



Pursuing a Non-Partner Role

A number of attorneys are choosing to forgo the partner track. Find out why — and what it could mean for law firms.



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With law firms hovering in a state of modest demand growth, a number have kept their equity partner headcount at a relatively flat level in recent years, according to a 2017 Citi Private Bank and Hildebrandt Consulting report.

With eager, often highly skilled associates anxiously waiting in the wings, having fewer available partner positions to dole out could have presented a huge succession planning and talent retention problem.

Two factors, however, have helped prevent a massive staffing meltdown. Even though some firms are creating very few new net equity partnerships, an increased amount of Baby Boomers are reaching retirement age, vacating partner roles younger firm members can fill. More than a third of partners said in a 2016 Major, Lindsey & Africa survey that they expected to retire within the next 10 years.

Firms' second saving grace — a number of associates who do not want to pursue the traditional partner path, but still want to remain within their current firm — is a scenario that's been building for some time, according to Jamy Sullivan, Executive Director of recruiting service provider Robert Half Legal.

“There’s such a shortage in today’s legal talent market. Why wouldn’t employers sit down and have a conversation about moving an employee?”

At least one report, from Valeo Partners, suggests the amount of nonequity and non-partner-track attorneys grew at law firms in the five years prior to 2016 — a trend the legal consulting provider predicted would continue.

“Nontraditional career track opportunities available to lawyers have increased over the last several years,” Sullivan says. “They may not be interested in the partnership track, but having meaningful, challenging work is still important to those individuals. It really is a different work style and [level of] involvement.”

WHY ATTORNEYS ARE AVOIDING PARTNERSHIPS

Associates are choosing a non-partner career trajectory for a variety of reasons. For some, it can serve as a way to avoid work they’re not particularly interested in.

Being able to provide the career experience employees want was one of global law firm Orrick’s incentives to begin offering career associate positions 10 years ago, according to the firm’s Chief Talent Officer Siobhan Handley.

“We were motivated by several factors, all of which continue to be factors today: the opportunities to disaggregate tasks and deliver work more efficiently ... the opportunity to offer different career paths to keep top quality talent in the game, and of course, client demand for both quality and efficiency,” Handley says. “There are many talented lawyers [whose] passion is the legal work, and they prefer to focus there, rather than on [the] pressures of management, client development [or] travel.”

Relationship building responsibilities, for example, can be significant. Nearly half (49 percent) of new partners say their contact with clients and business development duties increased after they were promoted, according to a 2017 survey conducted by *The American Lawyer*.

After witnessing the economic downturn, some associates, according to Gerry Riskin, Founder of law firm strategy and consulting provider Edge International, may also be wary of the costs involved in transitioning to a partner role —

potentially having to pay for your own health insurance, for instance, and financially contributing to the partnership.

“The investment is not trivial to buy-in in some situations, and even if it’s not, there’s a great deal of liability in uncertain times,” Riskin says. “[The question may be], do you want to have a personal guarantee riding on the high rent of the whole firm? It’s an investment and a financial liability.”

For others, the decision not to pursue a partner position may simply be a question of time. Attorneys typically express an interest in pursuing a non-partnership-based path soon after law school or within the first few years working at a firm, according to Sullivan.

“If they’re disillusioned that the partner track is 80-plus hours a week, it might be partially inspired by work-life balance,” she says. “[Or] it can be more about the work — they may like the idea of being able to be a chameleon assigned to different projects. On the partner track, you have a very specific area.”

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HOW FIRMS CAN MANAGE NON-PARTNER PLANNING

While associate track positions may be so new at some firms that leadership has yet to fully define what they entail, or how candidates formally commit to them, Sullivan advises that firms proactively bring career goals up with associates to help ensure they’re given the ideal opportunities and resources.

“No matter what level employee, everyone is looking for some type of career progression,” she says. “Some of the law firms that are very much in the know as to what new employees are seeking are having annual or biannual reviews; they’re probably also having newer midlevel employees participate in a mentorship program, so they’re uncovering individuals [who want to] go on this track, or another track.”

“The most promising development is seeing lawyers stay in the profession because they have these options ... there is more time and flexibility to develop skills and expertise. For some, it is also means a more flexible schedule. It’s an opportunity to focus on the practice of law, without responsibility for the business of law.”

Firms, according to Sullivan, should be open to letting associates who approach them about non-partner options transition into a new role because it can potentially benefit both parties.

“I definitely encourage [associates] to talk with the internal team they work with; you’d be surprised at how those conversations can go,” she says. “There’s such a shortage in today’s legal talent market. Why wouldn’t employers sit down and have a conversation about moving an employee?”



There are a few aspects firms may want to make sure associates considering a non-partner position understand and are comfortable with — pay, for one, which is usually around a quarter to half of what their partner-track colleagues will make, according to Sullivan.

“You have to [factor in] the entire compensation package,” she says. “[Non-partner associates] may be paid well from a salary perspective, but what are they eligible for from a bonus perspective is different.”

Career associates are also often less likely to be thought of for leadership opportunities, Riskin says.

“Whether it be a practice group or a marketing committee, those roles probably are not going to go to people who are not on the partnership track,” he says.

In addition, should the associate have a change of heart, returning to the partner track may prove challenging.

“That’s not to say it couldn’t happen,” Sullivan says. “But with the influx of lateral senior associate hiring to benefit the firm’s revenue stream, it might be a little harder to go back and be at the same place your colleagues are once you’ve made the decision.”

However, for employees who find the less demanding hours and other benefits irresistible, a career associate path can offer valuable development opportunities, milestones to work toward and other types of career progression — just as a partnership-oriented track would.

Since the inception of Orrick’s career associate option, the program has grown to involve 14 practice groups, with career associates working in eight of Orrick’s more than 25 offices.

Compared to its other attorneys, there’s little difference in how the firm invests in its career associates, according to Handley.

“They participate in most of the same training and attend practice retreats ... this is not a second-class team by any standard; many have joined us from leading Am Law 100 firms,” she says. “The most promising development is seeing lawyers stay in the profession because they have these options ... there is more time and flexibility to develop skills and expertise. For some, it is also means a more flexible schedule. It’s an opportunity to focus on the practice of law, without responsibility for the business of law.” ■

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