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The new associate mantra: Keep quiet

Karen Sloan / Staff reporter
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With law firms unloading scores of attorneys amid the economic downturn, associates are finding that the balance of power has shifted away from them and into the hands of law firm managers.

Gone are the days — as recent as a year ago — when firms had to pile on the perks to keep associates from jumping ship.

With few ships for associates to jump to these days, young attorneys are increasingly reluctant to raise any issue that might put an unwanted target on their backs.

One mid-level litigation associate is still furious about her firm's decision in March to slash the salaries of associates who didn't bill their target hours in 2008 — a move that will cost her tens of thousands of dollars this year.

But that doesn't mean she's going to take up her grievances with the partnership at the national firm. Instead, she has resigned herself to quietly fuming about the cuts, even though she said she met her target hours.

"You're really between a rock and a hard place," said the associate, who asked that her name not be used because she is not authorized by the firm to make public statements. "There's nothing that we can do about it, and you don't want to say anything about it. You don't want to give anyone a chance to put you on the [layoff] list."

Keep your head down

Working from home, reducing hours, the type of assignments received, sabbaticals and technology allowances are among the issues associates are generally more reticent to raise since the downturn hit.

"If I were an associate, I would keep my head down. I wouldn't want to be the one asking for anything," said Sheri Michaels, a partner and head of the global associate practice group at Major, Lindsey & Africa.

Over the course of February and March alone, law firms laid off 1,441 attorneys, according to the Web site LawShucks.com, which tracks publicly announced law firm cuts. The total number of layoffs is surely higher due to so-called stealth layoffs.

Not only are associates less likely to ask for anything that could be construed as an accommodation, but they also are less vocal about problems and concerns that they'd bring up in better times, experts say.

For example, firms previously recruited associates with promises of working on the frontlines of deals, Michaels said. Now, some of those associates who believed they would get challenging assignments are performing less-stimulating tasks such as document review, as work has dried up. But they aren't complaining to partners for the most part, Michaels said.

It remains to be seen whether the recent power shift will trigger a long-term rollback of the perks and policies that firms have adopted in recent years in order to make life a little easier on young attorneys.

"There has been a lot of work/life pressure from Gen Y attorneys on law firms, and now that voice is being tempered because of layoffs, delayed start dates and rescinded offers," said Deborah Epstein Henry, founder and president of consulting firm Flex-Time Lawyers, which advises firms on work-life balance issues.

Henry hears from working mothers and part-time attorneys across the country, and she said the poor economy is dissuading some from pursuing flexible or part-time schedules because they fear losing their jobs. Henry isn't the only one taking note of that trend.

"My general sense is that the economy and the layoffs have impacted attorneys' willingness to ask for flexible work schedules," said one part-time attorney and working mother who asked not to be named. "You want to be careful, bill as many hours as you can, and not be next on the list," she said.

Face-time with decision-making partners is particularly important now that layoffs have hit most of the top firms, Michaels said. That makes working from home or cutting down hours a less attractive option for many.

Flex time still alive

Although the economy clearly is prompting some attorneys not to pursue flexible and part-time work schedules, the part-time movement is not "dying on the vine," said Joan Williams, co-director of the Project for Attorney Retention.

Both Williams and Henry said they have noticed that firms that haven't been serious about developing comprehensive flexible work schedule programs in the past are discouraging attorneys from pursuing that option right now, and are even targeting some part-time attorneys in their layoffs. The flip side is that some forward-thinking firms that have good track records with flexible schedules are using the downturn to create more opportunities for attorneys to work part-time and flexible schedules.

Despite those opportunities, the overwhelming attitude at firms seems to be that flying under the radar and focusing on remaining as productive as possible is the smartest strategy right now.

"I think employees in general are just trying to lay low and aren't asking for anything that could be construed as an accommodation in any way," Henry said.