

## Why Associates Leave and How You Can Get Them to Stay

By **Tina Cohen** and  
**Jennifer Henderson**

Law firms invest significant time, trust, resources and energy into their associates. At times, an associate's frustration may be obvious and, as a result, his or her firm isn't surprised to learn that person is leaving. However, when a seemingly happy and successful associate announces the decision to move on, his or her firm can be left feeling shocked and confused. Many clients have reached out to us for insight behind these moves and what they can do to make their top associates want to stay.

In their 2017 Update on Associate Attrition, the National Association of Legal Placement (NALP) surveyed 128 law firms across the United States and Canada to pinpoint the top reasons associates leave. Anecdotally, as legal recruiters, we see strong patterns as well. The good news is that, according to the survey, overall associate attrition went down in 2016, dropping to 16% on average across firms of all sizes. However, on average, for every

25 new associates hired, 17 other associates left last year.

The cost of losing an associate can average \$200,000 to \$500,000 considering recruiting and training costs, the price of a resource shortage, administrative and human resource man hours, and other factors. Equally impactful is the potential effect of an associate's departure on firm morale and reputation. High turnover, or perceived high turnover, can ultimately hinder a firm's ability to continue recruiting top talent.

So how can a law firm keep more associates from leaving? Ultimately, associates want to know they are valued members of the team, and there are numerous ways in which that value can be expressed. We address some of the driving factors affecting associate satisfaction below, and explore ways firms can positively affect an associate's experience.

### QUALITY OF EXPERIENCE

In NALP's survey report, work quality standards not being met was the No. 1 reason lateral associates left their firms; we see this play out time and time again. Yes, routine work will always exist and someone will need to take on those tasks. However, if more substantial work is not mixed in, associates become restless. They want to be hands-on and to be able to

grow and demonstrate their knowledge and abilities by performing more substantive work. A litigator, for example, becomes a litigator to take depositions and argue motions in court, but often those opportunities are reserved for the partners. Providing associates with these substantive opportunities, even within a pro-bono context or through trial advocacy programs, can help.

Associates also appreciate being involved in the strategy of a case or transaction from the beginning. It helps to expose them to strategic conversations so they can gain a better understanding of the process, and feel more involved. While in some cases an associate may be too junior to take on responsibility for setting the strategy, by simply including him or her in key discussions, they will feel more connected to the matter, understand how the work comes in, and have a better understanding of a client's needs and how to then handle the work. Not only does it make their work more interesting from the start, it will prepare them for the day they can step into a larger, more active role. Client contact and access to clients is also important. Being able to connect with the decision-makers and business people can personalize the experience, and associates often feel a stronger sense of responsibility and impact.

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**Tina J. Cohen** is a Managing Director in the Chicago Associate Practice Group, and **Jennifer Henderson** is a Managing Director in the Southern California Associate Practice Group at Major Lindsey & Africa.

## **DIVERSIFYING WORK AND PRACTICE**

These days, associates are thinking more about longer-term career goals and even their exit strategies from a firm. Associates who feel pigeonholed may start to worry that their limited skill set might impact their future advancement prospects within the firm, their ability to eventually build business or their ability to move in the future. Therefore, some want to work on different types of deals or cases to broaden their practice or simply focus on a different industry. We routinely see associates leave to pursue a specific practice interest, which ranked as the second highest reason associates surveyed by NALP said they leave firms.

A firm may not have a broad enough practice to provide for diversity of work and, in those cases, there isn't much a firm can do to prevent an associate's departure. However, if the work is there, a firm's efforts to coordinate the work distribution and foster a system whereby associates can express their interests without fear of upsetting partners and jeopardizing future workflow can go a long way.

In some cases, an associate may want to change practice areas entirely. While this might not be an option at a boutique firm that only does one type of work, at a larger firm, an associate may be able to switch to another area in which the firm practices. Retooling an existing associate will cost the firm less than hiring another associate into the group. This is an effective way to keep existing talent — and keep them challenged and engaged.

## **WORKFLOW**

While associates want quality work to do, they also want to know there is

work to be done! Most firms have a yearly billable hour target — and we all know that attorneys in private practice can be slaves to the billable hour. Though required to meet these hour expectations, associates have little control over the hours that are available to them to work and when those hours are available. Closings and trials can create a spike in hours and overwhelm an associate, but associates are just as uncomfortable when there are slower periods and less available hours. They are always wondering when the hours are coming, so slow periods can actually become equally stressful.

Due to the nature of most practices, this issue might seem to be one that is out of the control of a law firm. However, a work coordination system can help to balance associate hours in those slow and busy times. A good system should help to monitor associates' hours within each group and balance out hours within the group.

