



## 13 THINGS YOUR FIRM MUST DO TODAY TO ATTRACT AND RETAIN TOMORROW'S LAWYERS \* NEW \*

JOHN REMSEN, JR.

Let's just get it out on the table. It's true what they say about today's young lawyers. For the most part, "millennials" are wired differently than their senior counterparts.

We've all read and heard read that young lawyers want work-life balance, mentoring, training and lots of feedback. They also tend to move around a bit, spending a year or two at several different firms before settling into a long-term arrangement. And more than half of first-year associates don't see themselves as a partner in a law firm in ten years. Check out Cushman & Wakefield's Bright Insights report if you want more data about what 1-3-year associates are looking for in their legal careers.

Needless to say, this is a vexing issue for many firm leaders who expect young lawyers to approach their careers the way they did 30 or 40 years ago. You remember, back in the day when we answered our telephones and it was rare to meet a female equity partner. Back then, many firms proudly exercised the "mushroom theory" of associate development. (In case you were wondering, the "mushroom theory" involves keeping them in the dark, feeding them \*\*\*\* and hoping that some of them will survive to become firm owners one day!)

If you care about succession and the long-term sustainability of your firm, you've got to proactively work on two things: You've got to help your senior lawyers through transition, and you've got to invest in your young people.

On the young lawyer front, realize that they are, in fact, wired differently. Therefore, your law firm must evolve and adapt to the way it practices law and services clients if it wants to be around for the long haul.

So, what's a law firm to do?

Some have adopted a strategy to hire only 5-7-year associates. This way, they're trained, they're profitable and they've figured out what they really want in their careers. Others have invested in their summer associate programs where they can assess law students for a few months before extending a job offer. Two very different approaches to recruiting tomorrow's firm owners.

With 25 years in the trenches, we've now worked with close to 400 law firms and thousands of lawyers. We've seen what works and we've seen what doesn't. Here are thirteen things your firm must do to attract and retain tomorrow's lawyers:

### Establish and Communicate Clear Expectations

This includes clearly-defined criteria, including both financial and non-financial contributions. For consistency, these expectations need to be communicated in one voice by firm leadership and not left to the individual partners. If you want your associates to invest in any non-billable activities, track the time and reward it.

### Set Forth a Clear Path to Partnership

Be very clear and put it in writing. Importantly, make sure all firm owners are on the same page in what they're telling the firm's young lawyers. For many firms, we recommend a two-tiered structure (70% of mid-size firms have them in place.) to accommodate work-life balance. Equity partners must be "all in" as owners.

### Provide Regular and Ongoing Feedback

Young lawyers crave regular feedback – both good and bad. Lawyers tend to focus in the negative, so encourage your more senior lawyers to be constructive with their feedback to recognize the good things, too. Remember to praise in public and criticize in private.

### Invest in Leadership Skills

Encourage young lawyers to get involved in key organizations and work their way up the leadership ladder. Many state and local bar associations run leadership development programs. Many chambers of commerce run leadership programs, as well.

### Invest in Business Development Skills

Here's another skill set they don't teach in law school, yet the ABA's Model Diet for Associate Attorneys suggests 100 hours of marketing time per year. For many firms, we recommend individual marketing plans. Almost half say they do and if your firm is one of them, it's important to track the time and reward the effort. Teach your future rain-makers how to fish at a young age.

### Introduce Them to Clients

Associates want to meet the clients for whom they're working. It's incumbent on your senior lawyers to introduce them to clients by taking them to meetings and allowing them to interact with clients as much as possible.

### Be Transparent

Within reason, share firm (not individual partner) financials, the firm's top client list and how decisions are made. Lack of internal communication is a serious issue for many firms. Your associates and support staff want to know at least a little something about what's going on.

### Reward Performance, not Seniority

Call out and reward high-performing lawyers. Share the performance reports (that reflect both billable and non-billable contributions) and make sure everybody knows why certain lawyers are compensated more than others. Lock-step is a bad idea.

### Invest in Technology

You don't have to be on the "bleeding" edge, but don't get left too far behind either. Young lawyers like it when they see their firms investing in efficient time and billing software, case management software, CRM, remote access and the like.

**Build a Culture of Teamwork and Collaboration**

According to Cushman & Wakefield's *Bright Insights* Report, firm culture is more important than you might think. Young lawyers are attracted to cultures characterized by teamwork, sharing and collaboration.

**Strive for Diversity and Inclusion**

This is another important consideration if your firm is building for the future. It's become a red-hot topic in recent years and it's the right thing to do. On top of that, your clients want to see it. So do your lawyers and support staff.

