

TO: New York Partners
FROM: New York Associates
DATE: October 15, 2002
RE: Associates' Concerns

This memorandum reflects the commitment of the associates of Clifford Chance US LLP to join the discussion on how to improve the quality of life for associates at the firm. The memorandum incorporates comments that associates made in a Town Hall meeting on Tuesday, October 8, 2002 (attended by approximately 140 associates), responses that associates drafted to a survey that the Personnel Committee distributed last week (as of Monday, October 14, 2002, approximately 120 associates had responded), and summaries Personnel Committee members had with many associates in the firm.

LESSONS LEARNED FROM THE LEAKED CLIFFORD CHANCE MEMO

The following is a summary of the concerns that were raised for the firm's quality of life. The concerns are organized into four parts: Part I lists the concerns that concern the substance of the firm's work; Part II lists the concerns that concern the firm's compensation; Part III lists the concerns that concern the firm's training; Part IV lists a series of other issues that we believe provide context for the concerns listed above. We believe that these concerns are not meant to be a critique of the firm's quality of life, but rather a list of issues that we believe provide context for the concerns listed above. We believe that the firm is already doing a good job. Please read this memorandum as a single response. Though the memorandum contains separate sections for convenience, we believe that many of the issues are interrelated and affect each other.

I. Overview

The associates believe the firm's abnormal, last place ranking in the October 2002 American Lawyer "Associates Survey" (the "AL Survey") revealed a profound problem at Clifford Chance. In the survey, we were ranked as the worst firm in the country for associate satisfaction. Our prize was a profile under the title "In the Cellar." The magazine juxtaposed this "profile" of our firm against the "Most Improved" firm, Irwin & Manella. In addition to being ranked last overall, we finished in the bottom six in ten categories (all numbers are out of 100): (a) treatment by partners (87); (b) how interesting work is (111); (c) training and guidance (112-last); (d) atmosphere at the firm

Associate Dissatisfaction

The Chance that Clifford Took

Lessons Learned From the Leaked Clifford Chance Associates Memo

BY GERRY RISKIN • EDGE INTERNATIONAL

On October 15, 2002 associates in the New York City office of Clifford Chance responded to a request for input from the firm's partners with a memo – a very candid memo. Somehow, a copy got into the Financial Times of London and became public. The result has been pivotal for Clifford Chance and, maybe, the legal profession globally.

THERE BUT FOR THE GRACE...

CLIFFORD CHANCE IS A GREAT LAW FIRM. It is not only the *largest* in the world, but in the eyes of a significant number of sophisticated clients it's the *best* in the world. The legal profession is, however, very fragmented. If you put Clifford Chance on the eyeball of PriceWaterhouseCoopers, it would not interfere with PWC's vision. Perhaps it is this fragmentation that has kept the legal profession from developing adequate sophistication in management. The challenge to do so at Clifford Chance is likely increased by its aggressive global expansion, including mergers. This is not a cheap shot at the management at Clifford Chance – it is more of an indictment on how law firms are managed in general. I have no doubt that Clifford Chance's management is populated by incredibly intelligent, well-meaning people who have the best long-term interests of the firm in mind.



Let me be clear. I abhor the fact that “The Memo” was leaked to the press. That was wrong. If there were a way of identifying those responsible, they ought to be reprimanded – possibly even disbarred. It was a cowardly and vengeful act. Such behavior is not in keeping with my notion of the professional standards of the legal profession. If I were personally given a copy and had it not already been published, I would have protected the identity of the firm. However, now that the cat is out of the bag there is no reason to be coy – let's convert this into a learning experience. It is not my intention to embarrass or chastise; the circumstances alone have been admonishment enough. The purpose of this article is to offer some constructive suggestions on how to be better



and more profitable firms through enhancing the satisfaction of associates.

