

Up, up... or away?

It's not enough to simply "improve associate retention" — firms need to understand and respond to the factors that underlie associates' satisfaction (or lack thereof) or risk losing them. Here are ten points to consider when trying to engage your associates.

By Ida Abbott

Retaining associates remains a major challenge for law firms. Firms spend a fortune to recruit talented lawyers and hope that those who perform well will stay. They do not expect to achieve 100% retention, which is 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 mean 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 behaviours:

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% better and are 87% less likely to leave the organization.

In addition, 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% and earnings per share 28% year to

year. In contrast, those companies with the least engaged employees showed year-to-year declines of -33% in operating income and -11% in earnings per share.

The Towers Perrin study also found a direct connection between engagement and retention. Eighty-five percent of those who were disengaged planned to leave the firm, with more than 25% of them actively looking for another job. In contrast, less than 5% 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. NALP's 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% of women and 29% of men expected to leave their current employer within two years.

Moreover, 16% of women and 11% 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 U.K. firms found that some firms are losing up to 30% of their lawyers each year, and that fewer than 20% 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 do not 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 ten areas where firms can direct their efforts:

1. 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.

Associates want mentors. Mentors inspire competence, commitment and loyalty, because they become personally invested in an associate's success.

2. 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 practise law experientially, i.e., through the work they do. Allowing associates to do work that interests them is essential. 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.

3. Meaningful work experience.

To keep associates engaged, firms need to monitor carefully the kind and amount of work associates receive. Mundane, repetitive work will deaden a lawyer's interest. Firms cannot promise associates that all work will be exciting, but they can ensure that some 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.

4. 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 increase associate satisfaction, but they 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.

5. 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.

6. 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.

7. 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.

Continued on next page

Appartenir ou partir?

Les cabinets doivent apprendre à satisfaire les jeunes pour les garder.

Voici 10 points à considérer pour développer un sentiment d'appartenance.

Retenir les juristes est un défi majeur pour toute étude légale. Les firmes dépensent une fortune pour recruter de nouveaux talents. Logiquement, elles espèrent que les plus performants restent. Mais en réalité, il arrive que de bons juristes quittent.

Les bureaux devraient-ils lancer la serviette? Pas du tout. Mais ils devraient concentrer leurs efforts à développer un sentiment d'appartenance plutôt que de simplement chercher à les retenir.

Ce sentiment d'appartenance se traduit par un engagement émotionnel et intellectuel. Il détermine notre implication au travail et le temps que l'on souhaitera y demeurer. Trois comportements de base le caractérisent :

Parler. L'avocat ou le notaire parle de la firme de manière positive.

Rester. Le juriste veut rester dans la firme, même s'il a des possibilités d'aller ailleurs.

S'efforcer. Le juriste fournit le deuxième effort nécessaire au succès de son travail.

Plusieurs études démontrent le lien entre le sentiment d'appartenance et la performance, les résultats financiers et la rétention. L'une d'elles, menées par le *Corporate Leadership Council* auprès de 50 000 employés dans le monde, a découvert que les employés avec le sentiment d'appartenance étaient 20 % plus performants et 87 % moins susceptibles de changer d'employeur.

Les juristes se sentent-ils impliqués? Certains semblent l'être. Une autre étude menée par Hildebrandt International montre qu'un quart des juristes aspirent à devenir associés et sont prêts à sacrifier leur vie personnelle pour y parvenir. D'autres

enquêtes, cependant, indiquent le contraire. L'une d'elle, reproduite dans la monographie *Women in the Profession : Findings from the First wave of After the JD Study*, révèle que 34 % des femmes et 29 % des hommes s'attendent à quitter leur emploi d'ici deux ans, tandis que 16 % des femmes et 11 % des hommes recherchent activement un nouvel employeur.

