

Developing Lawyers in the First Year: Three Approaches

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Editor's Note: During the week of April 16, 2001, I interviewed the people in charge of professional development at three major law firms, asking them how they believe new law graduates are best trained and managed in their first year at a firm: Jane Hruska, the new Director of Legal Personnel at O'Melveny & Myers; Terry Miller, Director of Associate Development in Fried Frank's Washington office; and Pamela Winthrop, head of Hogan & Hartson's new H&H Academy. (Brief biographies provided by the interviewees appear at the end of this article.)

The three interviews were conducted separately. Each interviewee was invited to respond to the same questions. Because of their differing areas of responsibility, not all questions were answered by every interviewee.

I found the interviewees' diverse roles and perspectives fascinating, as well as the common themes they emphasized. I hope that, whatever your firm's approach and your role in it, you will find some helpful ideas here for your own professional development program.

Here are my questions and their responses:

PDQ: *What do you think are the two or three most important things a firm can do to get new associates off to a strong start in their first year out of law school?*

Winthrop: One of the most important things is to provide new associates with a sense of the firm culture. Especially as a firm gets larger and takes in more laterals, it's harder to preserve. If we can inculcate a sense of culture from the very beginning, it helps to preserve it.

Secondly, it's important to provide new associates with substantive and skills-based training appropriate for their level, in the form of orientation and training programs geared for first and second and perhaps third year associates.

Miller: One thing a firm can do is to give new associates a good sense of what the firm culture and practices are like. I think that's something the firm can easily take responsibility for.

Closely related to providing information on the culture of the firm is for the firm to provide mentoring and close monitoring of the associates' work – work product, work style, work habits. Some associates are very capable of taking an assignment, going out and giving the partner just what is needed. Others are very smart, very capable, but need a little more guidance and assistance in their development before they reach that point of competence. As a firm I think we can help junior associates by providing partner and senior associate mentors to make sure new associates don't fall between the cracks and receive feedback about their work product and habits. This achieves two important

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goals. First, it is a way of dealing with the anxiety the new associates feel about their performance. Second, it is a means of identifying issues that may be easily corrected or dealt with when identified early but become more difficult to handle as time goes on.

Third, the “nonacademic” aspects of being a lawyer. In law school they mastered academics, substantive law. But they may not have worked in the commercial world, or ever supervised another worker, or worked on a team where the interrelationship of tasks is so great. New associates can use guidance on how the workplace operates, how to act with secretaries, the effect of their conduct on others, working as a team. Essentially, it’s understanding their practice as a business.

Hruska: A controlled six-month assimilation into the firm that combines a ten to twelve-week orientation program with the monitoring of work assignments, strong accountable mentors, feedback after every assignment, and training.

PDQ: *How is your firm going about making those things happen?*

Hruska: On mentors and feedback, I’m repeating here what I did at Wilmer which was very successful. In 1994 I set up a program there called the New Associate Working Group. Here it’s called the New Associate Mentor Program (NAMP). When new associates join the firm, they are in this program for their first six months. A chair of the NAMP in each office holds monthly meetings with the mentors (during the summer, every three weeks). A partner and an associate mentor are assigned to each new associate, one of whom is in the new associate’s practice area. The benefit of the teams is that if one member is tied up in a trial, for example, someone is

always available to stay in touch with the associates and report on them, and the new associate has the advantage of perspectives from a partner and an associate. Mentors usually work with more than one associate, generally three or four (we want to be selective to ensure consistency and also to keep the group small enough to keep the meetings from being unwieldy).

We require new associates to complete a chart on a biweekly basis that lists each assignment, the people they are reporting to, and the date the assignment is completed. The administrators send out the evaluation once a completion date is recorded, and add to the chart the date the evaluation has been sent out and the date the evaluation is received. The chart is distributed to the mentors and the chair; they go through the charts at the meeting and can tell what everyone is working on. Where there’s a problem, the mentor steps in and may go to the people in the practice area – for example, to get a new assignment if a new associate has been stuck working on a document production for six months, or working only for associates, or working on assignments outside the area they wanted. This process assures that the associate is getting assimilated and developing the confidence level he/she needs.

We provide two major types of training. The first is administrative training. New associates absolutely have no idea of what’s going on, how to get things done. Many firms try to give all that information in the first couple of days – fly them all in for two days in the fall. Administrative training has to be drawn out over a period of up to twelve weeks; you do it slowly so they can absorb and apply the knowledge as they develop a frame of reference. We stretch it out over a 10-12 week period, have weekly lunches to discuss billing, ethics and confidentiality, how to supervise secretaries and legal assistants, firm finances and history, and introductions to the different practice areas (what’s going on now, what used to happen, what they see happening in the future). We have a survival techniques meeting at the beginning and again at the end of orientation because their questions and concerns are quite different after three or four months at the firm. We put them in a room with associates only and lunch, let them talk privately and candidly. We have 750 lawyers, and each office does their own sessions.

