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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

6 Ways Associates Are Falling Short

By Cara Salvatore

Law360, New York (June 01, 2015, 3:51 PM ET) -- There's no doubt associate life is more competitive than it used to be — so much so that you can no longer get away with having a blind spot or two. And law school definitely didn't teach you what you need to know to smooth out the road to partner.

That includes things like practical and business skills, for example. Some firms, like Drinker Biddle & Reath LLP and Reinhart Boerner Van Deuren SC, have extensive associate training programs, according to Kelli Proia of Lawducate, a lawyer education company, but that's not the norm.

So for most people, associate life is "really on-the-job training," says Teresa Alarcon of Kaedian LLP.

Here are some ways associates are stumbling and some steps you can take to improve the road ahead.

They Aren't Visible Enough

You may not have a huge client roster yet, so what can give you credibility right now? Getting yourself out there.

Being in rooms even when you're not in charge, putting in face time, and writing articles are all smart and relatively easy ways to do that. These are opportunities for which you may need to ask explicitly, says Proia, who as in-house counsel was once stuck in a satellite office far away from the action.

"Ask the partner if you can sit in on meetings. Take that initiative," says Proia, adding that she once told her boss, "I do not know what's going on in sales, in operations, in marketing." But she asked — and he said yes. Instant visibility.

Likewise, writing articles, going to community forums, and speaking at seminars can raise your profile so that people are coming to you when the time is right.

"Some people enjoy promoting themselves and find it instinctive. Other people find that it takes more of an effort," says Elizabeth Lang of Bird & Bird. But she emphasized that it's a valuable way to attract relationships that will pay off later.

They Don't Take Ownership

There are two components to taking full ownership of your work. The first is to follow up

relentlessly, even after your explicitly delineated role is over and a document is delivered to your partner. The second is to know what to do when mistakes occur.

"Unfortunately, it happens: A document that was supposed to be filed under seal that was, by mistake, filed publicly, and you're calling the clerk at 8 a.m. the next morning like, 'Oh my gosh, take this off the docket,'" says Julie Langdon, a senior IP associate with Dunlap Codding LLP.

"All those things are fixable," Langdon says.

But the key is to own the problem as quickly as possible and present solutions alongside the error. Communicate that you're on top of it, or, if it's more complicated, give your partner two to three solutions to pick from.

"Regardless of your level, you should act like you are the last line of defense in each project," says Adrian Perry, a senior IP associate at Weil Gotshal & Manges LLP. "Don't punt issues or turn in half-done work expecting those senior to you to correct mistakes or solve problems."

They're Not Thorough

In the same general area as taking ownership is the importance of being thorough. Many associates who are fewer than three years into their careers will make the mistake of thinking that they've answered a problem after digging up one or two cases that indicate that the solution turns in one clear direction, experts say.

What they actually need to do is continue digging even after an answer seems apparent.

"Some newer associates have the tendency to stop too soon and don't appreciate the nuances or the tendencies that require them to dig deeper," says Kaedian's Alarcon, who was in BigLaw as an associate and often works across the table from associates in the white collar and civil litigation boutique she co-founded with two partners.

"You want partners to be able to rely on your work and your research. And if you're not going that extra step, sometimes you're going to get the answer wrong ... Really, it's not at the partner's level to be reading cases; it's really a junior associate's job," Alarcon says. "Read the case, analyze it, get comfortable enough to make conclusions."

They're Not Friend Material

In law school, some students are so busy gunning for grades and summer positions that they lose sight of how to be part of a team — a role that will occupy most of their time once they're comfortably settled as an associate. So it's important to make yourself pleasant to be around for those all-nighters that inevitably come with associate life.

Jim Montes of Touro Law School, who for a long time was on the hiring committee at Nixon Peabody, says he and his colleagues had a mental test for candidates they considered.

"We gave all the candidates the plane test," Montes says. "It's like, could we sit next to this person for four hours without wanting to kill them? ... You're going to be spending a lot of time with this person."

And that rule holds doubly true when problems arise and tempers flare, because they will. Know how to deal with criticism gracefully and don't get defensive, says Robbin Itkin of Liner Law, a restructuring specialist.

"Making mistakes and being criticized for them is part of the learning process," she says.

She says it's also important to be careful to distinguish between confidence and some of its less wonderful cousins.

"Arrogance ... is never appreciated and should not be confused with confidence," Itkin says.

They Don't Know How to Talk on the Phone

The phone: such a small thing, and yet so large. You may not have spoken on the phone in ages, but some of your partners eschew other ways of communicating.

"Most students or first-years are much more comfortable emailing than telephoning, and we see that as a big problem," Montes says. "Because until all us greybeards are out and clients become younger, they aren't as comfortable" with nonphone communication.

Hire a coach if you need to, or practice with friends.

Phone skills and interpersonal skills in general are "going to help you to eventually also speak to opposing counsel," Langdon says. "If you can talk to attorneys in your firm well, you can talk to opposing counsel well. For example, if the partner asks for someone to reach out, volunteer. Get the experience of speaking with someone."

But by the same token, says Brad Kaufman of Greenberg Traurig LLP, there is one little communicate that's always welcome as an email.

He says you should get used to sending this response: "Thanks for your email. I will research this and get back to you as soon as possible. When do you need this information?"

They Don't Sow the Seeds for Business Development

Last but certainly not least, business development skills will become critical as you age into the golden years of your associatehood. These are skills that you almost certainly didn't learn in law school, and there's only a slightly higher chance that your firm went out of its way to teach them to you, experts say.

One thing you can do is get yourself into the right LinkedIn groups. And don't just join them, but be posting in them, showing a little of that sweet thought leadership.

Kate Connors of MAC Strategies, who advises lawyers that writing and publishing is a highly valuable way to develop business, says that, for example, if associates are specializing in India and tax law, they should be digging into LinkedIn, putting themselves "in India development groups and business groups, posting articles interesting to people who are going to be potential clients."

"There are people who are midlevel or a rising star but feel stuck and like their firm's not helping them push along. Doing programs like this can grow and strengthen" potential business, Connors says.

Getting yourself used to strategies like those is a skill you'll be able to take to the bank, even though law school never hinted at it, Connors says.

"The sad thing is that a lot of people just assume that the training you got in school is enough," she says. "And it's just not."

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