

Lessons on Retention and Money

"Sir, she said, "you see before you one who, like our Sainted Lincoln, burns to serve through the medium of the law."

- Henrietta by David Mamet

With myriad **opportunities for associates and partners** in today's highly competitive market, most law firms recognize that they cannot afford to continue to mismanage their talent. The facts are staggering but well documented - forty-five to eighty percent of associates leave the first firm they work for within seven years.¹ While associate salary increases are an attempt to counterbalance these high attrition rates, market forces, not law firms, will determine where talent moves. As a result, law firms looking for innovative retention strategies may learn some important lessons from a source unaffected by the salary wars - non-profit organizations.

For firms serious about retention, there is no better way to enhance current training and development efforts than to provide associates and partners with access to more pro bono opportunities. For associates, pro bono work allows them to test legal skills in real time with clients, judges, and adversaries. Pro bono courtroom experiences are like classrooms where peers and partners can observe associates in action. The feedback and suggestions for improvement are often more valuable than the vast majority of traditional training and development workshops. At its best, pro bono experiences encourage associates to think and act like lawyers in a public forum where they are treated on an equal footing with partners. Newly acquired skills enhance competence and prepare associates with the confidence to take on more complex work in a specific area of expertise.

In addition, the benefits of pro bono work for partners should not be underestimated. Many partners, especially highly successful ones, need periods of time to slow down, to pause in the midst of action, and to reflect on their career direction. For other partners looking for fresh perspectives, pro bono sabbaticals can be an opportunity to rejuvenate and explore new working relationships with associates. For partners nearing retirement, pro bono work offers the opportunity to pass knowledge onto others while transitioning primary client responsibilities onto rising partners. In this particular context, pro bono work can become a senior partner's final legacy whereby he or she works to build strong community relationships for the firm's benefit.

In other respects, advocates of pro bono legal service point out that it can be a great way to network and to obtain plum appointments on influential committees or boards. More often than not, this kind of exposure leads to paying client work that more than justifies the time and investment. In addition, the more work a firm does in a specific area of public interest, the better the cases are likely to be and the stronger the bond the firm makes with the community. Finally, like an informal viral marketing campaign, a firm's reputation for pro bono work spreads out into the market through innumerable formal and informal channels and serves to strengthen the firm's brand image. As everyone knows, strong brands attract talented people.

Publicly of course, all firms advocate participation in pro bono activities. The initiatives exist in many forms including externships, internships, fellowships, or rotation programs. In addition, there are individual pro bono efforts. However, only a small minority of people is capable of balancing this type of pro bono work with billable client matters. As a result, the best pro bono legal services are mutually beneficial partnerships where the law firm provides talent in exchange for training and development opportunities. These kinds of experiences are much more powerful for the individual, the firm, and the public interest organization because resources are pooled and the work is more structured.

Most law firms have partnered with public interest groups to offer a handful of associates and partners

meaningful pro bono experiences. The initiatives can be long-term such as Simpson Thacher & Bartlett's challenge of the constitutionality of New York State's public school funding or short-term, like the six to ten week externship at Chadbourne & Parke, for the Door's Legal Services Center for low-income children. While these opportunities are certainly important and meaningful, by necessity firms have to limit the number of associates and partners who can participate. Instead, law firms should follow the lead of other professional service organizations that are currently building successful business models that combine pro bono or non-profit work with broad-based training programs.

Most successful professional service firms take a more holistic approach to developing talent by providing employees with a variety of engaging learning opportunities. As new skills are acquired and practiced, more complex challenges are introduced, which bring fresh learning experiences for the individual and commensurately higher profitability for the organization. Law firms that emulate this kind of model will inevitably attract highly motivated talent.

