making partner. "This firm doesn't have the pressures of books of business," he says. "It's great if you can have the book of business when you're up for partner, but it's also important to service existing firm clients and make them want to retain you."

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—William E. Dorris

SELLING YOURSELF

As Clouatre moved toward his 2003 partnership, he says he "treated each day as a sales transaction." That meant "selling" himself to other attorneys as well as to clients. "Some people think, 'What is the firm going to do for me to help me make partner?' That is a lackadaisical approach," he says. "You have to put yourself in the driver's seat and show why you should make partner."

To sell himself, Leonard D. Young presented a business plan to the partners at Ulmer & Berne in 2001. He had spent a decade in the corporate world and thought a large regional law firm would be a solid next business step. "I presented the firm with a plan that I'd reach a half million dollars in billings by the end of my first or second year," he recalls, adding that he had never billed before but had a strong network and skills. "I was fortunate enough to get to that level and more at the end of my second year." With that, he made partner in 2003.

That selling extends to networking, explains William E. Dorris, a partner at Kilpatrick Stockton who is on the hiring committee. "Every client they come in contact with, every opposing attorney or client of an opposing attorney is a contact they're making that may lead to referrals or business in the future," says Dorris. "Treating everyone as an important contact for you is one way to begin showing you have some business development skills."

Small accomplishments also lead the way to the partnership track, he says. "For new associates coming into a law firm, if they don't trip themselves up on some of those small things, they'll do well. Like for most people, it's the speeding tickets that are the problem—not the murder convictions," he says. Those "small things" include always being responsive to clients and other lawyers, keeping supervising attorneys abreast of the work, and taking initiative. "If an associate has problems with some of those things, often they get off to a bad start with some attorney and it takes a little while to turn that around," Dorris explains.

SPECIAL OBSTACLES

The partnership track is challenging for any associate, but attorneys of color and women have some special obstacles. One of the biggest is finding a mentor. "As an African American, most of the hurdles were early on in trying to find champions within the firm," says Blacklow of Cleary Gottlieb. "You cannot get through this process without having advocates."

Mentors and advocates guide young practitioners through the process and make sure the associate has the tools she needs to move up, says Chappell of Ulmer & Berne. "If you haven't had a mentor to ensure that you're getting the training and working with lots of different people, it ends up being a problem as you move forward," she says. "When those pieces are missing, it becomes difficult for a minority or woman attorney because there's the presumption that the particular lawyer doesn't have all the skill sets needed to do the work. Then it becomes a self-fulfilling prophecy, because no one will want to give that person work."

So how do associates find mentors? While women and minorities may seek out those of similar backgrounds, Broyles of Thelen Reid says this should not be the only requirement.

"Sometimes minority associates feel they'd rather have a minority partner as a mentor because that relationship may be more comfortable for or familiar to them. Indeed, those relationships are extremely valuable, but, it is equally important to realize you can get—and it's essential that you do—mentorship outside of that group as well," she advises. "You find mentors in many different packages."

When mentors delegate responsibilities to their mentees, both sides benefit, says Francesca Lavin, a partner at Cleary Gottlieb since January 2005. Lavin generated business in Brazil as an associate, and seasoned attorneys encouraged her to manage those clients, she says. "It gave me the opportunity to grow as a lawyer, develop skills, and generate business, which can be tough, especially for women, because you need to be aggressive, showcase yourself, and talk about your skills," Lavin explains. "You don't always grow up being predisposed to that type of thing as a woman," she adds.

Women are also often good at organizing and being detail-oriented, skills that tend to be delegated as an associate moves up in the ranks, Lavin explains. Women associates who become partners sometimes have challenges giving up those little details, she says. "You have to consciously let those things go and let others do that. Otherwise, if you continue to play the junior lawyer too long, you become the consummate junior lawyer and clients and colleagues have a harder time viewing you as a senior lawyer," Lavin adds. "For me, it was a challenge to say, 'I can't organize every detail of this. I have to let someone else do that even if I think I can do it better. As a senior, you tend to supervise more so you can look at the bigger picture and make sure the larger issues are taken care of.'"

But what if a minority or female associate is simply not given work? That is another challenge attorneys cite in moving through the partnership track. "We're still a relatively segregated society and we really don't necessarily associate across racial lines still, even though we are diversified at work," says Young of Ulmer & Berne. "So if you're a white male, maybe you automatically go to a white female [to give her work] but you don't go to the black female or the black male because you just don't do that in life. People aren't necessarily prejudiced, but that's just what happens."

