

How New Lawyers Can Choose Assignments Wisely

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On Stephen Engle's first day as an associate at Coblenz, Patch, Duffy & Bass, a partner came into his office with three big boxes of documents and asked how he'd like to work on an eminent domain case.

"I had no idea what that was, but I felt like I couldn't say no," Engle said. "Ten months later, I was the firm's go-to associate for eminent domain actions."

That's not what he'd have chosen. Today, eight years later, Engle is a recruiter at Major, Lindsey & Africa, and he's on a mission to make sure what happened to him doesn't happen to other new recruits.

Law students have a tough enough time deciding which firm to join. For some, figuring out -- or influencing -- what they do once they get there is even harder.

Each year, Engle gives a talk to law students at Harvard, Stanford and University of California-Berkeley, offering advice about choosing practice areas that best suit their personalities. He notes that law students shopping for a firm compare the obvious -- the firm's prestige, per-partner profits and compensation system -- but few consider how work will be assigned.

"How a law firm assigns work to associates can have a profound effect on associate satisfaction and even on the direction that an associate's career takes," Engle said. "I think most associates completely overlook this when they're choosing between firms."

Engle describes three broad systems. In one, a work-flow partner assigns matters, making sure that all associates are busy.

Another -- known as the free-enterprise system -- gives associates a lot of freedom in selecting work they like. The firm publishes a list of matters that needs to be staffed, and it's up to associates to approach the partner.

Under the third model -- probably the most common one, according to Engle -- any partner who needs help can approach any associate. Engle says this model is the likeliest to stick associates on a path determined largely by chance.

Latham & Watkins, for example, uses a highly centralized system in which an associate committee oversees new matters, tracks associate workloads and matches them with

cases. In the first two years, associates are exposed to a wide array of practice areas. By the third year, they are expected to sign up with a particular practice group.

"It's hard to get stuck in one area in the first or second year," partner Jeffrey Pero said. "If you think you're doing too much work in an area that you're not interested in, all you have to do is tell a member of the associate committee."

The firm tries to parcel out the more interesting work fairly, Pero said. The division of labor is done out of the sight of the partner who needs help, so partners don't know who's turning down their work, he said.

Gibson, Dunn & Crutcher, by contrast, is known for the free-market approach in which partners seek out specific associates, and associates approach partners about work that interests them.

"We want people to have the ability to make choices about their career path," says partner Daniel Floyd.

Michael Dore, a Gibson Dunn fourth-year who describes himself as a bit of a dabbler, said he called on an appellate partner during his first year, and "a couple of weeks in, I was writing appellate briefs," he said. More recently, he said, he's been seeking out media and entertainment litigation.

"One good thing about the free-market system is it encourages people to figure out what works for them," Dore said, "because, ultimately, you have to manage your practice."

Engle said the system can be tough on associates who are shy or who don't know what they want to do -- they can wind up with the work that no one else wants.

Also, he says it is a tough system to implement because "associates have to say no to partners, and partners have to be OK with that."

Peter Smith, a recruiter at BCG Attorney Search in San Francisco, says it's easy to get stuck. "Once you're asked to do one thing, it's hard to counteract it," he said. But there are ways to prevent falling into the wrong niche.

More important than the assigning system, he says, is the associate's skill at office politics: knowing the right people and knowing what's happening.

"It doesn't mean you have to be a type-A personality; you can play it in a quiet, reserved way," Smith said. "But you still have to play it."

Developing strong relationships with a few key people, Smith says, and finding out how partners are compensated can go a long way. "If a partner isn't getting credit for your hours, he's not going to want to spend time with you," Smith said.

But the best assignment system is "having your butt at your desk at the right time," said Smith. "Being available does really matter, even though they say it doesn't."