

Associates No Longer Gunning For Partnership

By Shannon Henson

Law360, New York (July 16, 2009) -- For more than a decade, associates at large law firms have increasingly turned their backs on the goal of making partner — a trend likely to intensify given the recession and the daunting times law firms face, consultants said.

Associates started becoming disillusioned with partnership in the late 1980s and 1990s as firms made it a more difficult feat to achieve and increasingly moved to tiered partnerships, consultants said.

As the recession now refuses to loosen its grip on the legal industry, associates facing efficiency pressures are more disenchanted with the prospect of making partner than ever.

“They are seeing more senior attorneys involuntarily leaving firms and partners making additional capital contributions,” Toni Whittier of Whittier Legal Consulting said. It all culminates in more attorneys choosing not to strive for partnership, she said.

Before the recession hit, consultants said law firms had come to need and want fewer partners than they once did.

Frank Michael D'Amore of Attorney Career Catalysts LLC said that until the 1980s, it was almost a given that associates joining large law firms could make partner as long as they demonstrated legal competence and didn't step on any political land mines at the firm.

“Even summer associates were told that if you come in, perform and people like you, you can be with the firm forever,” D'Amore said.

But over time, firms started wanting their lawyers to not only be good attorneys, but to also exhibit business development abilities.

“Now the bar is even higher. An attorney could move into partnership. But to be an equity partner? We're talking the very few,” D'Amore said, comparing partnership at a large firm to becoming an elite professional athlete. He noted that becoming partner at a small or midsize firm was not as difficult.

Whittier said law firms changed their outlook on partnership because they needed to maintain the leverage they implemented for economic reasons.

“They needed to take control of how they were growing,” she said.

John Childers, a consultant with Hildebrandt International, said that for at least a generation, partners at large firms haven't wanted all of the associates to stick around for the long term. Meanwhile, many associates have stopped wanting to go down the partnership path.

In fact, a survey by Hildebrandt about a year and a half ago found that associates fit into four segments based on their ultimate goal.

Only about one-quarter were set on making partner, Childers said. Others were interested in working hard, but didn't plan on sticking with the law firm for the entirety of their careers.

The survey found that there were also associates who found a balance between work and life to be of great importance and didn't find the law firm culture to be a good fit.

The last segment was passionate about the law, but wanted to pursue the profession in a place other than in a law firm — perhaps in government or in a public interest capacity.

Associates haven't just shifted into those nonpartner segments because it's a hard goal to achieve. “There was a realization before the downturn that life on the other side is not so much better,” said Deborah Epstein Henry, founder and president of Flex-Time Lawyers LLC.

The recession has also been a disenchanting experience for associates, Henry said.

"Not only have associates been laid off, but associates are seeing firms let go of partners, de-equitize partners and the accompanying humiliation of the partners they report to," she said.

Having a balance between work and life is also important to many younger attorneys, playing a role in whether they want to seek partnership, consultants said.

"For a lot of younger attorneys, they don't want it because they look at some of the partners today and see them as great lawyers, but they put in extraordinary hours and have high levels of stress," D'Amore said. "While (associates) are willing, in a professional realm, to work very hard, that balance has tilted somewhat. In the generation before, the job was so key. It was almost a badge of honor to think that as hard as this will be, I will die in this firm some day."

The recession, he said, has confirmed to some attorneys that seeking partnership isn't worth it, while serving as a wake-up call to other associates.

"It may be a motivator because they can look and say, 'I can't just bob along here and make nonequity partner, and who knows, maybe some day make partner,'" D'Amore said. "They realize they can't think like that. The message is that they can't hope lightning strikes and all of a sudden they are rainmakers. They are going to have to go after it."

Consultants said the increasing apathy toward making partner could have an impact on law firms eventually. A high percentage of baby boomers are partners, so when they start retiring, law firms may face a gap in top talent.

"I think there's an appreciation that this is a different generation that doesn't want to commit for life to one place of employment, but there is less forethought to what that will mean to a firm's hierarchy if no one is aspiring to be at the top," Henry said.

Childers, however, said he didn't foresee a lack of people willing to take the reins.

"More lawyers want to be partner than firms are looking to fill those roles," he said.

And Whittier noted that the downturn might deepen the pool of talent.

"People are still going to law school. Applications and attendance is up because jobs are more scarce, so firms still have a good pool of people to choose from," she said.