

## LAW SCHOOLS

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# Alternative Career Tracks Are Innovative and Necessary



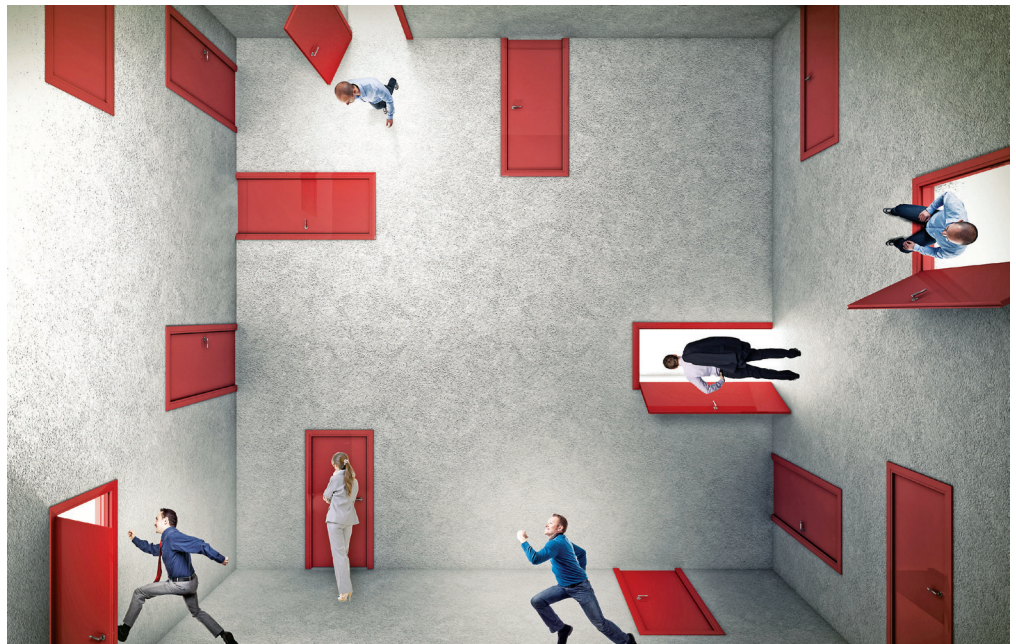
'Resident' and 'practice group' attorney positions bring new opportunities.

BY RICHARD A. ROSENBAUM

There is a major shift in the law: New lawyers are finding many of the traditions of this venerable profession to be bending, shrinking, almost quivering. The movement is not necessarily a negative one. But the shift has many people running scared.

Of course, we know that change can often bring about a hint of the uncomfortable. This change is driven by outside forces, mostly economic, but also cultural and technology-driven. Therefore, it can feel even more frightening than anything we have previously addressed. Lawyers, as a general rule, do not scare easily. But watching our profession morph into a new species can certainly wreak havoc on the psyche, the bottom line and even what we envision as "the future."

At the centerpiece of the metamorphosis is client demand for quality and value. They want a greater number of more experienced lawyers working on their matters at an affordable cost, and



they do not want to pay for the "training" of new attorneys.

This means having partners working in the trenches and finding ways to reduce their costs. It also means examining the path of the recently graduated attorney.

Traditionally, law schools taught; law firms trained; clients paid. But if clients won't pay for law school, why would we expect them to pay for "on the job training" for new lawyers? How can the traditional model survive if the law school

won't take into account the requirement for post-J.D. training and clients' "aha! moment" concerning being billed "standard" fees for the new kids around the water cooler?

What seems to be an endless cycle, spiraling out of control among the law schools, students, firms and clients, demands that "someone" take charge. And thus, "everyone" needs to do more to take the profession to a new and better place. From law schools—compare

first year matriculation numbers at ABA-approved law schools, and you find a drop of just more than 8 percent from 2012 to 2013<sup>1</sup>—to law students to experienced attorneys and clients, we are ultimately in this together.

