

4 Bad Habits All Partners Need To Break Now

By **Braden Campbell**

Law360, New York (May 5, 2016, 7:40 PM ET) -- Lawyers are smart people — and they know it. And as some of the sharpest members of an exceedingly sharp club, partners are both very intelligent and acutely aware of it. With that knowledge can sometimes come the assumption that they can do no wrong. This couldn't be further from the truth, experts tell Law360.

As intelligent as partners might be, they can also be susceptible to bad habits, whether they've played the role for 30 years or just been bumped up from associate. Here are a handful of the most common bad habits among partners and some tips on how to avoid them.

They're Too Self-Reliant

The path from prelaw to BigLaw partner is not easy. To get into law school, you must ace the LSAT and finish near the top of your undergraduate class. To earn your first job at a firm, you must excel in school. To make partner, you must be an impressive associate.

This trajectory can lead attorneys to assume they're the best choice for every task, and while this may be the case in the classroom, it's not so in a successful legal practice.

"It's very hard for law firm partners, in large firms and small firms, in transactions and litigation, to delegate work to others," said consultant John Smock of Smock Law Firm Consultants. "They hang onto it. They think only they can do it well, and that's just not true."

This tendency affects partners both young and old, though its causes vary for those on different ends of the experience spectrum.

For newer partners, it often stems from a combination of arrogance and ignorance — the genesis of the adage "often wrong, but never in doubt," according to Joseph M. Price, a senior trial partner in Faegre Baker Daniels' product liability and environmental groups.

For more senior partners, the opposite can happen. They have the experience, and so they become convinced that they only know what's best, often leading them to micromanage their projects. In either case, the result is the same: inefficiency and poor results. The solution, Price says, is recognizing that if your firm trusted people enough to hire them, they're no fools.

"In a firm, you try to hire the best people," Price said. "You try to hire the people who can do the job,

the people you think can help you, and it's foolish not to take advantage of that help. You have to realize you can't do it all, you don't know it all, and what's in the best interest of the client is making sure that you get the right result for them, regardless of who comes up with it."

They Don't Know How to Use Their Associates

When you're an associate, you're told what to do. When you're a partner, you're the one doing the telling. And whether you've been leading teams for decades or months, that's a hard thing to get right.

Whether due to habit or a lack of familiarity with their associates, some partners find themselves turning to the same handful of attorneys for each case or transaction they handle. And while this is conducive to chemistry with that handful of associates, should several of the cases they're working on heat up at once, it can hamstring the team.

"You've got three associates working on one case, two [of them] working on another case and one working on a third and those cases all heat up at once ... who do you go to?" intellectual property attorney and Carlton Fields shareholder Ethan Horwitz said. "One of the habits you've got to have is to learn your associates better and ... have enough experience with associates that you know who you can trust and who you can leave things to."

This habit isn't limited to developing relationships with associates, but extends to developing their skills. Firm culture is the basis for this process, but as the ones who impart it to associates, individual partners play a key role.

The easiest way to hamper associates' development is to keep them out of strategy discussions. Conversely, getting them involved early and often helps build their skills and forges the relationships that lead to results.

Constantine Cannon LLP does just that, partner Ankur Kapoor says. The antitrust-focused firm makes sure its partners engage associates in discussions of the strategy and legal theory involved in each case they handle. And it might seem like a hefty up front time investment, but it pays off, he says.

"You might think, 'Boy, that's a lot of attorney time clients are paying for,' " Kapoor said. "It's actually more efficient. Our associates don't go off on tangents or dead ends, it's a very focused approach. We're brainstorming ideas in the beginning, but everybody gets on the same page. Good ideas come from everywhere. As long as you have smart people, they'll come up with good ideas."

They Don't Emphasize the Business Side

Of all the new responsibilities that come with a promotion to partner, there may be none more important than developing business. Good associates know the law and how to apply it to their practice areas. Good partners know how to sell their skills and knowledge to their clients.

Being able to attract the big-money cases is as important to law firm brass as winning them, but partners — especially new ones — often fail to recognize the importance of business development. This bad habit is as capable of stalling a career as any, but the solution is simple: Work at it.

"You really have to make business development your habit," Kapoor said. "The good associates, the ones who do make partner, they do engage in it. When they're associates, they haven't developed the

habit yet. For me, it's like brushing my teeth."

Developing business consists of more than just an occasional lunch with a prospective client. Keeping your contacts engaged is key, Kapoor says, but so too is demonstrating your skills. This means not just understanding their business and keeping tabs on developments in your area of the law, but writing articles or attending bar association events.

And just as young attorneys can fall into the trap of focusing on work at the expense of developing business, so too can veteran partners, according to Horwitz. With more seniority comes more complex and demanding cases, which means less time to devote to other clients. But it's important to learn to juggle these responsibilities, lest the biggest clients find other representation amid the silence.

"Going back to your relationships a year later is very difficult, so the habit you should get into is making one call a day, make two calls a day," Horwitz said. "Whatever system you devise, make sure that you don't just ignore that. Keep at it."

They Get Complacent

In general, the more experience a partner has, the more skilled they'll be. This is a good thing, but it also has a downside: The easier a task becomes, the easier it is to become complacent.

Stress is generally seen as a negative emotion, but Kirkland & Ellis LLP securities partner Joshua Korff believes it to be an asset. He's guided offerings that yielded billions for his clients, yet on each new deal, Korff keeps alive that worry he's missed something.

"Once you've done something a number of times, you naturally are more comfortable with it," Korff said. "There's less stress, and because there's less stress, you tend to be more relaxed and more complacent. I think for better or worse, a little stress is a good thing."

If that stress no longer comes organically after decades in the business, then attorneys have to find ways to induce it. For Korff, that means reminding himself that the day he fails to take the lay of the market on a deal may well be the day a client calls to ask why he failed to secure a contractual provision that a competitor enjoys.

This specific approach may not work for every attorney but the principle of finding a way to trigger that tug of self-awareness does. Because the day an attorney stops asking himself whether he's done everything he can do to get better is the day he stops improving, Korff says.

"You can't be too proud and have the view that, 'OK, I'm not going to do any sort of self-examination of how I'm performing, because I've been doing this long enough,' " Korff said. " 'I'm very successful, everyone loves me, I keep getting promoted.' Whatever it is, you can't let yourself fall into that trap. You have to be self-aware enough to ask yourself the question on every deal."

--Editing by Katherine Rautenberg and Patricia K. Cole.
