

Professional Development Is A Necessity, Not A Luxury For Today's Associates

To stay competitive and competent, lawyers must stay on top of new developments and learn new skills constantly

By Marian Lee

As law firms grow larger and associate salaries rise, overhead inevitably increases. Higher overhead creates pressure to bill more hours. Pressure to bill more hours makes it difficult for senior lawyers to find time to train and mentor junior lawyers. It also makes it harder for junior lawyers to find time for non-billable training and development activities.

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Despite these pressures, however, today's young lawyers are eager to learn and to build their skills and knowledge as quickly as possible. Not only do firms expect them to be productive quickly, but associates themselves place a premium on obtaining the quality of experience and knowledge that will efficiently advance their development.

It's no secret that law firms are less stable today than in the past. Firms routinely dissolve, restructure, and merge with other firms. Practice groups and partners move freely among firms as their needs and opportunities change. Because of this instability, and the trend toward promoting fewer associates to partnership, associates today—as well as their counterparts in industries that have borne the brunt of layoffs and downsizing—have no illusions of job security.

“Employability Security” Is Portable

Instead, young lawyers seek “employability security,” that is, portable experience and knowledge that will make them attractive not only to their current employers, but also to future employers if they need to change jobs for any reason. Given this environment, it's not surprising that associates resist being pigeonholed into limited practice niches or placed on repetitive projects for extended periods of time. They can't afford to spend years on a massive document review project while their cohorts are learning to take depositions and develop case strategies.

In fact, an employer's failure to provide sufficient opportunities for development may, in and of itself, cause an associate to change firms.¹ Young lawyers view the

dedication of their talent and commitment to an employer as a personal investment, and will leave an employer if they feel their investment is being wasted.² They need development opportunities that will make their investment in an employer worthwhile.

These opportunities may take many forms. According to a 2007 survey by Hildebrandt International, the five factors that contribute most to associate satisfaction are stimulating and professionally challenging work, an atmosphere that encourages discussions with peers to acquire skills and share knowledge, informal hands-on training, regular feedback on performance and quality of work, and being provided with a mentor.³ Accordingly, employers must implement comprehensive initiatives that go far beyond formal training programs if they seek to retain talented associates.

Understand The Generational Profile Of Today's Young Lawyers

Most young lawyers today belong to the cohort known as "Generation X," born roughly between 1962 and 1981. Although Xers, now between the ages of 27 and 45, have dominated the associate and junior partner ranks for several years, most law firms are still run by Baby Boomers, who are now between the ages of 46 and 62. The "Millennials," born after 1982, have begun to enter the legal workplace as summer associates and recent law school graduates. Both Xers and Millennials are technologically adept, value work/life balance, expect to change jobs or careers multiple times in their lives, and adapt to change quickly.

Generation X grew up under different cultural influences than those that shaped their Baby Boomer colleagues. In contrast to the prosperous, post-war America of the Boomers, characterized by plentiful jobs, higher per capita income, and the ability to finance more years of education than ever before, Xers came of age in an era of Watergate, inflation, corporate layoffs, high divorce rates, and two-income households. As a result, they are self-reliant, independent, skeptical of authority, and highly adaptable.

Unlike the workplace of the 1950's through the 1970's, the workplace in which the Xers came of age values economics and efficiency over loyalty to people; pensions have given way to 401K's. Long-term employment is rare, as companies downsize to adjust to economic circumstances, increasingly use independent contractors, and outsource many labor niches to foreign countries.

As a result, young lawyers, as well as Xers in other industries, view themselves as "the sole proprietors of our own creative abilities—we have to be entrepreneurial with our skills and abilities in order to build within ourselves portable assets for the future." (Tulgan, n.2 at 144.) Encouraged to join the Army by TV commercials challenging them to "Be All That You Can Be," the Xers believe that their "work repertoires and creative abilities represent the only long-term assets on which we can depend." (Tulgan, Id.)

Some Boomers express irritation at the Xers' "free agent" mentality, and interpret Xers' quest for portable skills as a lack of loyalty. However, most Boomers grew up, like their Veteran parents, in an era during which job security was not only attainable but the norm.

The Only Constant Is Change

The notion of job security leads you to believe that you can find a stable company, work your way up, become vested, and make yourself increasingly secure by virtue of your accomplishments and tenure.⁴ In the legal profession, this meant that an associate could join a good firm, pay his or her "dues" by working hard and demonstrating competence, and after six or seven years, anticipate a promotion to partnership. While this model may have worked when companies were more paternalistic and "lifetime employment" was virtually guaranteed (as long as you didn't make major mistakes), it is no longer the case.

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In today's world, law firms, like companies, come and go. Change is constant. To stay competitive—and competent in the increasingly complex practice of law—lawyers must keep up with new developments and learn new skills constantly.⁵ Firms seeking to retain talented lawyers must provide the means for learning and development that have become necessary activities, not optional perks, for today's associates.

FOOTNOTES

1. Study, "The Lateral Lawyer: Why They Leave & What May Make Them Stay" at 24 (NALP Foundation, 2001) (asked to indicate the top three factors influencing the change to their current job, the number one factor was professional development).
2. Tulgan, Bruce; *Managing Generation X: How to Bring Out the Best in Young Talent*; Norton, 2000.
3. Study, "Understanding Associates: New Perspectives on Associate Satisfaction and Morale" at 66-67 (Hildebrandt Strategic Intelligence, 2007).
4. Lancaster, Lynne and Stillman, David; *When Generations Collide: Who They Are. Why They Clash. How to Solve the Generational Puzzle at Work* at 53; (HarperCollins, 2002).

5. Zemke, Ron; Raines, Clair, and Filipczak, Bob; *Generations at Work: Managing the Clash of Veterans, Boomers, Xers, and Nexters in Your Workplace*; AMACOM, 2000.