Law firms need to lead a new course. Law schools are willing and able to follow, as they must since students are motivated by what real life jobs will require. As firms, we need to do more to provide opportunities for law school graduates facing a challenging legal market. It is essential that law school remains a great option for bright, hard-working individuals making this a career choice.

### The Resident Attorney

There are many steps law firms can take to help law school graduates. For example, taking an important cue from the medical school model, establishing a new position, the resident attorney, addresses many of the “new normal” realities facing law students. Rather than keeping new folks out of the profession, the resident attorney position broadens the opportunities for the nontraditional student.

This system involves hiring new graduates outside of the firm’s summer associate program. The firm hires resident attorneys at a commensurate salary for a one-year period. This gives the firm the flexibility to bill them out at a lower rate and permits the attorneys to shadow and observe without anyone worrying about whether this time was billable. At the end of the year, the Resident can be made an associate, be renewed for another year of training, or find another position with the experience he or she has gleaned. The first phase of this innovative program has been well-received by all corners of the law, from academia to the legal press. It is one of many examples of changes underway in the legal community aimed at addressing the new realities of the business of law.

New attorney tracks are designed to supplement existing associate and shareholder tracks. New positions such as resident attorney, practice group attorney and eventually others yet to be explored

will provide greater flexibility to staff matters efficiently and cost-effectively, while training and utilizing the vast range of legal talent available in the marketplace.

Rather than relying simply on associates or temporary contract attorneys to execute work under shareholder supervision, the resident attorney will infuse new talent into a firm on a more permanent and personal basis. There is more continuity, a flattening of the learning curve, and more opportunity for true professional development.

The vision for this type of program is for firms to use it in the recruitment of talented, new attorneys they may not have hired during the traditional on-campus interview process for one reason or another, given varying demand across a firm’s markets. More importantly, it will also allow a firm to assign junior lawyers to client matters without charging the rates clients believe are appropriate only for more experienced attorneys. Finally, it provides flexibility to allow newer, growing practices to hire full-time attorneys at a lower entry cost.

This new approach is a win-win-win. Clients are sure to appreciate the service and value it brings to them, attorneys will appreciate additional career opportunities, and the firm will be able to add jobs to the industry and continue serving its clients with a competitive advantage.

This important step should never be taken by firms without careful discussion and consideration. The concept has to be vetted and tested, perhaps first with one office or one area of practice. This can give offices that may have hesitated to hire any junior attorneys an enhanced opportunity to hire and train at the junior levels.

Time and time again, clients enthusiastically embrace the opportunity to work with new, talented attorneys at reduced rates. Law school deans have weighed in on this new “medical model” and the consensus is that they are excited about partnering with firms in the hiring of Residents.

### Practice Group Attorney

Another option is the creation of a new non-shareholder track position, the

practice group attorney. This provides a career path for talented, well-trained attorneys who don’t envision moving on to the traditional shareholder duties and responsibilities. Again, this option addresses a firm’s cultural tradition of providing consistency for clients without sacrificing value. By providing a track for those attorneys to stay within a firm, quality and value are paired as never before. Quality and value are not mutually exclusive, and providing alternatives for lawyers, and ultimately for clients, proves that. The practice group attorney track can also allow for lifestyle choices not generally available at traditional firms, another win-win-win.

However, this type of program can take flight at only the kind of law firm that looks for ways to provide value to its clients (as well as to its attorneys) and does so with agility and creativity, as well as sensitivity to the needs of its lawyers—critical weapons in today’s marketplace for legal services.

Law schools, firms and seasoned attorneys must continue to work together to creatively ensure that we keep open the doors of opportunity to emerging legal talent. The marketplace is saying that recent graduates are no longer needed at elite law firms. Nothing can be further from the truth. You obviously cannot have the experienced attorneys of a high quality who the clients most want without, at some point, embracing the new—discovering and nurturing those who have a true passion for the law that transcends tradition and scary predictions.

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1. Data From 2013 Annual Questionnaire (posted 1/17/2014) ABA-Approved Law School 1L Matriculants: 2012-2013 Comparison.