



Are You Partner Material?

[John Scalzi]

Do you have what it takes to climb to the highest ranks? Take the Jungle quiz and find out.

1 You've just made partner. Your life is now:

- A** Harder. The workload increases exponentially.
- B** Easier. You now have a huge support staff.
- C** Different.

Be prepared for more work, not less, when you make the jump. Sure, now that you're a partner you can delegate piles of work to associates that partners once delegated to you. But older partners can now delegate piles of work to you. "It's harder," says John Kuehn, a partner in the New York office of Kirkland & Ellis. [A]

2 In terms of your professional relationships as a partner, which of the following three groups of people is most important?

- A** Associate
- B** Clients
- C** Partners

Close call. Your partners, by definition, share a business with you. Uneasy relationships with any of them can mean trouble for the business overall. As Keith Wetmore, chairman of San Francisco's Morrison & Foerster, puts it, "You've got a fiduciary duty to your partners." Bring in the clients, bring in the money, and work to ensure the highest profits for all. To do that, of course, you have to be supremely attentive to your clients' needs. And, says Wetmore, you also have an ethical obligation to represent your clients to the best of your ability, and in accordance with various rules and regulations. But in a

perfect world -- that is, one in which every partner feels confident he'll be with the firm forever -- doing good work for the client is always in service of honoring your duty as a partner. [C]

3 On a scale of 1 (barely speak to each other) to 10 (joined at the hip), rate how close you should be with your fellow partners.

- A** 10 -- like family
- B** 7 -- close, but not too close
- C** 3 -- keep your distance. This is a business.

"A law firm is a joint effort where everybody's contribution is required to make the venture a success," says David Klein, a partner at New York's Shearman & Sterling. You might share clients. Your associates will work for many of you. Each partner's contribution determines the successes and failures of the business. This ties you to one another in a way that, say, investing in a restaurant with a friend wouldn't. Chances are you'll be more than casually involved with other aspects of your partners' lives.

But this doesn't mean they're your second family. "There are some firms where partners are so close it can be stifling," says John Sapp, managing partner of Michael Best & Friedrich, who favors relationships that more closely resemble cousins than siblings. Maintaining some distance allows you to evaluate with a cool head the manner in which your partners are handling their professional responsibilities. Still, says Sapp, it's unrealistic to think no personal relationships will develop. The occasional golf

outing or cocktail hour is fine. If you know a partner's pants size, step back. [B]

4 True or false: A law firm's most successful rainmakers are those who make friends of their clients and clients of their friends.

- A** True -- friendships are based on trust, and so are good attorney-client relationships.
- B** False -- mixing business and friendship can skew judgment.

"Being a lawyer involves so much psychological alignment with your clients that they become your friends. Your job is to worry about the stuff they worry about," says Morrison & Foerster's Wetmore. "That phone call in which you have to report how things went in court -- it's a phone call with a person. Successful lawyers get that person to like them, and you find yourself liking the client." Which is fine, according to Shearman's Klein, for one simple reason: "Clients will come back to lawyers they enjoy working with." Still, cautions Cynthia Rotell, a partner at Latham & Watkins in Los Angeles, "Being friends is okay, but it's not a necessary component. And when you're friends with people it could cloud your judgment." [A]

5 One of your clients has been doing business in a manner which may be illegal--not fully reporting revenues, for example. What do you do?

- A** Call the appropriate authority -- you need to be on the record and above-board from the outset.



B Do what you're paid to do: Continue to offer the best representation you can.

C Talk to your partners. Determine whether the client's transgressions threaten the firm, and then plan a course of action.

Anything that threatens the firm's reputation and business is a problem you must deal with immediately, even if it's a longtime -- and lucrative -- client who's creating the problem. Jumping on ethical breaches is even more important today given the spate of corporate scandals. The fallout from those scandals has created a landscape where it's tougher than ever to slip through an ethical loophole. "There are new rules and pending proposals under the Sarbanes-Oxley Act that put the responsibility on lawyers to report any violations or perceived violations up the chain," says Rotell of Latham & Watkins. The phrase "guilt by association" comes to mind.

Presumably, you've already approached your client and pointed out the risks involved with his actions, but he wasn't swayed. You have no choice but to take the matter to your partners. Remember, your first responsibility is to them, so keep them informed and seek their input. Talk to an ally on the management committee. You may well end up resolving the matter within your practice group, but it could be necessary to approach the entire partnership. [C]

6 The best associates are:

A Brilliant but difficult.