Lest competitors of Clifford Chance be tempted to gloat, I know of none with clean hands. I have had the privilege of working with law firms all around the world – many of whom are considered “blue chip” firms – and can report that there is not a single one that can afford to throw a stone from its glass house. In my opinion, glass is the material of the dwellings in which all law firms reside. (If there is a managing partner out there who begs to differ, who resides in a firm where this memo could not possibly have been penned, please contact me. I will be happy to visit to verify without fee and if I agree, will write up your firm. I am not expecting the phone to ring.)

THE MEDIA STORY

An article in *The Times* (London) on October 29, 2002 by Jon Ashworth appears under this title: “Clifford Chance Denies Young Lawyers Charges” and begins with: “CLIFFORD CHANCE, the world’s biggest law firm, was in full damage-limitation mode yesterday over suggestions that junior lawyers were ‘padding’ bills to reach their fee targets.”

Here are some of the more choice excerpts from that embarrassing article:

- “In a 13-page memo to their bosses, associates in New York complained that pressure to hit annual targets of 2,420 billable hours each was encouraging ‘padding of hours, inefficient work, repetition of tasks and other problems’. They allege ‘favoritism’ in assigning projects—‘why aren’t attractive female associates ever out of work?’—and complain about partners treating associates with contempt and screaming: ‘We own you!’”
- “The details of the memo were leaked to the press at the weekend. The firm spent much of yesterday reassuring clients, saying the negative

feedback was limited to New York. Clifford Chance merged with the US firm Rogers & Wells in 2000 and has been struggling to reconcile two very different cultures.”

- “Allegations of ‘padding’ are highly damaging to Clifford Chance, which recently became the first international law firm to bill annual fees in excess of £1 billion.”
- “One New York client said the consequences for Clifford Chance if the allegations were proven would be devastating. He said: ‘If this were to be established, I would never do business with them again and would probably explore rights of recovery. This is not a gentlemen’s club run for their benefit.’”
- “Associates put pen to paper after a damning survey by an American legal magazine ranked Clifford Chance as the worst firm in America for employee satisfaction. The survey, they said, ‘captured neither the breadth nor the depth of associate anger and frustration’.”
- “Morale is clearly an issue. One associate tells in the memo of his boss of three years introducing himself at a party—not knowing who he was.”

THE MEMORANDUM

The memo itself was arguably penned with good intentions. If you haven’t already read it, here is how it began:

“TO: New York Partners

“FROM: New York Associates

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“This memorandum manifests the commitment of the associates of Clifford Chance US LLP to join the discussion on how to improve the quality of life for associates at the firm. The memorandum incorporates comments that associates made in a

Town Hall meeting on Tuesday, October 8, 2002 (attended by approximately 140 associates), responses that associates drafted to a survey that the Personnel Committee distributed last week (as of Monday, October 14, 2002, approximately 120 associates had responded) and discussions Personnel Committee members had with many associates in the firm.”

The memo alluded to the American Lawyer “Associates Survey” (the “Am Law Survey”). It says in part: “...we were ranked as the worst firm in the country for associate satisfaction. Our prize was a profile under the title ‘In the Cellar.’” In the next paragraph, the knife twists with: “Clearly, that is terrible. Nevertheless, our research has convinced us that the Am Law Survey captured neither the breadth nor the depth of associate anger and frustration.”

The full associate memorandum (Memo) is available at the Financial Times web site (www.FT.com).

SETTING THE STAGE

The most striking aspect of the scandal that was created by the publication of the Memo was that it was completely preventable. How ironic that this embarrassment should befall such a prominent firm. It is sad that Clifford Chance allowed its relationship with its Associates to deteriorate to the point where it would score “in the cellar” in the October 2002 American Lawyer “Associates Survey” (the “Am Law Survey”).

Let me be clear that this story does not suggest that the partners of Clifford Chance are bad people or even that they are not caring, giving people. It is likely that this mess was not caused by anything Clifford Chance consciously did, but what it failed to do – omission rather than commission, if you like.

I assume that the management of Clifford Chance and, indeed, management in law firms around the world, have the best of intentions. The criticisms that I will levy in this article are aimed at naiveté more than any malicious act. Indeed, I believe the culprit in most cases is omission – not commission.