**Be Selective in Hiring**

Finally, and perhaps most important, be sure you hire the right people to begin with. Look for candidates who've engaged in extra-curricular activities and have held leadership positions in clubs and organizations. Consider individuals who are the first in their families to get a college degree. We recommend psychological assessment tools to assess and place talent. Mistakes are costly, and the smaller the firm, the more important each individual is to the whole.

**Hire Slower and Fire Faster**

As mentioned above, exercise due diligence when you assess and onboard new talent. Undoing a bad decision is costly and distracting. On the flip side, if you have made a bad decision, cut your losses early if things aren't working out. It's best for all parties to sever ties and move on sooner, rather than later.

Well, there you have it. 13 things your firm should be doing to ensure a profitable and sustainable enterprise.

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# Meaningful Considerations for Diverse and Inclusive Recruitment Efforts

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# Meaningful Considerations for Diverse and Inclusive Recruitment Efforts

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# Meaningful Considerations for Diverse and Inclusive Recruitment Efforts

More often than not, law firms and legal departments have good intentions when seeking to add diverse talent within their organizations. However, the best of intentions without a thoughtful and meaningful process can have negative consequences. For example, merely hiring a diverse candidate without first understanding the organization's objectives on diversity or the current work environment, and without providing development opportunities, may simply lead to attrition, indirection, and foster negative attitudes about efforts to build a diverse workforce.

There is much to consider regarding diversity and inclusion in recruiting, retention, and advancement. This article provides five considerations for the success of any organization's recruiting efforts.

## I. Consideration 1—Appreciate Why Diversity Is Important

Many organizations hire for diversity without knowing why they are doing so. Some believe it is trendy, a metric for surveys, or noticed by others how diverse or non-diverse their workforce is. Hiring diverse candidates for the sake of diversity is a concern.

Decision makers must appreciate why diversity is important. Most experts agree that diversity is critical as different perspectives lead to better critical thinking and, therefore, better solutions. Also, diversity and inclusion furthers social justice by valuing equality in opportunity. As gatekeepers to the legal system, we as a profession should reflect the diverse society we represent.

The Center for Legal Inclusiveness, a non-profit organization dedicated to diversity in the legal profession, explains several reasons why diversity is important: <http://www.centerforlegalinclusiveness.org/faq/about/>. CLI identifies organizational effectiveness, economic competitiveness, prevention of liability, and ethical grounds as important considerations supporting diversity and inclusion in the workplace.

Whether it is these reasons or others, an organization needs to appreciate why a diverse workforce is important. If decision makers realize that building a diverse workplace is necessary, they can more thoughtfully consider the impact of their hiring decisions.

## II. Consideration 2—Accept We Have Biases

We work in a professional setting that looks down upon those who admit they are biased. However, we all have biases, often implicit. For example, we tend to like people that have similar interests and views as our own. It may be easier to work with someone we have a lot in common with.

If this bias controls our hiring decisions, then we will have a workforce consisting of just those with similar perspectives. If we recognize we have this bias (or other biases), it better allows us to truly seek those who are different. One way to reduce bias is to interview as a group rather than as an individual. Ensure that the group is made up of various backgrounds and experiences within the organization. This brings different perspectives to the interview and recruitment process. A collaborative effort can reduce the role of our biases and allow different perspectives that one may not individually appreciate. The same approach may be useful in performance evaluations when considering retention or advancement of diverse candidates.

To learn more about implicit bias, Project Implicit, a Harvard-based non-profit organization, provides tests to evaluate biases: <https://implicit.harvard.edu>. These tests provide insight as to what sort of biases we may carry without knowing it.

### **III. Consideration 3—Be Honest About Diversity Efforts**

People often over-sell their organization's work environment. The belief that everything is perfect tends to set up an organization for failure. It can lead to a candidate's misimpression that is never lived up to if he or she actually joins the organization. Diversity and inclusiveness efforts are challenging. If an organization can honestly assess its strengths and weaknesses in this area, it will lead to more candid discussions internally and with candidates and, ultimately, create an environment where change is possible.

The Diversity Committee of DRI has issued a manual for recruiting, retaining, and advancing diverse talent in legal organizations. The DRI Diversity and Inclusion Manual identifies specific actions organizations can take to evaluate and pursue diversity and inclusion efforts. The manual is available from the Diversity Committee's webpage through <http://www.dri.org>. Additionally, the Institute for Inclusion in the Legal Profession outlined questions and topics pertinent for a legal organization taking a substantive look at its efforts, which are available at <http://www.theilp.com/about>.