For legal substantive and skills training, we have two major programs within OMM’s University: One overall training effort that applies to all associates, and one that is practice/office-specific. Every January, new associates from all offices are flown to L.A. for two days of

intensive training in either the adversarial or transactional practice areas. This program also provides new associates with an opportunity to meet one another and to interact with numerous veteran firm lawyers. This year, we are assigning firm-wide training lawyers (one partner/one associate) to oversee all office training programs and firm-wide training efforts. Each office will rely on a training partner/associate team to head up the practice-specific training programs. The firm's intranet will host a master calendar of training activities.

Winthrop: We have always had a strong orientation program. We have improved it since the H&H Academy was formed in January 2000. What we do is invite all new associates, whether fresh out of law school or new laterals, from all our domestic offices to come for 2-1/2 days in late October. When H&H Academy took over responsibility for new associate orientation last year, we gave it a theme: "What it means to be an H&H lawyer." The purpose was to start conveying to new attorneys a sense of what H&H is all about. It has been a very successful program, and we are not going to make any significant changes to it this year.

To address the substantive and skills training issues, the H&H Academy has worked very closely with our Business & Finance Area. Business & Finance about two years ago developed and presented a two-day program called "Rules and Tools" aimed at new attorneys. It is an intensive course covering a wide spectrum of substantive areas that a commercial attorney would be expected to be familiar with at a junior level, for everyone who has settled into or is rotating through Business & Finance. Last year we invited our other attorneys to attend sessions of their choice (for example, litigators may want to attend the securities law session).

This year, the Litigation Area decided to emulate that program. This past February we presented a "Learning to Litigate the Hogan Way" program. The program is two days, and we invited first through third-year attorneys from all our domestic offices. It goes through the basics of what being a litigator is all about from the perspective of junior associates, who may not be going to trial yet but are involved in pleadings and discovery, filings, etc.

We generally hold these programs in-house in a large conference room, although we held Rules & Tools in a local hotel to accommodate the numbers. There is a social element as well, a dinner and cocktail hour so attorneys can get to know attorneys in other offices. These are our strongest programs for substantive training.

The H&H Academy is primarily responsible for skills training. We developed a number of programs for the year that started July 2000 and ends July 2001. The theme of the curriculum is "Client Service." We have presented a number of programs basically targeted at heightening all attorneys' awareness that we are in a service industry and need to serve clients better. We had two programs on client service: the first focused on what firm attorneys think good client service is, and in the second program, clients told us what they expect from their attorneys. One of the things we learned was that clients expect their attorneys to have a business sense and not just shut down when numbers are discussed. To help with that, we have presented two accounting programs, one for transactional lawyers and one for litigators (led by external trainers from Excentia).

We have 800 attorneys who don't fully appreciate all of the firm's capabilities and areas of expertise. So we are having a series of lunch programs, each of which highlights an area of expertise that is multi-disciplinary within the firm. These have been extremely well received. We started with B2B Exchanges, then had one on Intellectual Property. Just yesterday we had a program on Privacy. We are going back to Intellectual Property next month with a focus on Enforcement on the Internet, and concluding with a series on White Collar Crime. Typically we have four to five panelists from different areas of the firm who describe how the topic is relevant to their practice, and we try to have an exchange among the panelists. Yesterday, we had a moderator who is well known in the privacy area. After each panelist described how privacy affects his or her practice, she led a round-table discussion among the panelists.

Next year's curriculum will focus on the fundamental skills every lawyer needs to acquire and improve – writing/editing, public speaking, negotiating; there will also be some programs on firm billing policies and on ethics. We have a workshop coming up in June on Dynamic Client Meetings; [external consultant] Jay Sullivan will lead two 2-hour programs. His view in essence is that attorneys get limited face time with clients, and when they are fortunate enough to get a meeting, they need to maximize the value of that time – not only to communicate the intended information, but to continue to build the client relationship and listen to what the client's concerns are. The program is part lecture and part workshop.

Miller: We have several programs in place to assist the new associates with their transition into the law firm. We have a number of programs specifically for first years,

and some that include more senior associates:

Evaluation: We have a mid-year evaluation in addition to our annual evaluation. The mid-year is given to associates who have been with the firm for two years or less. It is short, informal – no paper – to identify potential problems and do a mid-course correction if necessary.

We recently have instituted a periodic feedback program. I am very excited about this. It is fairly simple and in its early stages. The goal of the program is to assure, or increase the likelihood, that associates receive feedback from their supervising attorney when a project is completed or, if they are working on a very large project, after significant effort has been dedicated to the matter by the associate. The associate triggers the process by completing a short form on our intranet. The form is sent to me. I send an e-mail to the supervising attorney and provide a week to give feedback. I monitor the partners so the associate doesn't have to. Just today we had two trainings, one at the partnership meeting, on how to give feedback. This is a real cultural change for some partners. Of course, some supervisors are quite good at giving regular feedback. However, many could use training and assistance before getting comfortable and getting good at providing constructive feedback. Giving feedback on a project basis regularly is a habit that benefits associates and partners alike.