SATISFYING STAFF IS PROFITABLE

I hope I can take as axiomatic that a firm is not going to garner “peak performance” from those who are disenchanting and demoralized. I think we all know from experience, research and even intuition that our best performance occurs when we are enthusiastic, connected and appreciated.

For those who are obsessed with per-partner profits, there is now empirical proof that obtaining higher scores in the following nine factors, from all of the people who work in a professional service firm, will drive greater profit. The following list was extracted from David Maister’s best selling book called, *Practice What You Preach*:

- Quality and client relationships
- Fair compensation
- Coaching
- High standards
- Satisfaction and morale
- Empowerment
- Commitment, enthusiasm and respect
- Long-term orientation
- Training and development

I hope the argument that preventing the Clifford Chance associate malaise from developing would have benefits to the firm, including financial ones, is unassailable.



Anyone who believes otherwise should not waste his or her time on the rest of this article.

For those focused solely on profitability, lowering turnover itself would yield substantial dividends. How, then, might a firm enhance the satisfaction levels of associate staff? Let's take as a given that this must be done without: 1) turning over the reigns to the associates, or 2) encouraging blackmail or succumbing to it.

It may be most useful to explore "Lessons" that we can learn from the complaints and suggestions contained in the Clifford Chance Memo.

LESSON #1: PROCESS, PROCESS, PROCESS, FACILITATION, INVOLVEMENT

The Memo notes that "many associates feel that the decision to have the outside consultant, Arnold Kanter, and his team meet initially with only third- and fourth-year associates represents part of the problem and not the solution. Many senior and junior associates expressed feeling excluded from the process." They go on to say: "We are also concerned that the firm is looking for a 'quick-fix' to salvage the 2002 recruiting season and forestall mass resignation by associates."

I have written elsewhere about our propensities as lawyers to be critical and analytical and more *thinking* than *feeling*. I believe that most of those involved in law firm leadership around the world tend to manage as if they were solving a legal problem. They want all the facts (which they incorrectly assume they know, but usually are engaging in intelligent speculation and supposition), then they want to unilaterally craft the perfect solution (which they discuss and debate in committee until the perfect camel is designed).

Here Clifford Chance appears to have reasoned that "some process" would help, but shot themselves in the foot by not involving the associates in designing that process. The decision to involve third- and fourth-year

associates was doomed. Any process that management might have unilaterally designed would have been doomed. Unilateral problem-solving will work for drones who passively accept. Associates are not drones and are not passive and, I think the Memo reminds us, not accepting. They are from the same genus of ferociously independent, critical and analytical, tense individuals who populate the partnership ranks. They are recruited for having the attributes that will someday make them partners ("just like us"). They are extraordinarily intelligent and want to participate.

Note this reference in the Memo: "Let us help you construct the ideal firm. If you include us in the process and share information with us, we can achieve this goal. You have assembled a stunningly talented team of associates. We have trusted you with our development, our security and our careers. Thus, obviously we believe in you. But it is time for you to start believing in us as well. Treat us like colleagues. Treat us with respect. Treat us as future partners."

So, lesson one is about the process of involving the associates in joint problem-solving, which is magical compared to unilateral problem-solving. Joint problem-solving changes the mindset of those participating in the process. They *participate* in seeking solutions.

Note in the following excerpt that the associates expressed a willingness to participate and improve: "Clearly, we can also improve. Reading this memorandum and responding to it will be part of that process. We realize that the contents of this document may upset or surprise you. Please realize, though, that the purpose of this document is to help you. This firm means a great deal to us. Please join us in making it the greatest place to work in the

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country.”

Further lessons can be learned from the “major problem areas” that the associates alluded to in their Memo.

LESSON #2: LISTEN – YOUR PEOPLE WANT TO BE HEARD

Create Listening Mechanisms: “We want to be heard” (listened to). Note the plaintiff cry inherent in this sentence: “The 2420 billable hour requirement angers, worries, and harries virtually every associate in the firm.” Translation: “This is serious enough to pay attention to – look in our direction – hear what we have to say. Please!”