B Hardworking but undistinguished.

C It doesn't matter as long as they can follow directions.

What partner wouldn't want an intelligent, hardworking, no-attitude associate executing her commands? But for those rare people who aren't perfect, part of your role as a partner is to groom. "Behavior modification is difficult but achievable," says Michael Ryan, a partner at New York's Cleary Gottlieb. "Humans are

corrigible. Intelligence cannot be taught." Successful partners, he says, surround themselves with the best possible talent. As Ryan suggests, you can work on changing the associate's attitude. Take him to lunch once in a while, share your ideas about what makes a successful partner and lawyer, and emphasize the need to draw people in. [A]

7 You have an associate who would make a great partner, but revenues are down and money's tight. You're worried about a head-hunter finding her. How can you keep the associate on board until you're ready to extend the offer?

A Give her a modest raise, and remind her that she might be setting herself back if she laterals out of the firm.

B Suck it up and make the offer now.

C You can't.

Don't be stingy. Good people are hard to find, especially potential partners who can add to your bottom line. "We'd go ahead and make them a partner," says Sapp. "Then we'd balance it out later." The challenge is to balance the firm's long-term and short-term objectives -- more business for the firm three years out versus a dip into the partners' profits now.

This is a situation, though, that really began the first day the associate started working for you. "If people are happy in their jobs, they're less likely to be out there taking calls from headhunters," says Molly Lane, a partner in the San Francisco office of Morgan, Lewis & Bockius. "If you have a good relationship with that associate and you're loyal to her, chances are she's going to stay -- especially if you can say, 'But for the economy, you'd be partner.'" [B]

8 Should you be pals with associates?

A Absolutely -- who would you rather work for, an overbearing boss or a buddy?

B "Friendly acquaintances" is more like it.

C No -- boundaries become confusing, and you don't want to have to discipline your pal.

Think of yourself as a cross between a professor and a supervisor, says Cleary's Ryan. "You're their employer, but we're all human, so you should be warm, approachable, and empathic." Ideally, your relationship should allow you to say, "You're good and you're smart, and you can have a great career here, but you have a couple of niggling traits that might limit you. Here they are. Work on them." That can be an awkward thing to say to your doubles partner. But can any of this mentoring be done outside of the office? Over a tall, cold Hefeweisen, say? Sure. It's natural for friendships to develop between people who spend so many hours of the day working together. Also, says Kirkland's Kuehn, "most lawyers are smart, interesting people," the kind of people you'd like to spend some free time with. The occasional breakfast, lunch, or after-work German beer is a given -- especially at smaller firms, where relationships often are closer, says Scott Karchmer, a partner at Morgan, Lewis & Bockius in San Francisco. But you'll have to decide for yourself how social you can be while still maintaining your role of supervisor. [B]

9 True or False: You can be a partner in a law firm and still be the primary caregiver to your children.

A True

B Ha!

Lane says she balances parenting and partnership by being an "80 percent partner" -- working part-time to balance the needs of her home life. "It's a juggling act, and you're always trying to handle both the demands of the job and caregiving," she says. The way to do this, according to Lane, is to seek help -- another parent to pick up the kids from school, a part- or full-time nanny, your ever-supportive spouse. There are more options today for lawyers balancing work with family



life, and most top firms provide alternative work arrangements to accommodate personal obligations. "The people I've worked with throughout my career have been very supportive," says Lane. "I have not been held back at all, so I've had no issues." [A]

10 Strictly in terms of business, is it good for a partner to be active in the community?

A Yes, it's an essential way to meet potential clients.

B Yes, but it's a luxury that, realistically, takes a back seat to work.

C No, because it's hard to find a community organization that doesn't present a potential conflict of interest with the firm.

Leaving aside the general issue of the need for partners to get away from the firm in order to have some semblance of mental health, actively seeking new roles outside the office can provide a fresh perspective and new business leads. Wetmore, who is on the board of the San Francisco AIDS Foundation, notes that his firm's partners "have lives outside their office that contribute to their lives inside the practice. They socialize frequently with clients and people who might be leads to clients -- and they do it intentionally. You're better at what you do -- practicing law -- when you do other things that give you perspective on what you do." [A]

11 Word is out that a successful partner at a competing firm is going through a messy divorce that's affecting the quality of his work. His practice area is the same as yours and his book of business is valuable. Do you go after his clients?