We also have a four-day orientation for the new associates who arrive in the fall. During this orientation, we provide training on administrative aspects of the firm (billing time, working with a secretary, using legal assistants), firm practices in matters that affect the associates such as bar matters and training policy, as well as training on the substantive legal practice areas. We continue this training with weekly lunches. One goal is for the first-year class to have a sense they are a class (the social component). We also have partners come in to talk about the various practice areas so that associates can feel more integrated into the larger office. We spend one lunch talking about evaluations; one session addressing responsible use of technology in the workplace. And we just want a forum where the first years can ask the questions they may not otherwise ask, share the concerns they might not otherwise share. And so that the firm can provide answers, help, support.

Generally, there are regular training sessions by department that provide the basics in the substantive education.

We also have an advisor program. When associates

first come to the firm, they are assigned three advisors – a junior associate (as junior as possible, who remembers what it was like not to know the way to the bathroom) who will check in with them once or twice a week for the first couple of months, plus a senior associate and a partner advisor to take on the more traditional roles, a more formal relationship. My view is, you have to find your own mentor; these may be mentors, but also may not. The goal is for partners to meet with advisees quarterly. When we have social events, we remind them to invite their advisees and talk with them. The advisor program remains an area that needs revision. It is just not working as well as it should.

My office. The Office of Associate Development provides an opportunity for associates to come in and ask questions of a non-supervisor who has knowledge about the firm. The scope of the issues that come in is unpredictable and quite extensive. My office is clothed with confidentiality so that associates can feel comfortable that their conversations, their concerns, their complaints, will not make their way back to any partner. At times, I may speak to the partner on behalf of an associate or group of associates. I might advise them on how to handle a situation, I might just listen. I might provide information not generally available that assists associates. I might cut through the bureaucracy. And I might suggest that partners disclose information to associates. My office provides one more place to go for information on law firm life.

I am always looking to make the program as responsive to associates' needs as possible – expand, replace, reduce, whatever works. Always a factor is the incredible time demands associates feel.

PDQ: *Of all the things you have done, what has had the greatest impact?*

Miller: Potentially, I think the periodic feedback program will have the greatest impact. It is a real cultural change which requires a certain level of patience and politics.

Another significant event is the recent hiring of diversity consultants. I think that's the hardest and most important of all the challenges we face – diversity issues. No one is immune from the real struggle involved in looking at diversity issues in the workplace and in our country. I am excited the firm has committed to this and is going forward. All attorneys participated in workshops and we expect a continuing relationship with our consultants. One partner said she believes this is a historic

moment for the firm.

Hruska: NAMP. After years of working in professional development, I could guarantee that new associates' reputations would be determined within thirty days of their arrival. They became either superstars or untouchables – and rarely was this a fair estimate of their abilities. Law firms spend a great deal of time and energy on summer programs, but neglect to provide the same care with new associates. Some partners have queried whether new associates would feel insulted with this type of attention, but experience has shown that they are quite grateful for being launched into law practice in a constructive program.

Winthrop: So far, our two intensive substantive programs – “Rules and Tools” and “Learning to Litigate the Hogan Way.” “Rules and Tools” was extremely successful, and we have a wonderful brochure we use in recruiting (we had a photographer come in and take pictures of us). It also generated a sense of competitiveness among our litigators and was the impetus for the development of their program. Our Government Regulatory Area, which is a more diverse collection of practices, is now thinking about what they can do in a similar vein.

PDQ: *What would you like to do better?*

Winthrop: We are looking at orientation. We are not making many changes to our initial 2-1/2 day program, but we are looking at extending the sense of being oriented to the firm to last beyond that and continue throughout the first year. We are hoping to improve it by taking it into a longer portion of the attorney's first year with us.

Miller: One thing I would like to focus on in the coming year is the advisor program. We need to look at the goals we seek to achieve and create a system to achieve those goals. I also would like to focus a bit on partner training and management skills. Although I'm in charge of associate development, I believe that if I polled associates regarding what they would like changed, it might relate to partner training. Our office has started the process and I hope to be involved in the expansion.

Hruska: The programs we have in place and those about to be launched are all quite good. We are now going to concentrate on work assignments. If I could have my own dreams come true, I would like to see law firms begin to hire administrators to handle work assignments. Once this piece of the puzzle is locked into place, partners

can practice more law and associates will have administrators who are spending the necessary time it takes to match developmental goals with evaluations and work projects.