Bain & Company, a top-tier strategy consulting firm, has recently implemented a large-scale non-profit initiative to great success. The Bridge Group, created by Thomas Tierney, provides consulting services for non-profit organizations and foundations for dramatically reduced prices. Consultants apply for positions that last from six months to multiple years, and they work on a variety of engagements. Since its recent announcement in January, The Bridge Group has been flooded with consultants interested in contributing and clients who are interested in participating. Most find the change in the type of client to be both highly stimulating and a redeeming change of pace. Mr. Tierney, the outgoing Chief Executive Officer of Bain, believes that the socially redeeming work will be a legacy of which he and others can be proud. The reason, he suggests, is because most traditional pro bono engagements are short-term, one-time experiences that are not thoroughly followed through and therefore yield insufficient results. As a consequence, The Bridge Group commitments are longer-term and particular emphasis is placed on measuring results in an effort to provide more efficient and effective service in the future.

Bain's strategy complements the findings of a recent McKinsey survey of fifty large US corporations. The study juxtaposes personal development against organizational effectiveness and reveals that the three most effective strategies for developing talent are the "way jobs are structured," "special projects," and the "speed of job moves."² While the study recognizes the fact that talent can and will be bought, it dismisses the strategy as risky, expensive and perilous for a company's culture. More importantly, the study finds that companies unable to develop employees internally have difficulty attracting and retaining talent. In other words, if a company cannot grow talent from within, then it is not likely to provide a supportive culture in which to develop a career.

The opportunity for law firms to partner with non-profit organizations has never been better. Since 1985, the number of non-profits in the United States has nearly doubled. Currently, there are over 770,000 non-profits in the US that control over \$750 billion or eight percent of the economy. These organizations would welcome the chance to provide training and development in exchange for the temporary use of talent. While many lawyers are quick to point out that it is easy to find pro bono litigation work, non-profits need a whole array of legal expertise. The challenge is finding the right non-profit to complement the firm's identity, but there are resources that can point firms in the right direction. Three worth contacting are: The Drucker Foundation for Nonprofit Innovation, Harvard's Institute for Inner City Enterprise, and the Pro Bono Institute at Georgetown University.

The challenge facing law firms today is how to provide greater variety in the work, to offer more internal and external development opportunities, and to recapture the idealistic spirit of the law. Pro bono legal service is not the only answer, but a strong, institutionalized partnership with a non-profit organization would provide many opportunities for associates and partners to accelerate their career development. The activities offer lawyers hands-on work that is often passionate, energizing, and with little or no money at stake. As a result,

the emphasis rests firmly on the demonstration of effective legal skills.

Most associates and partners we interviewed went to law school because they wanted an intellectually rewarding and a personally meaningful career. Fresh out of law school, young associates are idealistic and highly motivated. Unfortunately, the first few years as a lawyer are anticlimactic. Most of the work is not interesting, challenging, or personally rewarding. Instead, it tends to be short-term, task-oriented drudgery, which revolves around tedious, repetitive tasks and uninspiring, mundane legal research. To make matters worse, most partners show very little interest in providing career direction.

Traditionally, the legal profession has developed a reputation for attracting those interested in making a difference in people's lives. As a result of (or perhaps based on), the significant contributions of people like Abraham Lincoln, Clarence Darrow, Belva Lockwood, Arthur Liman, and Alan Dershowitz, the law has come to represent one of the noblest professions in America. Ironically, recent data on law firm retention rates indicate that partners are not making enough of a difference in the lives of associates. Law firms offer unique environments that are not available in any other industry, but they need to reevaluate how they manage talent by focusing on what really motivates people.

For whatever reason, the prevailing assumption has been that money matters most to associates. However, there are other motivations worth serious consideration. American Lawyer's 1999 Associate Survey reveals that across the country and irrespective of firm size, associates ranked "treatment by partners" and "interesting work"³ as the two most important criteria for evaluating a firm. Unfortunately, instead of providing associates with rewarding experiences that support personal growth and development, most law firms have ignored the message and responded by raising salaries. As a result, the opportunity exists in today's market to establish a competitive advantage through taking a leadership position on retaining and developing talent. The innovative use of pro bono work may be the perfect place to start.

Interested in Learning More About Legal Hiring? Read the Definitive Guide:

[*How to Hire a Legal Recruiter for Your Law Firm: How Law Firms Recruit Attorneys Using Legal Recruiters*](#)