

## *The Business Case For Professional Fulfillment: reactions to the report of the Boston Bar Association Task Force*

In the early 1980's while living in a building owned by Columbia University, I marveled at the sight of new construction springing up around the campus. At the same time, significant portions of the existing infrastructure were suffering from neglect. It was an early lesson in life that it is easier to marshal resources to acquire new capacity than it is to spend time cultivating existing resources. And so it was with great pleasure that I read the recently issued report of the BBA Task Force On Professional Fulfillment. Under the capable leadership of attorney Jack Curtin, past president of the ABA, the BBA Task Force recommended that law firms and corporate legal departments do more to cultivate their existing talent.

The report of the Task Force is filled with recommendations on how legal institutions can promote professional fulfillment amongst attorneys. But the truth is that implementing the recommendations of the Task Force also makes good business sense. Providing better associate training and catering to the demand for alternative work options can translate into less attrition, better morale and higher quality legal services. There is clear evidence from other service professions and industry at large to validate this conclusion.

### **The End of Lifetime Employment**

In the past two decades, there has been a dramatic shift in the workplace. Corporate downsizing and restructuring has put an end to guaranteed lifetime employment in the business world. In law firms, associates now recognize that lifetime **employment** is also an unlikely scenario. Call ten junior associates at any major firm in Boston and nine of them will indicate that they have no expectation of becoming a partner at their firm.

In order to remain competitive and maintain employee loyalty in this new environment, businesses have shifted to a new paradigm. In place of job security as a reward for hard work, the new quid pro quo is "Work hard and do your best. In exchange, have meaningful opportunities for professional growth and an employer who focuses on the quality and timeliness of the end product rather than the amount of time spent in the office."

Law firms that adapt to this new way of doing business will find more fulfillment in their ranks. Those who listen to the call for professional development and alternative work arrangements will also find it easier to retain good talent.

### **Non-Financial Considerations Have Grown in Importance**

Research shows that today's professional work force is most concerned with non financial considerations when choosing a workplace. Salary is far from the top of the list of things most important about a job. A recent study by Robert Half International found that job seekers are likely to turn down higher pay to work for a company with a more progressive corporate culture. In a study by Coopers and Lybrand, achieving a balanced life was a number one career priority of college students today. Competitive salary was number five.

According to the Wall Street Journal, even big stock holders and analysts are beginning to focus more attention on non-financial factors when forecasting a company's future performance. The belief is that workforce quality and morale have a direct impact on customer satisfaction and therefore, stock price.

Between 1994 and 1996, Coopers and Lybrand cut the turnover of its newest star performers by 50%. The experience at Coopers and Lybrand provides a dramatic example of what can happen when flexible work options are made available to professionals. Many of the stars that remained at Coopers cited flexible work

arrangements as the reason for staying. The media is also filled with stories that demonstrate the importance of flexible management. The Wall Street Journal reported in September that "as competition for skilled workers mounts, the workplace is getting flexible, fast." Even the ABA Journal recently reported that "flexibility" is the new buzzword in an environment once characterized by security, regularity and rigidity.

The BBA Task Force recommended that law firms create more part-time options for associates and partners. But part-time situations for working mothers is only the tip of the flexibility iceberg. In fact, flexibility can mean full time work with more options about when and where work is done. Telecommuting, true flex time, job sharing, non-partnership track positions and temporary attorney staffing are all examples of flexible arrangements that have been implemented at Boston firms.

#### Law Firms Need to Devote More Resources to Professional Development

Major law firms continue to devote tremendous resources to recruiting the best legal talent. Ask any law firm recruiting coordinator and they will tell you how much time is spent by partners, associates and administrative staff with on-campus recruiting. Ask any **legal recruiter** (a/k/a headhunter) how much a law firm is willing to pay for the best lateral talent and the numbers are sure to raise eyebrows. But ask any associate whether they think their firm can do more to help with associate professional development and the vast majority will answer "yes". This is clearly reflected in the Report of the Task Force.

The impact of this is apparent to any management consultant. As one Vice President of Human Resources put it "If somebody is making a big investment in you and really gives a damn about you, you get the sense you're not just filling a position--you're valuable." Wainwright Industries, a manufacturer of stamped and machined parts, knows the value of investing in employees. Since 1991 when the company implemented a program of continuous improvement, it has seen a steady increase in market share in its industry while at the same time, employee turnover has been very low. As part of the program, the company reinvests up to 7% of payroll into training.

Effective training requires a planned and comprehensive approach including opportunities for classroom learning as well as mentoring opportunities. As noted in the Report of the Task Force, firm compensation systems should reflect these priorities. Training needs to cover at least three areas: substantive training, management training and training in technology. The need for substantive training is obvious. The bottom line in a law practice is how well associates and partners are versed in the substance of a legal matter. But failing to give associates and partners guidance on how to better manage time, manage subordinates and make effective use of technology can also have a dramatic impact.

Use of the Internet provides a good illustration. Used properly, the Internet can be a rich source of information for lawyers in virtually every practice area. It can save a tremendous amount of time by providing the user with desktop access to literally millions of databases. Used improperly, the Internet can become the all time king of time wasters. Delegation is another good example. As referenced in the BBA Report, partners who have not learned to delegate assignments in a timely fashion end up with hours of wasted associate time as the associate stays in the office until midnight reinventing the wheel. Not only does this wreak havoc on the associate's efforts to have a balanced life, but it is also bad for the client.

#### Conclusion

High turnover rates and poor training undermine the effectiveness of any organization. A law firm that is trying to compete in a crowded marketplace for legal services can ill afford the inefficiencies that occur when turnover is high and associates are not properly prepared to do the work that they are assigned. A firm's ability to compete can also be undermined by the negative impact that high turnover has on morale. Following the recommendations of the BBA Task Force on Professional Fulfillment will create a happier pool of associates and partners. But focusing on professional development and flexible work options is also a way to retain top talent and keep productivity and quality high. As one associate put it, "Partners should treat

associates the same way that they treat clients." Firms that heed this advice will be happier places. But they will also be the financial winners.