PDQ: *Talk more specifically about how and when new associates are assigned to a specialty area.*

Hruska: This is a big problem in law firms. Eighty percent of law students want to be in litigation because law school training is so litigation-oriented. It's hard to get them to consider [even areas like] Communications and Intellectual Property. So many kids out of law school say, It sounds interesting but I don't know anything about it. Yet partners expect them to be able to walk in and do it; they're too embarrassed to say they don't know how. I've tried so many different things – one is to assign them to two practice areas, let them try it and then decide. I think rotations are a waste of time; there are always two or three things people absolutely don't want to do and we shouldn't make them go through it.

Our firm will be going on campus during the spring to talk to 1Ls about the various practice areas outside of litigation that they should consider as they decide what they want to do and where they want to do it.

PDQ: *In general, what do you see as the most common problems new lawyers have in getting off to a good start in a firm?*

Winthrop: I think one of the pervasive problems is that new attorneys don't necessarily understand what it means to be in a service business. It means we need to serve clients, who obviously are our bread and butter. They need to understand that it's necessary to build relationships. I'm not suggesting new attorneys need to think about developing business, but that they need to develop a sense of service, to understand it's their responsibility to build relationships with the clients that they interact with – to be responsive, to meet deadlines, to understand the client's business, concerns, and issues. Not all new attorneys even talk to clients; their client may be the supervising lawyer.

Another area new attorneys need to focus on is the obvious one of developing solid skills that are not necessarily taught in law school, such as writing: drafting for commercial lawyers, brief writing for litigators. Also oral presentation skills, which are important even when you are presenting the results of your research to your supervising lawyer.

Hruska: I think it's developing that reputation within the first 30 days at the firm, which really makes it difficult for them to develop any confidence. It's so hard to bounce back from something like that.

Miller: Looking at those who don't get off to a good start on their own, I would say one factor is not understanding how the business or professional world differs from academia. One aspect of the difference is the importance of communication. About everything: about the status of cases, about meeting deadlines, about questions, about research.

Sometimes it's a matter of circumstance – getting involved (or not) in a project that enables an associate to be part of a team, to work with senior associates who can serve in an advisor role, to shine.

Someone may wind up with a document review, which can be routine and they can become alienated because they're by themselves working on documents and may not appreciate how they fit into the bigger picture. The firm needs to monitor this so no one has to do document review for more than X months; that we can do. These partners want to do the right thing, they really do.

PDQ: *What can firms do to prevent or minimize those problems?*

Miller: We get back to a good mentoring program, don't we, some kind of monitoring? It can be done by someone who is not a partner. It's just keeping your finger on the pulse of what's going on.

We also have to educate associates. I think -- I know -- we are making progress. But there is always a lot more to do.

Hruska: You set up a program like we have where you are monitoring everything that happens to that new associate in the first six months.

Winthrop: When I think back to how I learned as a young attorney, what was most helpful was having the opportunity to observe more experienced lawyers. What firms need to do is create an atmosphere in which partners and senior associates are encouraged to train new lawyers, whether through mentoring relationships or day-to-day working relationships: One-on-one training and taking time for feedback needs to be encouraged and rewarded.

PDQ: *What can or should new lawyers be doing for themselves?*

Winthrop: I think a new lawyer to some extent needs to take charge of his or her own career. They should be seeking out mentoring relationships. We have tried formal mentoring programs, but they are not that successful. The most successful relationships are those that develop naturally out of a working relationship. Every new lawyer should take responsibility for trying to develop a relationship like that.

They should also take responsibility for getting a variety of work in order to become as well rounded as possible. It depends on the firm, but generally new lawyers don't need to develop a sharp focus in the early years. Some firms have checklists such as, if you're a corporate/securities lawyer, you should have done "at least one of the following by the end of your first year." If you've been around for three years and haven't done an underwritten public offering, you should seek one out. After they have gotten as well rounded as possible, then it's time to find a niche. Sometimes that can come through the mentoring relationship, other times it's a question of what the firm's needs are.

Miller: Everything! I truly feel this. I think the firm is responsible for training, and giving out assignments well, and distributing work appropriately, and teaching lawyering skills, and making sure associates get exposed to lots of partners, and giving feedback. The associates are equally responsible for each of those things. If the associates take on that responsibility, and the partners take it on, it will get done. Everybody benefits from the system working.

Hruska: The most important thing I tell new associates is to communicate. They need to be sure that they do not rely on assumptions. Communicate, communicate, communicate. When they get an assignment, they should repeat it back to the partner, then go back to their own office and send the partner an e-mail to recap. After a week, go by the partner's office and tell the partner where they are headed to give the partner an opportunity to steer them back in the right direction if they headed down a useless path. When they finish an assignment, they should stop by the partner's office and ask for some feedback. They will grow and learn as they take responsibility for their own actions and needs.

PDQ: *A year and a half ago, many firms raised associate salaries significantly to compete with what high-tech firms and companies were then offering. What effects, if any, have the salary hikes had on your*

most junior associates in terms of performance expectations, attitudes, and training? Are you seeing any other effects, either positive or negative?

