

*Excerpts from...*

## HOPPING THE TRACK

Many Associates Just Don't Care If They Make Partner, Study Says

*By Tamara Scott*

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There has always been a percentage of large-firm lawyers . . . who choose, for one reason or another, to take their eyes off the partnership prize. But the number of midlevel associates who voluntarily hop the track appears to be higher than ever.

A new National Association for Law Placement study, "Perceptions of Partnership: The Allure and Accessibility of the Brass Ring," outlines the demographics of the trend.

A young associate who has worked for two large Los Angeles law firms in the past two years and who wished not to be identified said, "What does 'partnership' mean anymore? I don't know – the way law firms are going these days, it's questionable. The opportunity to be a partner seems to be disintegrating."

Market forces that have driven more lawyers outside the law, coupled with the desire among seasoned associates to "have a life," have left firms in a quandary: What to do with this growing pool of associates who want off the partnership track? If someone doesn't want the carrot, firms must decide whether to contract with them and gamble that working for salary alone is enough to drive and push an attorney to build business.

Another dynamic the NALP study points out is that associates are no longer loyal to one firm. "There is a lateral-serial trend," said Paula Patton, executive director of the study, "where associates go from firm to firm to increase their skills and marketability or to maximize their career opportunities."

**Delia Swan**, who operates a legal search company in Los Angeles, agrees. "I think people are jockeying laterally," she said. "It's much more of a seamless web. There is so much more opportunity than there ever was. Associates are savvy to the picture of law. Clearly they are looking out for themselves, whereas 50 years ago they would have been looking out for the firm."

But Rob Glushon, litigation partner at Richman Luna Kichaven & Glushon, believes partnership remains coveted. "Associates who want to practice law," he said, "particularly younger associates, I think they still want a piece of the action. That generally means partnership."

While different people want different things, it's the first- and second-year associates who are more likely to buy into the promise of potential partnership, some law firm managers say. New associates are cultured by law schools and firms that the partnership track is the way to go. After a

couple of years of experience, they wake up to the fact that maybe they're not cut out for law or for the commitment of a partnership.

**Swan** said, "There is incredible pressure that comes with partnership. Billable hours are still required, there is client development pressure and a lack of job security. It's really not the brass ring."

The young associate who has worked for two large Los Angeles law firms agrees. "Partnership is market-dependent. Even if you've been doing a bang-up job for 20 years, if suddenly there's no business, you can be left swinging in the wind," the associate said.

For many associates, the odds against making partner continue to be harsh. The ratio of partners to associates is roughly 1-to-11 in large New York firms and 1-to-4 in large West Coast firms. Patton said the NALP study found that "Once an associate gets the message on the wall [that they won't make partner], they act like they don't want to be a partner. It is sort of a self-defense mechanism," said Patton. "Once the cycle begins its hard to stop."

Perhaps the biggest monkey wrench for firms these days is the market forces luring bright young attorneys into business ventures such as e-commerce.

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But Patton said there are ways to keep associates satisfied and loyal to the firm. The NALP study offers strategies to improve communication and practice refinements that are designed to alter the negative perceptions of partnership. "Firms have the power to alter associates' perceptions of partnership," said Patton.

Latham & Watkins' Stein said the firm's associates' association has made a difference.

"Having a viewpoint at the decision point is critical," he said. "Better quality

decisions can be made with the associates' input. It would be very hard, if not impossible, without the associate to decide with accuracy an account of an associate. No one knows as well as an associate how it feels to be an associate."

At the same time, Stein does not believe associates aren't after the brass ring. "Partnership is not less desirable. It's just that people today have lots of opportunity to do lots of things. It's not uncommon to have lots of good people look at those opportunities and decide to go with them."