## **INTEGRATION**

Associate satisfaction starts with their initial integration. Associates need to be properly welcomed from day one. Joining a new firm can be overwhelming, and it can be hard for new associates to start exploring the hallways and introducing themselves. Making sure that members of the group and firm welcome the new associate goes a long way. One firm we work with provides new associates with breakfast in their offices during the first week so that people can stop by and introduce themselves as they pick up something to eat. Scheduling lunches for a new associate (rather than leaving it to the associate or other peers within the firm) is also a great way for the associate to meet other attorneys; this can be especially effective when

it extends beyond the practice group and beyond the associate's first month. The more the firm can put activities and processes in place to assist with introductions, the more connected and excited the associate will feel about being there.

## **TRAINING**

Meaningful and regular training will help associates feel that the firm has invested in them, which in turn creates a sense of loyalty. However, an obvious lack of training will cause associates to feel lost and undervalued. Both formal and informal training are important. Having access to partners and more senior associates for questions will help new associates feel like they are being developed and nurtured. It can also be helpful for a firm to set metrics for an associate to meet — then communicate the metrics clearly and thoroughly. Again, a work coordination system can help to assure that there are ample opportunities to handle different types of work so the skills metrics can be met.

Mentoring is also very effective in helping to guide and train associates. Firms should invest in a thoughtful mentorship program that pairs partners or senior associates with more junior team members who express a desire to grow. The pairing should continually be evaluated and adjusted as the mentee grows and his/her needs and goals change.

## **GROWTH OPPORTUNITIES**

Most firms are shaped like a pyramid, in that there are just fewer spaces as you work your way to the top. While associates understand this, clearly communicating the path to partnership and promotion opportunities will help guide them toward their goals and satisfaction. Not knowing what their future looks like

or whether they even have a future at the firm can cause an associate to feel anxious enough to look for a long-term option elsewhere.

For example, several firms have moved to a structure in which there is a title change for associates who have hit the fifth year or have acquired a specified set of desired skills. Other firms have created counsel tracks for those associates not interested in partnership, but who still want to advance and be able to handle sophisticated work. Presenting these options shows an associate that a long-term career is in fact attainable at a firm.

## COMPENSATION

Similar to clear growth opportunities, associates need an understanding of their initial compensation and the path to increases and bonuses. Many firms use a lockstep model, which is usually fairly straightforward and can be explained upfront without confusion. However, if a firm has a more flexible structure, associates need to understand what skills and metrics they need to meet in order to progress within the firm. Associates should be receiving the same treatment as laterals; otherwise, word will get out if there is a discrepancy in pay and advancement opportunities.

Firms also must communicate their bonus structure clearly and openly. If a firm rewards those who put in significant extra work, the metrics surrounding this need to be clear, as does the reward. In our experience, we have spoken with associates at firms (mostly smaller) that use formulaic bonuses. Associates seem to be satisfied with this system, since they know exactly what they will be getting if they are putting in extra work; it is very transparent. When the structure is less clear, associates can become very disheartened, especially if they

have set their own expectations, perhaps based on precedent or previous conversations, when those expectations are not met.

## CULTURE

The overall environment of the firm is one that is hard to control, but it is a much-cited reason for associate satisfaction or dissatisfaction. Associates want to work in an environment where they feel like they are an integral part of the firm and not easily replaceable. This feeling is supported by the amount and type of work they are given, but it is further secured through transparency.

Many associates we encounter are type A personalities who have been successful throughout their lives and have had measurable ways to evaluate that success. It's no surprise then that they want to be in a firm where there are defined and clear ways to progress and an obvious compensation structure. They want to know that "if I do X, then I can expect Y." It is human nature to feel uncomfortable when you don't clearly understand what is expected of you, but if an associate feels lost and in the dark, he or she will leave. Regular reviews (even informal ones) can help associates understand where they stand and what they need to work on. Providing young attorneys with a big-picture understanding of the firm, goals, etc., can help them to feel tied in early.

But despite all the open communication in the world, the most obvious cultural deterrent can often be "that partner" — you know the one: the one who burns through associates and assistants, and frequently yells and screams. That partner can send associates running for the hills. While there might be a business case for keeping that partner, ultimately his or her presence will affect culture —

and not just the immediate working group. Associates no longer want to "stick it out" when they don't feel good about their experience. This generation of associates wants to be happy about their jobs. So if this partner exists in a firm and it's unrealistic for him or her to leave, perhaps adjusting the workflow so that there is less interaction with this person can help keep the culture intact.

## CONCLUSION

Understanding the reasons why associates leave a firm is the first step to keeping them. Associates want to be active, involved members of a team, where they are valued and utilized to the fullest extent of their abilities and given opportunities to grow. By creating policies and a culture that promotes transparency, access and teamwork, law firms can set the expectations of incoming associates and keep them engaged and happy.

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