Hruska: It made firms much more cost conscious. In order to pay the escalating salaries, firms had to define the hours requirements to get the salaries. The profession, as a whole, has become more corporate-minded, more bottom-line oriented. Firms that espoused a “lifestyle” atmosphere can no longer represent that culture. It is now incumbent on firms to offer other forms of benefits or conveniences.

Miller: An interesting question. I haven’t seen anything particularly positive out of it other than, of course, associates are making more money. I don’t know the effect on the recruitment process. I do not feel we saw an increase in loyalty, in being more committed to the firm. There has been consideration of alternative compensation systems.

Winthrop: What we’re seeing is that there’s been much more pressure on productivity and the bottom line. Associates are now given a hard and fast number of minimum billable hours (1800) and told they are expected to bill at least that number each year. As a result we are seeing a reluctance to spend time on nonbillable activities such as attending training programs, and a reluctance by more senior lawyers to spend time on one-on-one training and feedback – the first things to be sacrificed for the billable hour.

It’s not clear what the answers will be, this atmosphere of much larger salaries is so new. People are adjusting and it’s going to take a little while before we can go back to spending time on other things that are important. Our community service commitment has not suffered; that usually enjoys more widespread participation than training. I think people will come back to training. In states with mandatory CLE, attorneys participate in training because they have to; that’s not an issue in D.C. right now. If people appreciate what training can do for them, it’s just a question of making the time to participate. So we try to make it as worthwhile and as interesting as possible.

PDQ: *Working with first-years is more demanding than working with more senior associates, who require considerably less instruction, oversight, and feedback. Do you provide any particular guidance or parameters to supervisors on assignments to first-year associates? Do you exercise any selectivity in the supervisors you allow to work with first years or the assignments they receive?*

Miller: I think there is an awareness of the general differences between giving an assignment to a first year as compared to a fifth year. There’s nothing in particular we do. We do have department-wide systems where partners give assignments to the first years.

Hruska: Through NAMP we do watch who they are working with and provide guidance. Because the mentors are having regular conversations with the mentee, if a new associate is having a bad personality conflict, for example, their mentor steps in right away and mediates and figures out what’s going on. It all goes back to communication; there is so much that can be done when people understand what’s happening.

Partners realize that first-year associates’ work and evaluations are being scrutinized by NAMP, and I suspect they will take care to give the appropriate work and feedback to make the program work.

PDQ: *Most of us have seen situations in which lawyers who spent time coaching and developing new associates paid a financial penalty for their lost billings, and perhaps were penalized in other ways as well. What ways, if any, have you found effective for supporting and rewarding your lawyers for being good supervisors and mentors?*

Hruska: We are going to institute a bonus pool for partners, set aside X amount of dollars solely for good mentors. Those will be determined through the partner/counsel evaluation program. For those the associates identified as being really good mentors, they will get a significant bonus.

PDQ: *How would you answer the partner who says, “First years can’t help me. They can’t come up with anything I don’t already know”?*

Miller: I don’t hear that. You may have to select what type of assignments you give first years, but I never hear, “I don’t want a first year.”

Hruska: That’s a tough question. If somebody has that attitude, I’d prefer they don’t work with them.

PDQ: *There is a lot of talk about generational differences. What differences, if any, do you see in the abilities and attitudes of recent graduating classes compared to those of past years?*

Hruska: Most associates understand the necessity of working hard, but most also want more personal time. Over twenty years, I have definitely seen the shift that so

many “Generation X” books and articles describe. But I have also seen the pendulum swing in the opposite direction just when I thought I understood the market. I won’t be at all surprised to see the industry change in a way that is more accommodating to young lawyers and young lawyers learning to accommodate to the industry. After all, it is a challenging and stimulating profession.

Miller: I don’t see a difference in their abilities with respect to performing legal work. I do see a difference in attitudes. I see a greater articulation and insistence and concern about a work/personal life balance. Not that we didn’t want a better balance between work and home twenty years ago. But we accepted the terms of the game as presented to us. We felt we didn’t have a choice. The associates reflect the changes that have occurred in our society at large – people are looking out for themselves and not assuming they will be taken care of; workers realize that jobs come and go, employees come and go, professions come and go. Another difference flows from our booming economy, the growth of technology and dot-coms – many different job opportunities are available.

I see no difference in the percentage of associates making partner, but their perception is that a smaller percentage become partners. When I started practicing law, no one would think of voluntarily leaving a job within a year. Now associates leave in a year with no problem. Adam Smith at work – supply and demand.

They certainly are as smart, but they are more independent and probably more creative than before.

PDQ: *What do you wish law schools would teach students that they’re not teaching them now?*

Hruska: I wish they’d teach better research and writing skills, and more diversity in practice areas. They don’t teach enough substantive areas in addition to the litigation training. There’s a little more corporate these days than there used to be, but I would like to see much more training in other areas.

