

Retention of Young Lawyers

This article takes a hard look at the shortcomings of the Singapore legal industry in its ability to grapple with the high attrition of young lawyers, and is based on feedback from just under a thousand private practice lawyer-candidates working with the author's recruitment firm.

Retention and management of young lawyers (those aged 35 years and less) have become one of the biggest problems for law firms in Singapore and Hong Kong. Young lawyers tend to come and go very quickly, often at the first-, third- or fifth-year mark.

Such a phenomenon typically results in a mid-level talent gap in the firm's hierarchy, ie senior associates, as those with four to eight years of post-qualification experience, drop significantly in number.

This is the reality facing Singapore law firms today.

Many senior associates move into the commercial arena as in-house legal counsel, or band together with a few of their peers to create small law firms. These are attractive alternatives: join very large companies with more sophisticated management processes or be completely autonomous!

We have also seen an increasing demand by multinationals and government-linked companies over the past two years for increasingly younger corporate (and even litigation) lawyers to be employed as in-house legal counsel. None of the above bodes well for legal practice.

To counteract the attrition of young lawyers, law firms generally turn to mid-level lateral hires from other law firms. One of the main ways law firms significantly replenish their headcount is by increasing the intake of pupils.

Despite these efforts, the problem has persisted over the last four years. Long-staying employees are virtually non-existent in almost all large- and medium-sized law firms. Few lawyers can now proclaim that they 'grew up in the firm'.

The attitude that 'associates never stay long' thus pervades and becomes entrenched – to the point of being tacitly anticipated – within a law firm. It becomes harder and harder to retain young lawyers – and most firms have given up.

Why is This So?

From feedback given to us by almost a thousand of our lawyer-candidates in private practice over the past two years, there are several reasons why retention of young lawyers is a major problem.

Business goes on

Law firms have grown very adept at handling employee turnover: their excellent file and client management systems allow for day-to-day business to continue smoothly with little or no disruption. Young lawyers are perceived to be dispensable and replaceable.

The manager's closed door

A good lawyer is seldom also a good manager. Partners or partners-to-be tend to look only after their own interests. They seldom make enough time for young lawyers in terms of training, teaching and counselling.

Making time for associates is not seen to be something terribly important• or practical. Many senior lawyers currently in practice cut their teeth the hard way in the 1980s and early 1990s. They were thrown in the deep end of considerably smaller law practices (typically overwhelmed with work) and eventually learning to survive by themselves. 'The best training is your own training' as one senior lawyer remarked. This mentality has been passed down to successive generations of lawyer-managers.

Today's generation of lawyers tend to require 'high maintenance' where instruction, guidance and general 'hand-holding' are concerned. Money is no longer a chief motivation. Instead, achievement, recognition and information are now the primary motivating forces for young lawyers (see below). This stereotypical 'young worker' is something all developed economies and affluent societies must contend with. Lawyer-managers feel that they simply do not have time for such high maintenance hand-holding.

Me first, my people later

The management and retention of associates have no direct bearing on the lawyer-manager's own performance. In other words, the way you manage your juniors is not a critical Key Performance Indicator even when you successfully turn them into productive, profitable fee earners.

A dangerous, but thankfully not widespread, practice has unscrupulous junior partners quietly taking billed time away from young associates and passing them off as their own. This is done in order reach fee targets to justify promotion to equity partnership (for the ambitious) or simply to pass them off as their own (for the unmotivated). Most associates choose to suffer in silence because they are either unsure as to the normality of such practices or they fear repercussions.

Such actions are detrimental to a law firm, especially in the current climate where attrition remains higher than ever. In my opinion, management (or the lack thereof) remains the critical factor in the exodus of young lawyers.

On a brighter note, there exist at least two large law firms and a handful of medium-sized ones which have fairly successful management and retention records as well as well-established practices. In other words, it can be done.

In Hong Kong, there exist many well-regarded international law practices with very careful training and mentorship of young associates. This is done to ensure high client service standards. Once confident that a young associate is 'up to scratch', a certain amount of much-welcomed autonomy and independence is granted to these young associates.

What Can a Law Firm Do?

The following should be kept in mind:

- 1 Retention of associates is premised on three critical factors:
 - a Achievement: they must be able to derive a sense of satisfaction from their work.
 - b Recognition: they must feel recognised by their immediate superiors for work done.
 - c Information: they must be able to know 'what's happening to me, my performance, where my department is headed, how my firm is doing generally'.
- 2 A young lawyer will almost always leave a law firm because of:
 - a The lack of the three critical factors above.
 - b A deteriorating relationship with the immediate superior.
 - c The lack of a visible career path.

It would be impractical to give all associates as much time as they would like to have. However, there must be sufficient feedback on their professional development and progress. Giving them necessary attention will also convey to them a sense of recognition for the value of their work, and in turn they will derive personal satisfaction with their own work.

Just as many law firm partners have chosen to remain in practice, the same sense of achievement (and how to attain that achievement) must be verbalised and translated into simple terms for eager, but idealistic, young lawyers.

Partners or firms with the highest associate turnover rates are always those which adopt a '*this is a law firm like any other. Seen one, seen all. Been in one, been in them all. Just go do your work*' approach towards mentoring. Partners or firms with the lowest associate turnover rates are always those who are very candid about their own working lives, as well as the expectations, fears and tribulations they have gone through in their careers. They are very open, patient and flexible, and make immense time – almost to a fault – for their associates.

Some are reportedly floored when asked by associates, 'What is my career path likely to be?' or 'When and how can I be a partner of the firm?' Ironically, most associates start off never intending to make partnership – simply because they are not aware of what exactly that entails, besides earning 'a lot of money'.

Young lawyers simply wish to be 'good lawyers' – and this in turn is derived from their being certain that they are doing 'good work'. Young lawyers must be able to detect the intrinsic worth and value of what they are doing.

Therefore, when there is too much perceived arbitrariness or silence on how their performance is rated, or how they are doing in general, confidence in any merit-based performance system will be gradually eroded. Associates become uncertain as to how they are being valued for their work, and soon begin to question the worth of their work.

Any lawyer-manager in a firm should be able to give confident and ready responses to these questions: 'What is my career path likely to be?' and 'When and how can I be a partner of the firm?' These responses must be capable of substantiation by real-life examples in the firm.

It must be kept in mind that the legal landscape today is very different from that of the 80s and 90s. Today, the vast majority of newly qualified lawyers commence their practice in very large law firms – of which there are less than 10. Management techniques and internal company culture become more critical the larger the organisation is – and these are areas which have long been neglected by lawyers.

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Notes

1 The author practised with Rajah & Tann and Jones Day (Singapore) before leaving to establish the recruitment headhunting firm of Recruit Legal Group where he is currently a Director. He is based in Hong Kong.