



ATTORNEY SEARCH

by Chet Olsen

BEING THE FIRST TO SAY GOODBYE

Most law firm associates are preoccupied with surviving - doing everything they can to beat the odds and one day be elected partner - or just hang in there long enough to gain the experience they need to pursue other legal career opportunities.

For those whose goal it is to be elected partner, the reality is that only a very small percentage of associates make it. At most of America's largest law firms, less than ten percent of the associates who start their careers with a firm are elected partner at that same firm. At many firms, the success rate is far lower.

Associates fall off the road to partnership at different stages and for different reasons. Many are informed along the way that they don't have what the firm thinks it takes. Others are given strong hints at the same message. Either way, many associates live and work in fear of being weeded out.

Then there are those associates who decide that they are going to leave on their own terms. With such high attrition rates at law firms, these associates often feel a bit relieved and maybe a bit smug when they are the ones who get to have the last word on their tenure. How they handle this is quite a bit different from how things are handled when the firm makes the decision to terminate the relationship.

When you are fired, the firm will tell you what is going to happen and what you are going to do next. When you are the one making the decision to leave, however, the protocol is less clear and associates don't always know how to manage their own departure from the firm.

Some lawyers who decide to leave take the attitude that they (the firm) wouldn't care about me if I wasn't performing to their standard, why should I care about them? Associates in this position can also sometimes feel a bit vengeful because the firm has let go colleagues, some of whom may have been friends. Resigning might also feel a bit like getting at the firm before they get to you.

Regardless of your state of mind at the time you decide to part with your law firm, there are some important things to keep in mind when going through the process.

1. REMEMBER THAT THE FIRM IS A BUSINESS AND LAW FIRMS ARE ALMOST ALWAYS STRUCTURED IN THE SHAPE OF A PYRAMID.

That pyramid, of course, means that the associate ranks are thinned as you make your way up. Other businesses, while perhaps shaped slightly differently, use a somewhat similar model where some are promoted to management and others are not. The point is that law firms do not fire people just for the exercise. It's a competitive process and terminations have mostly to do with that - and profitability. You probably knew that coming in and probably shouldn't hold it against the firm on your way out.

2. DON'T BE DISHONEST.

Notice I did not say, be honest. There is a difference here between not lying and being actively honest. When you decide a firm is not for you, you do not need to immediately disclose this to management. At the same time, you do not want to lie, even when you are skipping out of the office to interview elsewhere. Even though many people think of this sort of mistruth is an acceptable white lie, at some point the people you tell this to will know the truth and may feel let down. You can always take vacation time, say you have "personal business" outside the office or use another vague but not untrue excuse. Or, if you may never have to say anything. Most lawyers have enough flexibility and autonomy where being out of the office for a few hours will not attract much attention.

3. CONSIDER DISCLOSURE.

While it is always risky telling an employer you are dissatisfied with your job, it is not always the case that they will respond by immediately tossing you out. There are, in fact, potential benefits that can come from disclosing your situation and your plans for leaving.

First, you are being honest with them. In the same way you would want your employer to come to you and tell you there is a problem with your performance, your employer will appreciate hearing from you. Usually when people resign from a law firm, the partners are surprised and surprises often leave a bad taste in one's mouth. In most cases, they will wish they had the opportunity to make your situation better or at least discuss it with you before you accept an offer with another employer - which is usually when they get the news.

Secondly, disclosing your dissatisfaction might result in the firm offering to make changes to fix the source of your unhappiness. Maybe you decided to leave your firm because you don't like your practice group. Or maybe there are certain personality clashes that are making you unhappy. Issues such as these can sometimes be addressed to your satisfaction.

Third, partners at your current firm might be helpful in finding you a new position. While that may sound strange, who better to make a recommendation or referral than someone who knows you and your work? Plus, law firm partners generally have good networks of attorneys and may be able to think of place for you where the fit will be better.

Again, remember the warning. Be careful in deciding whether to disclose your planned departure. You don't want to become persona non grata as a result of this conversation. On the other hand, law firms are fluid organizations that can easily accommodate those who do good work despite being less than fully committed to the organization over the long-term. Thus, even after breaking

the news, you may have the opportunity to take your time and set your own schedule for transitioning out of the firm.

Being honest also comes into play with your pending projects. There will never be an ideal time to leave the firm because you will always be in the middle of a case or a transaction. Some work assignments will inevitably last longer than you do.

You do not want to put your colleagues in a difficult position because you are leaving the firm. An example of a difficult position might be when the firm lands a new client and you are introduced as an important member of the team. Then, two weeks later, you are gone. Or, you are given major responsibility on a case or transaction and your leaving will force the firm to scramble in order to find a replacement when you give only two weeks notice of your planned departure.

Most importantly, keep in mind that you have a duty to clients to leave things in order. You will want to do all you can to make the transition smooth so that your clients are not negatively impacted by your departure. This might mean that two weeks is not enough time and you may need to give the firm more notice. It is very unlikely that the firm is going to turn around and insist you leave immediately if you give four or five weeks' notice. In fact, I know of only one case where an associate was not allowed to stay the length of her notice period. That was when a lawyer who discovered she was about to get fired so she immediately resigned and gave 90 days' notice! Very creative. Excellent try. But the firm didn't go for it.

Finally, there are a few things you should think about doing when your last few days roll around. The legal community, even on a national scale, is not huge. Like it or not, the people you work with now are part of your network. You don't want to leave the firm on bad terms.

It's a nice touch to send a farewell firm-wide email with your contact information included, especially to those who are taking over your files and other people who may need to be in contact with you. Time permitting, it's even a nicer touch if you can make the rounds and say goodbye personally to as many people as possible. Again, unless you are going off to practice the law of the jungle in the Amazon, you will be surprised how often you will come across colleagues from your former law firm.

One last word of advice - one that is more important than being honest, taking care of your client files and giving the firm ample notice of your departure. That is, limit your alcohol intake at the farewell party thrown in your honor. You probably don't want to go down in firm history as the person who got drunk on the last day and told everyone at the firm what you really think of them