Miller: For me as an ex-law school professor, that gets into the question of whether law school should be an ivory tower or whether the business and practical aspects of practice should be included in the law school curriculum. I think there is a huge disconnect between education in law school and the practice of law – so huge as to make the relationship almost unidentifiable. You spend three years attending courses to get training in a manner of thinking and some basics in the law. The

writing skills are not emphasized, in some schools not taught at all. For 20 years we have had to provide training in writing.

Law firm economics is not taught – again the business side, nothing negative but very positive. We recognize that law is a profession; still as a profession there’s a business side to it. Students would benefit from understanding how the business functions, how to function in a business world – for example, how to supervise.

When I taught I created two courses that were not just cases but practical litigation courses, taking someone through an actual fact pattern and all the way through the litigation in a special kind of forum so they could see what it was actually like. Then when they got their first real case nothing about it would be truly new. Some schools actually give a course on setting up a law office. Certainly the clinics go a long way.

PDQ: *What is the benefit of bringing new law graduates into the firm? If the firm were to cancel law school recruiting altogether and hire only laterals from now on, what would be lost?*

Miller: What a fascinating question! Think of the cost savings if the recruiting program for first years were eliminated. I think that laterals bring a very good quality to the firm; we have had success with many of our lateral hires bringing in a different perspective, their own experience. Sometimes they appreciate Fried Frank more than someone who came up through the ranks.

But having a first year, fresh out of law school, you essentially can mold them. You don’t have a conflict of cultures, don’t necessarily have a conflict of expectations. Some attorneys coming from other firms or the government may have a hard time making the change in cultures.

What I’m seeing lately with laterals is the fresh ideas that come with them. The firm is jumping on that, I’m seeing some effects of being able to get away from “the way we do it here” and to start looking at how else it could be done. The law firm paradigm will have to change in the coming decade – looking at other ways of doing things is essential to making things work. There’s a positive and a negative – you want to bring people up through the culture, yet you want to bring in fresh ideas and fresh blood. You don’t want everyone seeing issues the same way, that’s a recipe for disaster.

Hruska: Obviously if all law firms canceled campus recruiting, you're not going to have a pool of laterals to hire from! But there is a lot of benefit in growing your own talent, you can mold them into the shape you want them to be. There really is a sense of loyalty that is hard to gain from people coming from outside. Laterals, on the other hand, bring a high level of talent and refreshing perspective. The best law firms will have a healthy balance – a population of both. A firm with only home-grown lawyers loses perspective. Laterals are important to the mix.

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More Views on Managing and Training First Year Lawyers

In March I e-mailed colleagues in the Professional Development Consortium, a national association of in-house lawyer training managers, as follows:

I'm planning a special issue of my journal, Professional Development Quarterly, focusing on the training and utilization of first-year lawyers, and I'm hoping you may have some input on that subject.

The problem I see is that training and utilization of beginning lawyers has become even more difficult with the recent salary and billing rate increases -- there's even more pressure than before on both first-years and their supervising lawyers to minimize the time spent training or being trained in favor of billable hours, more pressure from clients not to use first-years on cases, and more inclination by partners either not to use first-years at all or, when using them, to leave them utterly to sink or swim because, after all, "for what we're paying them they ought to know what they're doing!" Also I'm seeing less tolerance for normal beginners' mistakes and less sympathy when new associates get caught in a bind between conflicting assignments or deadlines.

If you have input you'd be willing to share (anonymously, if you prefer) on the new challenges you are grappling with, the

questions you'd like answered, or the solutions you have come up with, I'd appreciate hearing from you. I will share the resulting issue with all who contribute to it.

Gaye Mara

Interestingly, the replies -- even from those who chose to remain anonymous -- indicated that my perception of the current law firm environment was unduly negative. They are reproduced below. Because they were in the informal medium of e-mail, I've taken the liberty of cleaning up abbreviations, typos, etc.:

Jacqueline Daunt, Fenwick & West, Palo Alto:

Actually, our reaction to the increasing salaries and billing rates is that it becomes more important to provide incoming lawyers with the training and easily accessible tools to become quickly productive. We can't afford not to train and provide tools because clients won't pay for unproductive time.

We provide beginning lawyers with the following:

- Professional Development Orientation

- One day bootcamps on Startups, M&A and Securities
- A legal education series that meets once a week for two hours over 8 months to provide more in depth training on our core practice issues
- Monthly subgroup luncheon meetings by Startup, M&A and Securities about current practice issues
- Annotated forms, checklists, memos and outlines on topics typically encountered.

Valerie Fitch, Pillsbury Winthrop, New York:

Pillsbury Winthrop hasn't lessened its commitment to training its first years at all. I guess we see it as an important up-front investment, and can anticipate the consequences of NOT doing it.

Deirdre Mullen, Cozen and O'Connor, Philadelphia:

While I appreciate your observations, I still perceive elbow room (tripping room?) made for first-year associates. The pressure to bill and perform flawlessly, however, becomes very apparent in year two at a law firm.