It is common in organizations to set up methods to measure the satisfaction levels of personnel within the firm. HR professionals in law firms must wring their hands and gnash their teeth, as we likely ask them to do the equivalent of operating while wearing a gag and a straight jacket. Why do law firms resist systems that would allow ongoing or periodic feedback from their people? Do managing partners deeply fear the results because they do not know how to react to those results?

A sub-lesson here is that it is okay to say “no.” Associates

do not mind hearing “no” provided there is a sensible explanation. Heck, they will even take a “no” on faith. Some associates may disagree or debate, but they will still accept the verdict. They want the truth. Note the reference in the Memo to: “If you can’t afford to pay what other firms are paying, admit it.” Now, in the instance of Clifford Chance the answer may not be “no,” but the question illustrates the hunger for unfiltered candor. Law

firms notoriously never get to “no” or convey difficult messages because they won’t face the issue. Too often they subscribe to the ostrich problem-solving method – head deeply planted in sand.

It is okay to survey associates on an ongoing basis. It is okay to have regular associate meetings. I personally like the idea of alternating meetings such that the associates have a partner or partners present at every second meeting. I favor letting the associates decide which partner(s) to invite. Yes, they will ask hard questions and raise issues. Sometimes the visiting partner(s) will have to take the questions or issues under advisement and come back to a future meeting with a response sanctioned by management. The point is that dealing constructively with those questions and issues will enhance the firm and create an enviable relationship with associates. This leads to competitive advantage.



LESSON #3: MANAGE THE NON-BILLABLE TIME

The Memo says: “Associates felt that the additional 10% of ‘soft billable’ hours above the 2200 hours of ‘hard billable’ was not actually counted in any meaningful way, but was rather a stick to coerce

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associates to do work for which they would receive no remuneration.”

Okay, so the associates “don’t get it,” but what should they be getting? What do you want your associates (and partners, for that matter) to *do* with their non-billable time and to *achieve* with it? You are not sure? Shame on you! How in the world are they supposed to have clarity if you don’t?

Manage the non-billable time one person at a time. What is X supposed to be doing? Can X propose a plan for her non-billable time? Is someone managing the process? As soon as a firm has grown over a dozen lawyers the Managing Partner can no longer do it all. So who else? The mentors, practice group leaders, industry group leaders and department heads should be helping.

Stop thinking “top down.” Ask instead: “Who are the orphans?” List every associate in the firm. (I would include partners but I’ll leave that for a different article). Now, person by person, individual by individual, ask, who is responsible for managing that person? Not sure? Bzzzzz! Wrong answer! You need an answer. To whom is the person you identified responsible?

Many years ago, when I was a managing partner, I put a plant in a junior lawyer’s office and told him his future depended on the health of that plant. If it died, he was fired. I was kidding and he knew it, but it was my way of saying, with a little humor in the mix, that I wanted him to really try to nurture that plant. There is not one ounce of humour in my serious suggestion that the person responsible to worry about the progress of an associate should be evaluated, in part, on the success of that associate. Why not?

A fine lawyer in the firm may be able to close a deal, but if every associate within a country mile is demoralized, and our turnover goes through the roof, and we have to be victims of extortion to attract a replacement, maybe the value of that deal that just closed is less than we thought.

So let’s manage the associates one-by-one, including the expectations we have of them in terms of their non-billable time.

LESSON #4: MANAGE THE BILLABLE TIME

Who could argue with this reference in the Memo: “The idea that I could work hard all year and bill, for example, 2100 hours...and in the firm’s eye I wouldn’t even meet the firm’s ‘expectations’ is totally ludicrous, offensive, and generally makes me crazy.” Again, targets (expectations) must be customized individual-by-individual. Should there be generalizations as to the kinds of levels to be striven for? Fine. But general targets are meaningless by themselves because they allow excuses. Management must remove the excuses. Any individual can believe (if not argue) that their lot in life is different.

