

TEXAS LAWYER

DON'T GO TO HELL

Summer Associates Need to Ask the Right Questions About the Firm

by GREG C. NOSCHESI

While standing at the pearly gates, St. Peter tells the law student who has just arrived that she can spend a day in hell and then spend a day in heaven before deciding where she wants to spend eternity.

The law student visits hell for a day. While there, she eats at the finest restaurants hell has to offer. She drinks, plays golf, goes to the theater, drinks some more, gets a guided tour of the museum, attends a ball game in a luxury suite and does not do half the work she's expected to while in hell. As her day in hell ends, she realizes she actually enjoyed it. Having had such a great day in hell, she anxiously awaits her visit to heaven.

She begins her day in heaven by reading some articles and discussing the articles with some angels. For the rest of the day, nothing terribly exciting happens. While it is relatively peaceful in heaven, she is not having nearly as much fun as she did in hell. At the end of her day in heaven, St. Peter appears and asks the law student where she wants to spend eternity. She thinks about it, turns to St. Peter and says, "It was just too much fun in hell. I want to spend eternity there."

When she gets to hell, things have changed dramatically. Instead of golf, drinks, ball games, theater and museums, everybody works 12- to 14-hour days under intense deadlines from the evil taskmaster. The law student runs to Satan and says, "Hey! I was just here yesterday and everyone was partying like rock stars, drinking, golfing and eating. Today everyone is working, under constant stress and making unreasonable demands. Where did all the fun go?"

Satan looks into the law student's eyes and says, "Oh, you must have been here during the summer associate program."

The lesson to be learned from this joke is that the law student did not ask the right questions during her visit.

Summer associates have a unique opportunity, an opportunity that most other professionals don't get. Indeed, outside the legal and medical profession, most professionals' career decisions are

based upon a limited number of short interviews with prospective employers. Based upon the interviews, the employer assesses whether the prospective employee not only qualifies for the job but also whether the candidate's personality matches the company's philosophy and the environment in which the employee will work. Based upon those same interviews, the employee makes a similar assessment.

Clerking at firms, however, affords law students a unique opportunity to spend six weeks working in the environments in which the summer associates believe they may want to practice as a lawyer. During the six weeks, summer associates get to meet a number of people with whom they may work in the future. The folks they meet while working at the firm for the summer can tell summer associates a lot about what it is like to practice law and work there. Indeed, conversations and questions with the professionals, paraprofessionals, administrative staff, support staff and even the receptionist can provide valuable nuggets of information to be used later when making a decision about where to start a career. But many summer associates do not tap this resource of information.

It is imperative to ask the right questions. It is easy for summer associates to believe they do not have any right to ask questions because, after all, the economy and the legal job market being what they are, employers seem to have the upper hand. Nevertheless, summer associates owe it to themselves and their prospective employers to figure out if they truly will be happy at a certain firm and to arm themselves with the right information by asking the right questions. The firm wants its new associates to be happy because firms know that unhappy lawyers eventually leave; all the time and money invested in training will be that firm's loss and a competitor's gain.

Consider This

There are three areas in which summer associates should try to focus their conversations with firm employees and focus their questions: law as a profession, law as a business and law as a workplace community.

Law as a profession: When evaluating a firm in the area of law



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as a profession, law students will want to develop questions that explore a firm's commitment to training, lawyer development, continuing legal education, mentoring, case responsibility and case assignment. Questions to ask include the following: How does the firm train associates? Does the firm take cases/deals that may provide good opportunities to develop skills for younger lawyers even though those cases/deals may not prove to be very profitable? How does the firm assign responsibility for cases? Does it maintain in-house CLE? Does it pay for CLE? Does it pay for bar licensing, bar exam courses, bar dues, etc.? Does the firm reward partners for taking time to train associates? Does the firm maintain written and practical commitments to ethical lawyering? Does the firm encourage bar activities and even reward active participation in bar committees and offices?

With those questions, a law student will develop a clear understanding of how the firm perceives law as a profession.

