

The Rules of Engagement

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Retaining associates remains a major challenge for law firms. Firms spend a fortune to recruit talented lawyers and they hope that those who perform well will stay. They do not expect to achieve 100 per cent retention – that's unrealistic. Some associates will be asked to leave because of sub-par performance or a decline in available work, as in structured finance practice today. But firms will also lose associates they would like to keep. Lawyers' changing attitudes toward employment and careers, the diverse aspirations of young lawyers, and the leveraged law firm model limiting slots for new partners means that many talented associates will leave despite the firm's best efforts.

Does this mean that firms should give up trying to keep associates? Not at all. But their focus should shift to keeping associates engaged in their work instead of thinking just about keeping them in the firm. Engagement is a state of emotional and intellectual commitment. That commitment determines how hard lawyers work and how long they stay. In a workplace where lawyers are fully engaged, they are likely to remain longer than they would otherwise, and to perform at the highest levels while they are at work. If and when they leave the firm, they do so on good terms, speak well of the firm, and refer it business. Sometimes they even return.

What is engagement? Engagement [can be demonstrated](#) by three primary behaviors:

- **Say:** The associate speaks positively about the firm to people inside and outside the firm, and refers potential clients and employees to the firm.
- **Stay:** The associate intensely desires to be a member of the firm even when there are opportunities to work elsewhere.
- **Strive:** The associate exerts great effort and "goes the extra mile" to contribute to firm success.

Engagement should not be confused with satisfaction. Satisfied associates may feel good about their job, the people and the firm, and do what is expected of them. Engaged associates feel committed to the firm and want to be a factor in the firm's success. They exert *discretionary effort*, i.e., the voluntary effort above and beyond what the firm requires. They work harder, stay longer, and add more value to the firm.

Why is engagement important? Numerous studies have shown a definitive connection between employee engagement and high performance, financial results and retention. In a study of 50,000 employees worldwide, the Corporate Leadership Council, an organization of human resources executives, found that the most highly engaged employees perform 20 per cent better and are 87 per cent less likely to leave the organization. The 2007 [Global Workforce Study](#) by human resource company Towers Perrin found that 40 global companies with the most engaged employees collectively increased operating income 19 per cent and earnings per share 28 per cent year-to-year. In contrast, those companies with the least

engaged employees showed year-to-year declines of -33 per cent in operating income and -11 per cent in earnings per share.

The Towers Perrin study also found a direct connection between engagement and retention. Eight-five per cent of those who were disengaged planned to leave the firm, and more than 25 per cent of them were actively looking for another job. In contrast, less than five per cent of the engaged employees were looking for other jobs.

Are law firm associates engaged? Clearly some are. A recent study of associate motivation by Hildebrandt International found that about one-quarter of associates have "traditional aspirations" toward partnership and are willing to sacrifice their personal life to get there. They appear to be highly engaged.

But two other recent studies show that many associates are so *disengaged* that they plan to leave their current employers – even though they are generally satisfied. That National Association for Law Placement's (NALP) 2007 monograph, *Women in the Profession: Findings from the First Wave of the After the JD Study*, found that associates are generally content in their jobs. However, they also found that 34 per cent of women and 29 per cent of men expected to leave their current employer within two years. Moreover, 16 per cent of women and 11 per cent of men were actively looking for other jobs. (The report notes that more men than women had already changed jobs at least once at the time of the survey.) Similarly, a [British survey](#) by *Legal Business* of lawyers in large U.S. and UK firms found that some firms are losing up to 30 per cent of their lawyers each year, and that fewer than 20 per cent of junior lawyers expect to be in their current jobs in five years.

Engaging Associates. Associates are smart, hard working, and highly motivated, with the potential to be excellent lawyers. What they want most is to achieve that potential. They expect this will happen through the work they do and the teaching, mentoring and opportunities they receive from those around them. Even if their perspective of the future is relatively short, they are eager to be engaged.

Unfortunately, law firms don't do enough to nurture and sustain their engagement. In fact, many law firms de-motivate associates. They take individuals with great talent, energy and a desire to succeed, and crush their ambition by focusing on billable hours, ignoring the quality of their work experience, and failing to address the various factors that engender loyalty and peak performance.

What can firms do to increase associate engagement? Here are 10 areas where firms can direct their efforts:

- **Personal attention from partners.** In virtually every study of law firm life, associates complain about the lack of training, mentoring and on-the-job learning. In order to feel engaged in the firm, associates must feel that the firm is committed to helping them become the best lawyers they can be. This requires personal investment of time and effort by individual partners who are aware of and responsive to particular associate needs.

- **Interesting legal work.** The quality of lawyers' work is integral to their professional and personal development, and is a fundamental driver of associate engagement. Lawyers learn to practice law experientially, *i.e.*, through the work they do. High-quality work that is interesting and challenging keeps a lawyer's intellectual juices flowing.

Allowing associates to do work that interests them is essential. It's very hard for any individual to feel engaged in work that they don't enjoy. Associates should have a chance to try various practice areas, or to change practice areas if necessary, so that their interests and talents best match the work they do.

- **Meaningful work experience.** To keep associates engaged, firms need to monitor carefully the kind and amount of work associate receive. Work allocation systems and appropriate staffing can produce good work experiences. Associates need stretch assignments and steadily increasing responsibility. Mundane, repetitive and boring work will deaden a lawyer's interest. Firms cannot promise associates that all work will be exciting, but they can ensure that some of their work is, and that the overall work experience is meaningful, stimulating and furthers their professional growth.

Within assignments, associates need good supervision that includes: well-organized and executed case management; collaborative approaches to work; participation in client meetings, team discussions and strategy sessions; explanations of work assignments; feedback on their performance; and effective use of technology.