Let me cite, again, some further references in the Memo:

- “The 2420 billable hour requirement angers, worries, and harries virtually every associate in the firm. “
- “Associates stated that the requirement is profoundly unrealistic, particularly in slow areas of the firm. Moreover, associates found the stress on billable hours dehumanizing and verging on an abdication of our professional responsibilities insofar as the requirement ignores pro bono work* and encourages ‘padding’ of hours, inefficient work, repetition of tasks, and other problems. Associates expressed concerns that the requirement promotes misallocation of work to senior associates who ‘need’ the hours when less expensive junior associates

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could do the work. Associates also stated that partners care only about associates' billable hours."

- "The requirement 'makes me feel that management cares exceedingly about hours billed, but gives no thought to the quality of my work, let alone my career development.'"

Having provided meaningful feedback and customized, individualized, objectives, either dispenses with excuses or allows them to be dealt with sensibly, either of which result is far better than the perceptions that led to the Clifford Chance Memo. By customizing targets, the assignment issue is diminished, if not eliminated. Look at these sobering references in the Memo to the assignment process:

- "The assignment system is an 'old boys' club.'"
- "The assigning process is largely a mystery and work seems to be doled out on the basis of favoritism."
- "If the assigning system isn't corrupt, ask yourself: why aren't attractive female associates ever out of work?"
- "The firm feels 'like a fiefdom' or a loose confederation of independent states. One cannot take an assignment that does not benefit the feudal lord of his department."
- "The whole business of getting assignments in litigation revolves around 'schmoozing' the people who can give you work. For me, the person I was expected to schmooze to get work on one of my cases is a snake. Not only is he dishonest, but he behaves completely inappropriately with female associates working under him. I wasn't willing to 'schmooze' him and missed out on a lot of good assignments."

- "The new corporate rotation makes one associate in the class of 2001 feel like a 'sacrificial lamb.' Another class of 2001 corporate associates commented that the new program 'is particularly frustrating, given that partners sound genuinely committed to figuring out what the firm can do to improve our experience here, that at the same time they are putting our entire year of corporate associates into an extremely difficult position while seeming to be oblivious as to what they are doing and how desperate many of us are becoming to get out of this situation as soon as possible. A good deal of this concern and desperately low morale could be relieved if we could get a true commitment on the option to try another group if we so desire after the first year...I understand by our third year we may not be the ideal candidates (from an economic standpoint) for a rotation, but this is our careers we're talking about. The disadvantage to us if we are denied the opportunity to try an area in which we think we'd like to specialize is surely far greater than the disadvantage for the relevant product group in taking a *modest* hit...for a year on its balance sheet' (emphasis in original)."

- "One corporate associate echoed the comments of many and said 'I think that something needs to be done about the accounting structure within the corporate group, whereby if a securities associate works for an M&A partner, the M&A partner does not get credit for the time billed by the associate. Thus, there is an enormous disincentive for the partner to work with this associate. Obviously, in a market such as this, the system makes no sense:

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because M&A is slow, associates should be able to work for other groups needing associates. But, even more importantly, it is very disruptive to relationships between associates and partners and between associates and clients. Particularly with the M&A and securities groups having so much overlap and securities partners doing M&A deals and vice versa, to make a junior associate not only pick between the groups, but then, because of the accounting system, be almost guaranteed of being cut-off from the non-chosen groups and the partners/clients with whom they used to have relationships strikes me as being absurd.”

- “Replace the anarchic assignment ‘system’ in litigation with a genuine structure that ensures that all associates get equal access to work. Numerous respondents to the surveys commented that the assigning partner in litigation appears to be simply too busy to handle the requests for work or for assistance, since he does not respond to them. Thus, some associates suggested having each associate in litigation complete a weekly status report.”

- “Other suggestions include: (i) having an assigning person for litigation and one for corporate who does nothing (except maybe reviews, see below) but manage associates’ work-load; (ii) a system where junior associates receive assignments only from the firm professional in charge of assignment distribution. This would ensure an even, fair workload for all junior associates.”