Law as a business: The one area that law students probably fail to explore most often is examining a firm as a business model. Questions to ask include the following: How is the firm structured? Is it a partnership, corporation or limited liability company? Does the corporate structure match the personality of the firm? How is the firm managed? What percentage of revenue is attributable to the largest client? How do the billing cycles work? How is compensation determined? How do the partners divide the money? How do the partners determine how much their shares are? How much debt does the firm carry? Does the firm have investments? How do the partners participate in investments, if at all? Is firm revenue used to cover debt service on investment property? How does the firm determine bonuses? How long is the firm's lease on office space? If the remaining lease term is short, what are the options the firm is exploring for new space? What are the profits per partner? Are there personal guaranties on the firm debt, if any? Does the firm maintain key man insurance, and, if so, on whom? How connected do those individuals appear to the firm? How does the firm develop business? Does the firm get younger lawyers involved in business development? Can younger lawyers open files and bring in clients? Do younger lawyers get opportunities to participate in administrative-type roles or recruiting activities?

Although some might argue with the propriety of these business questions (especially coming from someone who has not even graduated from law school), there is a lot of knowledge to be gained by the answers. A law student could learn which lawyers in the firm are the rainmakers by asking the key lawyer questions and then assess how connected those folks appear to be to the firm. Such an assessment can help evaluate whether there is a stable environment at the firm. By evaluating how much revenue is derived from the bigger clients or from particular practice groups, a law student could assess whether the firm has an economic diversity that maintains stability in economically challenging times.

Will all firms answer these questions? Even though they ought to, they may not. But by asking the right people or even simply listening actively during lunch conversations and at the water cooler, you should be able to get a good idea of the answers to most of these questions. Through these questions (or questions like them), a law student will develop a better understanding of how the firm views itself as a business operation.

Law as a workplace community: The first two areas — law as a profession and law as a business — probably will apply to all summer associates. The third area — law as a workplace com-

munity — admittedly gets into the touchy-feely stuff that some folks could care less about. That's fine. But for some, there are important questions to be asked when it comes to examining law as a workplace community. Get ready, because here is a long list of questions summer associates should ask: How many hours are required each year? Is that a real goal or is that the minimum with expectations being higher than that? How are billable hours calculated? Does collection rate affect a lawyer's compensation or career progression? How diverse is the firm, not only by race, gender, ethnicity and religious beliefs, but also from a socio-economic standpoint? Does the firm have unwritten expectations, such as that all associates are expected to be at work on Saturday morning for four hours regardless of whether they have work to do?

What types of personalities will I work with on a day-to-day basis? Does the firm refer to lawyers by their last name or first? Does the firm have mechanisms in place to hear directly from associates, staff or other paraprofessionals? How are administrative assistants managed, hired, fired and/or disciplined? How is staff morale? Do people smile? Do people display kids' artwork? What kind of pictures do people have around their desk, if any? What is the divorce rate among lawyers who have been with the firm for a while? Does the firm have a maternity/paternity policy? Does the firm have a vacation policy? Do people actually take vacations? Does the firm require employees to take their vacations? What kind of events does the firm have when the summer associates are not there? Does the firm allow young lawyers to do pro bono work? To what charities does the firm give its time, gifts and talents?

How did the lawyers and their spouses treat your spouse? What kind of hobbies do they have? How do they spend their weekends? What kind of face do they make when you tell them you are from Podunk?

Do I like the people I work with, and could I call them friends? Do I like more than just one person in the practice area(s) I am interested in? If that person I bonded with were to leave, would I still want to work here?

By asking these softer questions, a law student can develop a better understanding of how the firm exists as a community and assess whether the community created by the firm is one that matches the individual's preferences.

While this article presented a number of questions that can be used to assist law students with developing their own questions to ask the respective firms where they will be clerking or interviewing, it did not provide answers. That is because there are no right or wrong answers to these questions. Each firm, like each law student, has its own personality. It's called firm culture. Each law student will need to make an independent assessment of whether the firm is the right place for him or her.

There are right and wrong firms for each individual. The hard part is figuring out if where you are is the right or wrong place for you. Unless the right questions are asked and answered, a law student possibly could find himself the butt of this article's opening joke and damned to a year or two of hell. ■■■

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