In any case, I just rolled out a new mentoring program for any new associate at the firm (whether lateral on entry-level). Its major focus is to acclimate attorneys to the firm and its byways. However, it also provides a confidential structure that supports a more "gentle" learning environment and serves as an additional resource for new attorneys to move ahead on and make inquiries about the tasks at hand.

My focus now is articulating the orientation and training curricula. That will be a staged and evolutionary effort. Regardless, I expect to address certain elementary issues in such a way that they are identified as subjects that (i) warrant training and (ii) warrant some allocation of firm resources devoted thereto. This will be an explicit acknowledgment by the firm that associates don't know it all (although they may be paid as though they do) and will provide real tools for new associates to build their knowledge base (or bridge their knowledge gaps) by offering something other than a "fend-for-yourself-but-don't-screw-it-up" teaching methodology.

Southeast-Based Firm, over 500 lawyers:

We are really dealing with this issue. We have a 1950 billable hour requirement (it does include pro bono time, but no training time). One thing that helps with

our first years is that when they arrive in September/October the "clock" doesn't start ticking on their annual requirement until January. At least that's the way our firm sees it. So when our first years arrive we tell them that they have from September until January to work on getting up to speed (becoming culturally acclimated, participating in training, learning to bill their time and manage their time). For that reason, we will be jam packing September, October, November and December 2001 with training programs, since after January they are really at the mercy of the billable hour. I don't feel that three or four months is a sufficient time to teach everything they need to know, but it is the hand we have been dealt.

In terms of work utilization, as I have mentioned to you before, we assign every associate a supervising partner. So first years are getting work assignments directly through that partner. Depending on the practice group (and the partner) the associate can also receive assignments from other partners/senior associates, but the supervising partner is there to set priorities and help manage the work flow as necessary.

DC-Based Firm, under 200 lawyers:

I think our partners are very tolerant of first years -- we have "home grown" the majority of our partners and the partners understand that during the first 3 months, we will not get the same level of work as we will later in their tenure. We accept that September through December is a training period, although we may get some high billing during this time.

We do a six month rotation program (the first years split between two groups). I think both they and the partners realize that during the first three months, billables will be less than that of a second year, for example. But within the first six weeks, they are doing real work with real billables. We also really try to get the practice groups to do in-house training during the first three months. This helps to bring up to speed our new attorneys. We do not give them "busy work" but, like any firm, we do write off a portion of first years' time.

I do not hear the type of comments you quote in your email (and I'm involved in many of those types of conversations). But I agree, there is less tolerance for missing deadlines, etc. I feel strongly (and make it clear to my first years) that it is their responsibility to

inform another attorney ASAP if he/she thinks he/she will not make a deadline. We also assign one Professional Development Committee member (partner) to each first year to act as a mentor during the six-month rotation. Part of the mentor's role is to assist should problems like this arise. Being a new lawyer brings on different responsibilities and the new

lawyers must learn to juggle and manage their time or they will not be successful in any law firm.

Please note that we, like a majority of DC-based firms, have done an incredible amount of lateral hiring. With the boom in our business, we need lawyers who can come in and get the work done.

Tracking Systems, Part 4: Recording Program Information

Dottie Palazzo

A good place to start in considering maintenance of program information is with the provider requirements that must be fulfilled by in-house providers. Every state requires that a provider maintain some program information. A compilation of program information required by most states is listed below :

- Name/Topic of Program;
- Date or dates of program;
- Start time;
- Location where program is conducted;
- Fee, if applicable;
- Total number of CLE credit hours;
- Breakdown of categories of credit;
- Credit hours per category of credit;
- Method of delivery, i.e. teleconference, etc.;
- Level of training, i.e., advanced, Bridge-the-Gap or Transitional, etc.;
- Names and credentials of speakers; and
- List of attendees with bar numbers and credit hours earned.

New York specifies that this information be retained for four years, which is reason enough to provide for maintaining it in your tracking system. In addition, New York CLE Board's year-end report requires most of this information plus more for each program. Anyone who has experienced a New York annual report knows she doesn't want to be digging up this information from different sources at the last minute.

What about your firm lawyer needs? In the third article of this series, which ran in the February 2001 issue, we explored the information needed to provide a workable activity report for use in determining CLE compliance. The program and credit information identified in that article included the items listed above, plus:

- Name of sponsor (if other than your firm); and
- In-house credit designation in states where applicable.

Another benefit of maintaining this much information is firm training administration. Your system can provide program planners with information on what programs were done, when, in what offices, who were the faculty, and who attended. Without a centralized system, that information is a lot harder to find.

This seems like a lot of information to capture. But if you have been applying for CLE credit for your programs, you have been working with these pieces of information all along. Providing a place for this information in your tracking system merely formalizes and centralizes the process. It makes your job easier.