### **IV. Consideration 4—Think Beyond “Traditional” Diversity Efforts**

An organization's prototypical recruitment effort may be to hire a new lawyer recently out of law school and hope they develop over time. While admirable, this should only be one aspect of successful recruitment. Lateral recruitment is also critically important. Senior-level attorneys can have an immediate and profound effect on the workplace. Diverse leadership provides an example of success that can motivate newer attorneys to value diversity and become leaders themselves.

Also, recruiting efforts need not be limited to attorneys. Many legal organizations have accounting, marketing, administrative staff or other important aspects beyond traditional legal services. Hiring in these areas can also have an impact in the workplace.

Finally, an organization should think about diversity in broad concepts beyond traditional racial, ethnic or gender diversity. Diversity includes a wide range of characteristics and attributes such as LGBT status, veteran status, disability, religion, or socioeconomic background. While employers cannot inquire into every topic, the point is to view diversity beyond mere traditional categories.

The DRI Diversity and Inclusion Manual lists recommendations and best practices for implementing meaningful strategies to recruit, retain, and advance diverse candidates. DRI's suggestions include, among others, defining what diversity and inclusion means for the organization, setting clear and attainable goals, gaining commitment from leadership, mentoring, and encouraging a multicultural environment. Also, the Minority Corporate Counsel Association maintains research reports, white papers, and other resources for sustainable actions to improve diversity in legal organizations, available at <https://www.mcca.com>. MCCA's reports analyze certain diversity considerations, such as LGBT-related issues, increasing inclusion of attorneys with disabilities, and the status of firms owned by women and minorities, as well as issues and recommendations specific to different types of legal organizations, including corporate legal departments and law firms.

### **V. Consideration 5—Realize that Successful Recruiting Is Just the Start**

Successfully hiring a candidate is the start of the process, not the end. Often, new hires are not given the support to succeed in an organization, which leads to dissatisfaction and eventual attrition. An organization should provide various opportunities and resources in order to best ensure a new hire's long tenure and

success. A “sink or swim” mentality leads to a “revolving door”—losing one employee and replacing them with another.

Experts identify mentoring as one of the most effective tools for retaining and advancing diverse talent. An organization should provide mentoring, networking opportunities, meaningful work, and systematic feedback and development. Its successful recruitment efforts are all for naught if not matched with equally important retention initiatives and opportunity for advancement.

These five considerations will help with your organization’s successful efforts in diversity and inclusive recruitment.



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## THE MILLENNIALS ARE HERE TO STAY... BUT WILL THEY BE STAYING AT YOUR LAW FIRM?

JENNIFER COLWELL, MBA, CLM

Millennials today are between the ages of 23 and 38 years old. In today's current market, they are the largest sector of the nation's workforce at 38 percent, but by year 2025 that rate will increase to 75 percent.

In the past 13 years, I have seen numerous associates and law clerks come and go. After my law firm's most recent associate departure after only one year, I went on a mission to find out how we can do better in our hiring of this incredibly bright group of professionals. Not to mention, the older segment of this generation are entering positions to hire us as their company's law firm. I am going to generalize the millennial generation in this article, but please keep in mind that of course there are many exceptions. I also want to apologize to the millennials for labeling them as such. (They hate being labeled and appreciate any opportunity for autonomy in the workplace.)

### CHARACTERISTICS OF MILLENNIALS

*Can do attitude!*  
*Generation "nice"*  
*Positive personal/self image*  
*Work hard, play hard*  
*Empowered*

Millennials have earned reputations as job hoppers. The younger members of this group grew up thinking in 140-character limits and send 10 billion videos a day through Snapchat. They think fast, they type fast, and all things considered, for them staying somewhere three to four years as opposed to three to four months is a long time! Right out of the gate, we have to accept that what they want is not necessarily what we think they should want. The millennials are truly a different generation with different values and goals – centered on purpose, feedback and work life balance.

No matter the firm size, almost every firm administrator that I have ever spoken with struggles with hiring and retaining millennials. Gallup held an amazing summit in May 2016 about how millennials want to work and live.

Finally! It has only taken us 15 years to get a manual on what these people really want, just as Generation Edge has started to enter the workforce. Yep, things are only going to get more complicated from this day forward. Today, however, we are going to stay on topic and discuss millennial lawyers and let Gallup begin focusing on what constitutes Generation Edge, whom we will be hiring as clerks in about two more years.