A You bet, and you do it quickly.

B No way. That's predatory and unethical. **C** Yes, but you wait a respectful amount of time.

A big part of a partner's responsibility is to bring in business. If an opportunity presents itself to take on new, valuable clients,

it makes sense to take that opportunity. Law firms make presentations to potential clients for all sorts of reasons; this is just another one.

However, every partner we talked to about this scenario -- which most agreed was unusual but certainly plausible -- noted that your approach to the potential clients should not be any different just because their lawyer is limping. "I wouldn't make any different type of pitch than I would make at any other time," says Kuehn. "Most times when we make a pitch, the client is already represented by someone else. I'm not principally interested in why they want to change the relationship. If the reason is that they're dissatisfied, I'd like to know. But if it's not a question of performance I don't care." [A]

12 You find out that one of your partners has been padding his time sheets to a particular client, and you're the only partner who's aware of the problem. To whom do you speak about this first?

A The offending partner. Before you cause a stir, give him a chance to change his ways.

B One of his associates, so you can get the whole story.

C Your other partners. You're all in this together.

As easy as it would be to nudge the partner in question, suggest he cut it out, and walk away, that won't work. If the secret gets out, it'll besmirch your entire firm, tainting the reputation the firm has with clients, other firms, and the media -- not good. And in the worst-case scenario, if it was discovered that you knew about the problem and didn't report it, you too could be burned. "What I would do is go to a couple of partners who I trust and ask them to look at the same facts I saw, because it's easy to make mistakes," says Cleary's Ryan. "The next move would be to talk to the management structure, on the theory that they are charged with dealing with delicate situations

of this kind. Everyone would feel better if this situation were dealt with through the usual channels." [C]

13 Rumor has it that one of your partners is about to abandon the firm for another one across town taking a huge book of business with her. What's the best course of action for the partnership?

A Talk to the partner and try to work something out.

B Go straight to her clients in an attempt to at least retain the business.

C Fire her before she has the chance to quit.

This situation can be resolved quickly with good old-fashioned communication. "If it's simply a matter of money or hurt feelings, you can address those things," says Sapp. But if it's clear that the partner is going to make the move no matter what, then the gloves are off when it comes to retaining the client. As Sapp puts it, "One of the big surprises that you discover is that no one is irreplaceable, even managing partners."

In fact, good clients sometimes seem more difficult to come by. "You want to do everything to keep the client. I would try to keep the partner first, but if that's not possible, then try to keep the client," says Morgan, Lewis's Lane. [A]

14 The toughest thing about being partner is:

A You have to fetch your own coffee.

B You've got to bring in the work to share in the profits.

C You now have duties as a business-owner which have nothing to do with being a lawyer.

"We all went to law school to practice law, not to become administrators," says Lane. Unfortunately, being a partner also means being an administrator, a boss, a salesman, an accountant, a bill collector, and so many other things that don't require standing before a jury or



negotiating a brilliant deal. Young partners in particular struggle with these added responsibilities that have nothing to do with the facts of law. The challenge is finding the time for everything while also growing a practice. Actually billing clients can be especially difficult, says Karchmer, because there's nothing that prepares partners for this. "Suddenly you have to make sure the bill goes out and that it's correct; then you've got to get the client to pay up." [C]

15 Is making partner really that important?

A Yes

B No

It's possible, says Morrison & Foerster's Wetmore, to have great job satisfaction at a small or large firm as either an associate or counsel. The important thing is to develop a practice area that you're satisfied with and good at, and one that adds measurably to the firm's overall business. As a partner, the risks, the amount of work, and level of commitment to the firm are greater too. If you don't associate self-worth with a job title, don't need the extra money, and can do without the added aggravation, it can be a thankless grind.

That said, it has its advantages. Sure, some partner-track lawyers make sweeping life changes and move away to bucolic locales, forgoing the life-and-death ropes course that stands between them and partnership. "There is a greater number of people who are going for alternatives, and that's fine," says Sapp. But if you're at a big firm seeking job satisfaction, security, the feeling that you are in control of every minute of your career, and yes, a comfortable level of remuneration, making partner is highly recommended. [A]