- “Associates have also suggested that the corporate department should adopt an accounting system more similar to litigation, whereby there is no internal accounting within the practice groups, or at the very least eliminating such accounting between the M&A and Capital Markets groups since even many of

the partners in those two groups cannot clearly be pinned down to one group or the other based on their actual work and transactions.”

- “The combination of the billable hour requirement and the lack of a functioning, fair assignment system leaves associates to scrounge and compete for work. At least one partner has stated that this ‘system’ is desirable. The associates disagree vigorously and ask you to change it.”

Wow! This assignment issue is huge – and, again, I respectfully submit, exacerbated terribly by the general billable hour goal.

(According to the press, Clifford Chance New York has scrapped the goal. I wonder what kind of personal objectives have replaced it, if any.)

LESSON #5: GIVE QUALITY FEEDBACK FREQUENTLY

The Memo says: “The requirement [billing target] makes me feel that management cares exceedingly about hours billed, but gives no thought to the quality of my work, let alone my career development.”

The memo also says: “The associates believe the firm has zero interest in reviewing their performance and, hence, making them better lawyers.”

It says further: “Complaints over poor communications from partners to associates were widespread. Associates felt unsure of what the firm expected of them that year or over the course of their careers, or what the firm even expected of itself. They felt it was unclear if they would be fired

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unexpectedly. They felt unnecessarily kept in the dark about where the firm was going (both metaphorically and literally), or, in many instances, where the matter they were working on was going.”

I do not believe that partners do not want to give feedback. I believe they do not know how and some are afraid.

Law firms are typically environments in which you gage how well others respect you by virtue of who is prepared to have eye contact with you. If you haven’t had any eye contact in three months, go ahead and accept the headhunters’ calls – you will need them when the firm gets around to firing you... take your time, though – the process takes years. Rest assured that associates (with whom no partner has eye contact) know they will never be partners unless they attract a fortune top ten company as a client in the nick of time.

When we got to the moon ahead of the Russians, there was one factor that stood head and shoulders above the rest. It was the ability to make course corrections quickly. There were so many calculations to do that NASA simply could not do them fast enough until they had computers that could do in ten minutes what a room full of good mathematicians could not do in a week. If NASA could

not course-correct a moon mission within ten minutes they would miss their target by 200,000 miles.

So what about course corrections for our associates? To start with, feedback involves the negative as well as the positive. Most partners won’t give negative feedback overtly. I am not talking about being critical of the third paragraph in an opinion or being silent about a draft pleading and redoing it without ever telling

the associate, never assigning work to him again, or maligning him in front of your partners. I am talking about feedback that is organized by relevant category and includes praise and reinforcement for talent and effort, and constructively suggests where areas of weakness can be strengthened.

Maybe I need to say expressly that if you made a hiring mistake and you need to correct, it by all means do so. This is not about keeping the wrong people. It is about helping those you think might be right for the firm, long term, get better and better.

The response I hear more often than I care to think about it is: “If you don’t get any negative feedback, assume you are doing okay.” Would great athletes accept coaching like that? Not for a nanosecond. The “sink or swim” approach is just fine if you are such a wealthy firm that you can bribe anyone to join you, train over and over again, and are not embarrassed by leaked memos from those whom you tormented.

Remember the moon shot. Do not give only one course correction per year — course-correct at least quarterly or even weekly in problem situations.

For those who are thinking: “You don’t understand, we don’t have time to manage our people like that,” there are two choices available: 1) involve more people in the coaching process (delegate; even senior associates can help junior associates be better) or, 2) move a little to the left or right so you will not be mowed down by the competitors who “get it” and learn to marshal the necessary resources to get the job done.

Ironically, what I am suggesting is a return to the approach that was effective 50 years ago. The only difference is that most firms – even the brand name blue chip ones – were tiny enough for quality interactions to happen spontaneously in the hallways and offices. Few were orphaned, few could hide. Partners would chat about every associate because there were few enough that once the process was started it seemed natural to

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go all the way down the list.

Today, there are Managing Partners who are naive enough to think they can manage by memo, by firm-wide targets and/or by generalities. Sorry. That is science fiction and bad science fiction at that.