We developed our database on Oracle, which is a Windows-based software. Copies of two screens, showing how we record general program information and state approval information. We use drop down tables for many of the fields, which makes entry simple and fast. But once it is entered, it is there, and no matter how cluttered your office becomes, your computer sticks out like a sore thumb. You can always find it and the information it contains.

Other Possibilities

We use our database to provide online registration. That feature allows us to produce sign-in sheets for our programs that display the program registrants' names, states of admission and state identification numbers. The participants like it and it makes recording credits much easier and faster.

Someone in Atlanta has recently set up his database to summarize his program evaluations in a format that fits into the New York annual report. I am assuming that the evaluations are done online but I don't know the details. I do know that it sounds wonderful and as though it saves him a lot of time and agony at the end of the year.

We have a report format in our system that provides a year-to-date report of programs, numbers of lawyers who attended, and total credit hours earned by those programs. We use that information in our annual department report to our managing partner. The total numbers are sometimes astounding and quantify how hard we have worked throughout the year.

Another possible use is to record the document number of written materials used for a program in your database. If you can archive the document on your word processing system for a sufficient length of time, you could use that reference to retain the written materials as required by many states. That would eliminate having hard copies of those materials stashed away waiting for an audit which might never happen.

Once you set up your system and get the information in, the uses you can make of it are endless. I always love it when a lawyer calls me and says he remembers we did a program a couple of years ago on a certain topic. His inquiry often is followed with, "Don't suppose you have a record of that." When I can tell him we did it on a specific date three years ago, who the speaker was, that it was videotaped, and we can get him a copy of the tape and the written materials, it is a happy day.

[Next issue: This series ends with the author's practical tips and lessons learned from working with her system.]

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Note: We use State field "NA" to record attendance at training programs not approved for CLE credit, to record attendance by new hires not yet admitted in any state, and to record attendance by lawyers admitted in states that have no CLE requirement.



(Editor's Note: This column highlights best practices and new approaches to common challenges of in-house training managers. We invite your comments and your suggestions for future articles. You can reach us at (703) 719-7030 or maraeg@profdev.com.)

Business Skills Training for First-Year Associates

Professional development directors quoted in our lead article stressed the need for new associates to understand the business of the firm and its clients. A recent study identified precisely what business knowledge and skills first-year associates ought to possess.

In a 1999 ALA-funded study conducted by GW's Center for Law Practice Strategy and Management, 265 participants in 45 firms agreed that 58 discrete business skills -- in client relations and client development, general business knowledge, understanding of the firm as a business, and managing work and subordinates -- were critical to associates' success. (See Stephen R. Chitwood and Anita F. Gottlieb, "Teach Your Associates Well." **Legal Management**, January/February 2000, at 25-40. See also "Professional Developments" on the following page for a discussion of the final study report, which I co-authored.)

For each skill they identified as essential, the participants were also asked to indicate:

- by what year it was necessary for associates to have mastered the skill, and
- at that time, which of two possible levels of competence associates should possess: *Knowledge and Understanding* (they know what it is, why it's important, and how and when it's done) or *Application* (they have Knowledge and Understanding, plus they can apply the skill effectively and efficiently in the normal course of their work).

There was a 75% or higher consensus among the study participants that associates should possess at least the rudiments of 20 of the 58 skills by the end of their first year with the firm -- 18 skills at the level of *Knowledge and Understanding* and two at the *Application* level.

The 20 skills which the study determined that associates need to develop in their first year at a firm are listed below (all skills are expressed in the terms used by the study participants). Where a skill is listed under "Knowledge and Understanding" but at least 50% of the participants wanted "Application"-level competence, that percentage is given:

Knowledge and Understanding:

1. Listening to hear what the client is really saying
2. Providing timely and accurate information to clients
3. Building working relationships: returning calls, being available, etc. [68% wanted *Application*-level competence]
4. Developing appropriate interpersonal skills [65% wanted *Application*-level competence]
5. Learning the firm culture: norms, values, practices, beliefs
6. Firm practice areas: major clients, industries, specialties, nature
7. Planning, organizing, and managing one's own time
8. Setting work priorities
9. Recognizing one's own potential work crisis and heading it off
10. Identifying firm resources to get work done efficiently
11. Keeping up with new information (technical, firm policies, etc.)
12. Communicating effectively your ideas to partners and clients and gaining support for them
13. Analyzing and selling one's own skills and abilities to partners and clients
14. Acquiring Internet skill for non-legal research
15. Recognizing one's own abilities and interests and planning one's own career
16. Thinking creatively [63% wanted *Application*-level competence]
17. Facility with computers: word-processing, spreadsheets, presentation programs [54% wanted *Application*-level competence]
18. Taking initiative in securing assignments

Application:

1. Time sheets
2. Being an effective team member

This list provides a good starting outline for an administrative training curriculum for first-year associates.

– Gaye Mara