Que peuvent faire les cabinets pour hausser le sentiment d'appartenance chez ses employés? Voici 10 secteurs où diriger les efforts :

1. Un traitement personnalisé

Que ce soit par la formation continue ou autre, les juristes doivent sentir que la firme souhaite les voir s'améliorer.

2. Du travail intéressant

Les juristes apprennent leur travail en pratiquant. Leur permettre de s'essayer dans différents secteurs et de travailler dans ceux qui les intéressent davantage favorise leur développement personnel et professionnel.

3. Des expériences stimulantes

Les firmes ne peuvent garantir que tout le travail sera excitant, mais ils peuvent convaincre les avocats que dans l'ensemble, l'expérience est stimulante.

4. Des mentors

Les juristes désirent l'attention, des conseils et l'enseignement d'un mentor.

5. Des possibilités d'avancement

Pour se sentir vraiment impliqués, avocats et notaires doivent croire qu'ils ont un avenir au sein du cabinet.

6. La fierté d'entreprise

Pour développer un sentiment d'appartenance, les employés doivent être fiers de la réputation de leur cabinet, de ses pratiques et de son sens de la responsabilité sociale.

7. Une culture d'inclusion

Ce qui importe est de savoir si le bureau traite tout le monde avec respect et dignité.

8. Un leadership efficace

Le sentiment d'appartenance est multiplié lorsque le juriste estime que ses patrons font du bon travail et sont sincèrement préoccupés de son bien-être.

9. Une rémunération compétitive

Certains voient la rémunération comme une forme de récompense. Ceux-là ne s'impliqueront pas longtemps si les salaires ne sont pas compétitifs.

10. Une meilleure qualité de vie

Les firmes doivent prendre en compte cette volonté de la jeune génération qui ne souhaite pas voir la carrière prendre le dessus sur sa vie.

On peut toujours généraliser quant aux besoins des jeunes juristes, des femmes, des minorités et d'autres encore lorsque vient le temps de créer des politiques et des programmes. Mais en bout de ligne, les efforts pour créer et nourrir ce sentiment d'appartenance doivent tenir compte des facteurs de motivation de chaque juriste, ses besoins de développement, sa situation personnelle, ses objectifs de carrière. C'est une tâche majeure qui nécessite des ressources substantielles. ■

Ida Abbott, de Ida Abbott Consulting à Oakland, en Californie, conseille des firmes de professionnels, des associations de professionnels et des compagnies sur le développement du talent, la gestion et la rétention de personnel depuis 1995. Elle est co-fondatrice et directrice du Hastings Leadership Academy for Women au Hastings College of the Law de l'Université de Californie. Elle est aussi Fellow du College of Law Practice Management. (<http://idaabbott.com>).

Good leaders encourage engagement by clearly communicating to associates.



8. 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 impact 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.

9. Competitive compensation and rewards.

Lawyers expect compensation that is fair, reasonable and competitive in their particular market. Some associates are primarily interested in earning the most they can. Others 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.

10. 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. ■

Ida Abbott of Ida Abbott Consulting in Oakland, CA, has been advising professional service firms, professional associations and corporations about talent development, management and retention since 1995. She is co-founder and Director of the Hastings Leadership Academy for Women at the University of California Hastings College of the Law, and a Fellow of the College of Law Practice Management (<http://www.idaabbott.com>).

Across the street, down the block or Canada wide — our commercial team is ready for you.

For over 100 years, legal professionals have trusted Stewart Title to provide title insurance for their commercial real estate transactions. Some of the world's best hotels, golf courses, resorts, office towers and business centres are insured by Stewart Title.

Our global reach and financial strength, combined with the expertise of our Commercial Team, enable us to handle the most complex transactions. We can facilitate specialized commercial endorsements for almost any situation. Our title insurance services provide efficient closings and fast turnaround times. With Stewart Title you can close real estate transactions with security and peace of mind.

Visit www.stewart.ca to view some of our recent transactions, or call us for a quotation on your next transaction to see us in action.

1.888.667.5151



stewart
title guaranty company