LESSON #6: COMMUNICATE, COMMUNICATE, COMMUNICATE

The Memo says: “The surveys indicate that associates feel that partners have little interest in talking and even less interest in listening. The associates depicted partners as aloof.”

Communication is encouraged through the management of individuals as well as the associate meetings referenced earlier. Those may not be enough. Management may have to work hard to ensure that much more communication occurs... it will never be good enough – but it can get a lot closer.

Dig deep – have a passion for finding additional and better ways to communicate. (Consider making this article required reading for every partner.)

LESSON #7: EXPLORE YOUR VALUES AND ENFORCE THEM

The Memo lists the following associate comments:

- “The partners 'hate' the associates.”
- “The partners deeply resent paying the associates’ salaries and bonuses.”
- “Some partners have lashed out at associates because of Am Law survey results.”
- “Being yelled at and told ‘we own you’ was also a winning moment.”
- “I remember one instance where a partner introduced himself to an associate at a drinks party not realizing that the associate was (a) in

his group and (b) had worked for him for 3 years!”

- “Another associate was invited to a partner’s party, then asked by that same partner what he was doing there.”
- “One associate wrote in a Personnel Committee survey that if he could change any one thing at the firm it would be many a partner’s attitude and manner of approaching/working with associates, but that’s impossible. They don’t seem to really care here.”

I highly doubt that the associate observations here reflect the predominant partner view. However, behavior is being tolerated that allows the associates to think so.

Some firms have the equivalent of an ombudsman or trusted committee (selected by the associates) to whom sensitive complaints can be made without attribution and where action will be taken.

Note the reference in the Memo to: “About one-third of all respondents referred in one way or another to the lack of a grievance mechanism. Many associates either do not know whom they can turn to or, worse, do not trust the person in charge of a particular issue.”

To put it bluntly, no partnership can afford to allow a few of its ranks to abuse the associates. It is too costly in human terms as well as financially. People have choices at least from time to time and when they do, abuse-tolerant firms lose big-time. (Remember not to lull yourself into complacency here thinking that only Clifford Chance has this challenge. Are you certain that none of your

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partners are committing similar sins?)

The Memo is desperately trying to convey this in a reference like: “If you choose to do one thing to improve partner-associate relations, at least say “hello” in the hallways. It sounds like a small thing, but simply talk to us. Get to know the associates; you might even like a few.”

So create a trusted safety valve committee or individual to whom associates can turn to deal with delicate problem situations.

LESSON #8: TRAIN YOUR PEOPLE

This isn't a “nice to do anymore” lesson – it's essential! Look at these references in the Memo:

- “Absent partners cannot provide informal training.”
- “Ways exist to train associates. Even if she cannot bill the time, include associates on calls and bring them to meetings. You should also encourage us to use pro bono matters to foster legal skills.”
- “We find it ironic that a British firm ranked last in training. Some of the more junior associates and laterals chose to join the firm exactly because the British influence would encourage training. It appears that we were wrong.”
- “In addition, associates believe that many partners have abdicated their responsibility for associate training or even for managing associate life.”

Meet with your associates and interactively determine the kinds of training that they think would help them be more effective for themselves and the firm and then make some sensible decisions and implement at least some

training. This includes non-substantive areas like client-relations skills training. Management skills – even leadership skills.

LESSON #9: YOUR ASSOCIATES ARE ON YOUR SIDE

Remember, even if they have concerns, most associates want you to win and they want to win with you. The following reference in the Memo supports this contention: “Thank you for reading our memorandum. We hope that you will reflect on the associates' concerns. Please remember that the driving force behind this memorandum was the associates' conviction that we can build the finest law firm in the world and move from worst to first.”

In conclusion, if you come at this with optimism and a positive attitude and trust your associates in the aggregate (initially overlooking the risk of there being a bad apple or two in the barrel), the rewards that await you are substantial both in non-financial terms as well as financial.

Have the courage to invite your associates to explore these issues with you. Make your firm a happy family. Happy families can be high achieving, demanding environments where trust and loyalty abound.



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