

Associates – How Long do You Give them to “Learn”?

For those of you who have hired associates, either new attorneys directly from law school or someone that has changed his/her practice area, how long is a reasonable amount of time for them to 'learn'? I recently hired a new attorney with one year of experience in a completely different practice area and I'm seeing some things that I think are warning signs. For example, I asked the associate to draft a contract termination letter and the associate did not understand that a month to month term is the term of the agreement, did not spot that there were two ways to terminate the agreement, and that the client's requested method of termination would actually put the client in breach of the agreement. The drafting style is also sloppy and I have to go back and correct things that, in my view, should be there from the start (such as failing to capitalize all defined terms, etc.). For me, these things seem obvious, but I've also been practicing for some time. The associate has been with me for less than one month. I've never worked with a junior attorney before so I don't know if this is 'normal' or if I should cut the cord now.

Would anyone care to share their experience?

Thanks!

Just free his/her hands, and let him/her look for samples anywhere. He/she would reformat or adjust the terms of agreements, and restrictions that you'd like to see in the contract (key notes in your State about contract). A guide to a source of resources would allow him /her work independently without fear and intimidation.

Thanks.

Karim Sidibe

My experience is that it is best to be sure explained fully what you need.

Then critique (feedback) the newbie's work product starting with the positive ("I'm glad you finished that assignment do promptly. There are some things I think it needs, however....."). And I tell the newbie "There are no dumb questions. Ask away and if you don't know where to begin, ask.

But as the supervising attorney I feel like I should not need to repeat an answer...."

At my old Biglaw firm supervising attorneys sometimes said "you can train, you can supervise, you can educate, but you can't teach be smarter"

Michael L. Boli, California

Gee I started practicing 10 years ago. Am I better at what I do than other lawyers? I'd have to say yes.

Have I become a really good lawyer? Maybe.

What I do know I suck less.

So the question is did you hand him any examples? Or just toss him in the deep end and expect him to surface doing a perfect butterfly stroke?

Question how long did it take you to figure it out.

John Davidson, Pennsylvania

I don't think a month is nearly long enough. Particularly since this is entirely new area of law.

I've done what I've done for years and learned it on my own. However, my law school roommate/best buddy went from crim work for PD's office for 3 years to civil practice; he was absolutely clueless; and at least he was going from criminal litigation to civil litigation; someone going from, say criminal litigation to transactional work is pretty much going to be starting from scratch.

And, while I understand that you find it sloppy, but if you're not used to drafting, he probably doesn't realize it. My drafting has improved over the years; with experience comes wisdom.

It's going to take a while; with feedback from you.

Ron Jones, Florida

I remember a thread like this about a decade ago. One of the things that I always remembered is that on average, it will take you three years to have your new associate trained to the point that you can let them on their own and they will manage to make money for you.

Personally, I think that may be a bit long, but a month is definitely too short.

That being said, I would sit down with the new associate and have a job review. However, make it go both ways. What does the new associate wish that you had told them, as well as what you wish that they had done differently.

Good luck,

Frank J. Kautz, II, Massachusetts

I remember completely flubbing up my first law firm assignment, which was a due diligence doc review for a merger. The senior associate in charge didn't supervise us at all and we all ended up getting a severe tongue lashing from the senior partner. But after I finally got some guidance and training, I ended up getting good enough to run an entire M&A negotiation by myself. So I don't think anyone is particularly good in their first year out of law school.

Eugene Lee, California

How long was the associate's training period? How often do you have him or her review your work or sit in on client meetings? They can't learn new skills if you aren't teaching them.

I trained a new attorney for about a month before she was entirely on her own. Some things are easier than others. "Pull up this document and change out the highlighted terms" is easier than "draft a retainer agreement from scratch."

If the contract was short and clear and the associate missed stuff (like how to terminate it without breaching), then that's troubling. It means they lack some issue spotting, which I would expect most associates to be able to do.

The other stuff, formatting in particular, is different in each office and each industry. The judge I worked for liked short documents, so mine are as short as I can make them. If the associate's mentor was into long documents and legalese, or their old Bar is that way, then expect that's how they will write.

All that being said - you know whether you want to put more time and effort into this individual or if you just want an employee who can do the work. If you aren't willing to educate them (or they aren't willing to learn), then cut them loose and find someone with experience in your area. You might have to pay them more, but you'll be able to concentrate on your own work.

I love training folks, so I'm always happy to have staff learn and grow. That was part of my job at my old firm. Now if only I could afford to hire some staff. Somehow my 2-year-old just can't figure out how to write a memo.

Sincerely,

Corrine Bielejeski, California

How does someone not spot that a method of termination would result in breach, unless they just weren't reading & thinking at the same time? I mean, assuming it was something pretty obvious like -- you must terminate in writing, and client wanted to make a phone call.

To me, that type of error signals someone who hasn't learned to read carefully, and think at the same time. I don't think that can be taught or improved, especially since law school didn't already do the trick.

Tina Willis

That's the problem with new associates (and I say this as someone who's been practicing for just shy of 4 years) is that there are ****a lot**** of unknown unknowns. This associate could have booked Contracts, but unless he's/she's had experience applying that knowledge in a real life contract dispute, went to a law school that actually offers courses in applying the theory to the actual practice of law, or is just naturally gifted at practical applications, he/she is not going to be able to spot all of the issues on their own on the first try because those connections are rarely made in law school. My first year of litigation practice was a roller coaster ride of "aha" moments connecting the rules of civil procedure and the rules of evidence in ways that had never arisen in law school but were common to the type of practice. (And I went to one of those law schools that required practical skills courses and did well in them.)

With the limited information provided, it's difficult to say whether this associate really is a bone-head (because you gave him/her a go-by and spent 15 minutes explaining the project and recommended some materials to use when drafting the letter) or if they did the best they could (because you handed them a file and said "Take care of this by EOB today" with no further explanation). Having been a young associate in both of those scenarios, I can promise you that my initial work product is significantly better under the first scenario.

The bottom line is that if you have a young attorney who's eager to learn and hard-working, then they will absorb the advice you give them, study the materials you recommend, and learn from their mistakes. If your associate fails to do these things, it's not likely to work out. However, if you aren't giving them any guidance or recommending ways for him/her to expand his/her knowledge and skills, then you aren't giving him/her a fair chance.

Martha S. Bradley, North Carolina

I am with Martha on that point. I would also add that sometimes hiring attorneys make the mistake of thinking they can get the best of both worlds. Specifically, some think that they can get the benefit of hiring an attorney at a lower rate of salary because the attorney is lean on experience, but also with the expectation that even though they are paying them less, the newer attorney should be able to jump in and figure things out, in the same way that a highly experienced would be able to. For the most part, those hiring windfalls are pretty rare and should not be counted on when planning whether a practice can afford to bring someone new on....

Tyler S. St Cyr, Vermont