His colleague, Chappell, agrees. "Sometimes there's a disconnect between minorities and women getting the best assignments and projects," she says, adding that Ulmer & Berne has a strong sensitivity training program and diversity committee that addresses these issues. "I don't think people intend to do it—they are comfortable working with people they are comfortable with and unless they make a concerted effort to work with others, they are inclined not to do so."

The rules sometimes can be different for minority and white associates, she adds. "We tend [as partners] to hold people's feet to the fire across the board, but whereas a white associate will maybe not know exactly what he or she is doing and the work product is not the best, the response will be, 'He's green. He needs more training,'" Chappell explains. "When an African American or other minority associate makes the same error, has work product needing improvement or has the same issue of not knowing, the presumption is sometimes incompetence."

A way to prevent this disconnect is make sure diverse views are represented on all firm committees, says Young. "It's important that committees that deal with young associates are not just staffed simply with white men," he explains. "That arguably would give a voice during the partnership process to the minorities and females that are there."

Eaddy of Kilpatrick Stockton agrees, adding that his firm, too, takes diversity issues seriously. More firms today are taking initiative as their corporate clients stress diversity, he says. More major companies today want to promote diversity both within their own ranks and within those law firms who work on their cases, Eaddy adds. "For a diversity program to be successful," he explains, "it has to be strategic about ensuring that women and minorities know about—and are given—tools to empower them as business assets."

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—Nolan N. Atkinson Jr.

A QUESTION OF SIZE

The attorneys interviewed all indicated that there are advantages and disadvantages to working in either large or small firms. According to Nolan N. Atkinson Jr., a partner since 1991 at Duane Morris, bigger firms offer a greater variety of experiences, cases, and practice areas, more global opportunities, and sometimes more structure. "For any diverse associate, I would say the opportunities in large law firms are better than ever today" for minority associates to make partner, he explains. Why? "Demographics that indicate this is a global economy, with large portions of people of color in the majority throughout the world, require that professional service companies, such as law firms, be diverse," Atkinson explains. "If you were just out of law school and getting ready to join a large law firm, the opportunities are unlimited."

Disadvantages of working at a large firm include the sheer size, which translates into more competition for partnership slots and relatively fewer personal relationships with partners. "Because of the size of those firms, they probably look at metrics and rely on the objective numbers [when deciding who makes partner] much more than smaller firms," says O'Donnell

at Wheeler Trigg Kennedy. Smaller firms are more personal, he adds. "Of our associates, I have met every one of their spouses. I know them, I've worked with most of them, and they are better known to us, so we're not as driven by their metrics. That gives us greater flexibility to treat every person as an individual."

Another incentive to join a smaller firm is the chance for a shorter partnership track, adds Atkinson, who managed his own small minority-owned practice before it merged with Duane Morris. "A larger law firm has more institutional and traditional structure, and probably long term is going to provide greater security benefits and compensation than a smaller law firm, which is much more subject to what happened in the past year, so there's not as much security," he says. "So if you're going to induce someone to pick between a small and large firm, you've got to convince the person that by joining a small law firm, you're going to see the benefits a lot sooner."

At a large firm, though, Atkinson admits it is easy to get lost. He recommends associates join bar associations, particularly minority ones, and develop relationships externally. "If you're involved before you get to a large firm, you should not simply lose whatever your cultural or racial differences are," he says. "You should respect them and be concerned about how you're going to make the firm a better place by bringing your background into the firm."

That is what happened to Gonzalez of Duane Morris, who last year co-chaired the CLE committee for the Hispanic National Bar Convention in New York. Gonzalez says Duane Morris appreciated his diversity, and supported his efforts to take part in activities and organizations for minorities. "They talk the talk and they walk the walk," he says. "They stuck to their commitment of letting me work on these external issues, which is very important to me because the minority bar itself is a support network."

Gonzalez continues to offer support to associates on the partnership track as he looks back at his first year as partner. "I think it went very well. I did the things I had to do to maintain my clients. I picked up administrative duties and obligations, and got involved in the marketing side of things. It was a hectic year," he says, "but I came through OK."

If associates take their law school training and combine it with the skills they already possess, they, too, can make partner. However, the partners interviewed agree, it takes an extra edge for an attorney to make it to partnership—by focusing on developing business, understanding the economics of the firm, maintaining a positive and inquisitive personality, finding and keeping mentors, and "selling" themselves, senior associates have a stronger chance of becoming partners themselves.

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