If you are having a difficult time recruiting millennials, there may be factors you need to consider. Certainly, a shortage of recent law school graduates in the past 10 years is not one of them. Let's say you have a job opening and have posted it through online websites, the bar association, and/or local law school career service offices. These are all good options. More than likely, there will be hundreds of people who view your open position. Why? Because according to Gallup, 71 percent of millennials today are disengaged or actively disengaged with their current job. Carefully scrutinize anyone under the age of 36 employed by your firm and you will come to the conclusion that three out of four of your employees are not only dissatisfied, but they are also looking for a new job.

Potential candidates review your ad because they are currently disenchanting with their law firm, so they begin researching your firm. But they don't just go to your website. The millennials are prolific, well-versed online researchers, not to mention lawyers. They are going to look at every attorney's profile on your firm's website, LinkedIn, and reviews of the firm on every five-star rating site on the internet. They will then send a blast via one or all five of their preferred social media platforms to their other lawyer friends, asking them what they have heard about the firm and the lawyers employed there. They are going to judge your firm by the appearance of your website and attorney profiles wherever they appear on the Internet. If they don't like what they hear, they won't even apply. As a firm you now have two groups of customers – your clients **and** recruits.

Furthermore, what millennials are researching and what makes them take your position over another offer is **not money**. According to Gallup's research, the top five things millennials look for when applying (and staying) for jobs are:

1. Opportunities to learn and grow (look for feedback frequently and want to be challenged);
2. Quality of the supervising attorney(s) they will most closely be working with (seek leadership and structure, but expect respect to their ideas);
3. Quality of management (how well the firm is run – used to loving, doting parents);
4. Interest in the type of work they are doing on behalf of the firm (are they getting an opportunity to practice in multiple areas of the law); and
5. Opportunities for advancement and vision of their career in the firm (more complicated cases, experiences in other areas of law, more control over files, etc.).

One of the biggest misconceptions about millennials is the fact that they want to wear jeans and work in a casual environment. Not true! In fact, mega firms that have coffee shops as part of their infrastructure in an effort to attract millennials often find that desired recruits are still choosing to work across the street at Starbucks.

Millennials like to work in teams and have friends at work. In smaller firms, this can be particularly challenging because they may be the only millennial in the office. Take them to bar association events and other networking events that you attend to introduce them to the community. It will help them find friends and support sources while helping grow your business.

I also cannot omit that it is more important to millennials than previous generations to be truly connected to the purpose of the organization and whether the organization is supporting the greater good. This is a generation that really wants to "change the world." Nonprofit causes are important to them, as is your firm's purpose to the community.

Consider the following actionable items for law firms to increase associate applicants:

1. Make sure your website is reflective of modern times. Your website should incorporate design elements that attract millennial associates.

2. Make sure your office environment is reflective of what is referenced on the firm's website. Likewise, fresh and more modern open offices with lots of glass are more appealing to millennials than mahogany and granite.
3. Make sure every lawyer in your firm has a good LinkedIn profile. This means it is complete beyond your current employment and your picture is a recent professional photograph. No exceptions. Your LinkedIn profile should be your online résumé on steroids. You need to connect with people and actively use LinkedIn. If you don't know how to use it, there are a plethora of YouTube videos on the subject to help you learn.
4. Millennials tend to overshare their lives with the world and they expect others to do the same. If you enjoy writing as most lawyers do, consider blogging. Blogging is a form of open, honest conversations with readers, and the topics discussed may often be about the law but not always. Your readers (i. e., potential clients and applicants) will feel like they "know" you before they ever meet you. Be personable. Be transparent. Be yourself. Blogging can be particularly helpful for more introverted lawyers who express themselves in writing versus verbal communications with others.
5. Consider your firm's lawyers' reputations. Their ability to successfully interact with others on a professional and personal level is paramount compared to the quality of their legal work. Young associates probably do not know how to judge a work product and neither do the majority of clients.  
Remember, millennials are asking every one of their friends who has ever worked for your firm what the work environment was like.
6. Post online such as Indeed, CareerLink, LinkedIn, the state bar, and the local bar associations. Make a decision to personally speak with the nearby law school career services department for connections to alumni and recent graduates.
7. Sell your community and your connectedness to it. Explain how your lawyers and the law firm itself contribute to the community through your website.

Upon completion of Gallup's research, they found what millennials are searching for is not that different from older generations. However, as it relates to employment, two key differences are that 1) millennials will wait for the job they want to ensure the potential position will meet all of their career expectations and 2) millennials vote with their feet – if the job isn't meeting their expectations, they will find one that does.

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