- **Opportunities for one-on-one learning.** Engaged associates feel they are acquiring the knowledge and developing the skills that will make them outstanding practitioners. Law firms conduct many fine training programs for associates, often with extensive and sophisticated curricula. These programs demonstrate the firm's commitment to learning, bolster development, and increase associate satisfaction. But classroom programs cannot substitute for the one-on-one attention, teaching and guidance associates want from more experienced lawyers.

Associates want mentors. Mentors inspire competence, commitment and loyalty because they become personally invested in an associate's success. Mentoring relationships frequently arise informally in the course of work. Many firms also have well-designed formal mentoring programs that foster real-time learning and provide personal attention from senior associate-and/or partner-mentors. Lawyers who take these programs seriously can have fulfilling learning relationships. This requires personal commitments from partners, backed up by institutional expectations, training and rewards.

- **Opportunities for advancement.** In order to be fully engaged, associates need to feel they have a future with the firm and visualize what that future will look like for them. What they see of partnership today is not very appealing, and few associates are offered partnership in any case. The question of partnership is even more troubling for women and minority lawyers, who find few role models in leadership positions.

Firms can promote engagement in spite of these obstacles by presenting an exciting vision for the future; offering meaningful long-term alternatives to partnership; elucidating criteria for becoming partner; providing support and resources to associates who desire partnership; and advancing women and minority lawyers into partnership and leadership positions. They should also ensure that associates interact with partners who love being lawyers and can explain to associates why a career in private practice - and at this firm in particular - is fulfilling and worthwhile.

- **Personal pride in the firm:** Associates want to work in a firm that is well-regarded. To be engaged, they need to feel proud about the firm's reputation in the legal community, its support for the communities in which the firm practices, its social responsibility and its commitment to *pro bono* work.
- **A culture of fairness and inclusion.** To engage associates, firms must have policies and practices that support a culture of fairness and inclusion. This requires more than an inspirational mission statement or diversity initiative. The firm's policies and practices must be consistent with each other and with the firm's stated values. What matters is whether the firm treats people with respect and dignity every day and demonstrates by its actions that it is committed to being a workplace where people of all kinds are welcome and encouraged to succeed.
- **Effective firm leadership.** When associates believe that the firm's leaders are devoted to the success of the firm, doing an effective job in leading the firm, and sincerely interested in associates' well-being, the effect on engagement is powerful. Good leaders encourage engagement by clearly communicating to associates where the firm is headed and how well it is doing, as well as the opportunities and challenges that it faces. This enables associates to decide whether to tie their future to the firm.
- **Competitive compensation and rewards.** Lawyers have choices about where they can work, and most choose work environments where the investment of their personal time, talent and effort returns a meaningful reward. Lawyers who do not feel fairly rewarded are less likely to be committed to the firm.

Lawyers expect compensation that is fair, reasonable and competitive in their particular market. Some associates are primarily interested in earning the most they can. For others, money alone is insufficient. They want to feel valued, recognized, and included. Increasing compensation without these important rewards will not keep these lawyers fully engaged and productive. Moreover, when law firms determine economic rewards in terms of hours billed, the impact - even on associates primarily driven by money - may be dehumanizing and counter-productive. (See [Management Solutions Issue 19](#))

- **Enhanced quality of life.** Younger lawyers are determined not to let their careers dominate their lives. They work hard, but seek ways to "work smarter, not longer" through creative uses of technology, improved work design and better management systems. Law firms are permitting more flexible work arrangements, focusing primarily on reduced hours. But they still treat these policies as accommodations to a few (primarily women) lawyers rather than considering them as part of an overall shift in

the nature of lawyers' work and careers. Instead of disparaging young associates' work ethic, firms can engage them by encouraging and embracing innovative thinking, and by involving associates in the development of new approaches to the way work is allocated and conducted, the way lawyers are deployed, and the ways legal careers are defined.

While all of these areas are important, increasing associate engagement requires an individualized approach. People are motivated by many complex factors that change over the course of their lives. We may generalize about younger lawyers, women, minorities, and other groups in order to create policies and programs, but efforts to increase engagement must take into account each associate's individual motivators, development needs, personal circumstances, and career goals. This is a major undertaking that requires substantial resources. One consulting firm, Deloitte, has initiated a highly innovative pilot project that attempts to do it.

Deloitte's "mass career customization" (MCC) model lets employees control their career trajectories by selecting options in each of four core career dimensions. (See box) Within each dimension, the employee chooses along a scale. Each choice comes with specified tradeoffs, and employees may change their choices over time. Managers work with each employee to customize careers while taking into account the firm's business needs.

This is a bold innovation in collaborative career management. Deloitte is confident that its MCC model "has the power to inspire greater employee productivity, reduce the costs of turnover and generate greater loyalty."

Dimension	Description	Scale Range
Pace	Rate of career progression	From accelerated to decelerated
Workload	Quantity of work output	From full to reduced
Location/schedule	Where and when the employee works	From unrestricted to restricted
Role	Position and responsibilities	From leadership to individual contributor

Ida Abbott has been advising professional service firms, professional associations and corporations about talent development, management and retention since 1995. She has long been recognized as a leader in the fields of mentoring and professional development, and has been elected a Fellow of the College of Law Practice Management. Ida has held leadership positions in many bar associations and legal organizations, and currently serves as Vice-Chair of the Academic and Professional Development Committee of the International Bar Association. She is a founder and former board member of the Professional Development Consortium, an association of professional development specialists at major U.S. and international law firms. Visit her website at <http://www.IdaAbbott.com>.

