

What to Call a Part Time Associate? Contract Attorney?

For a month, I have had a young energy lawyer working for me on a contract basis. It is a legit contract lawyer arrangement - she is part time ranging from (15-25 hours/week), free to take other work (which she does), keeps her own hours though she must be on site once a week (at her discretion)

I am crazy about this attorney and I have enough work to keep her busy at this level long term. But I don't have enough work to hire her full time and pay her the kind of competitive salary that even a first year energy lawyer can get. So even as she is working for me, I've been introducing her to colleagues and seeing if they have a full time position.

The question is - what to call her. I feel that calling her an associate is deceptive because that implies a full time position - and also, if other firms think she is an associate for me, it might deter them from hiring her. She is a full fledged lawyer, so law clerk doesn't seem appropriate and she is doing real legal work so she's not a consultant. Contract associate sounds too much like document review.

Wouldn't Of Counsel apply here?

Erin M. Schmidt, Ohio

I'm with Erin. "Of Counsel" generally means anybody who's not an associate (which implies full-time, probably partnership track) or a partner.

Kevin W. Grierson, Virginia

Why not just call her a part-time associate? Are you avoiding that because of a perceived stigma (reflecting on you and/or her) connected to "part-time"?

Lisa Solomon, New York

Why not just call her associate?

There are lots of firms with part time attorneys who are "associates"

Also - you think very highly of her. Keep in mind that the title isn't only about you but her - as she moves along in her career she will need to present what she did - calling her associate (and there are lots of part time ones out there who are paid in all sorts of ways) helps her resume - it gives people who see it a better idea of what she is doing for you

Susan

Susan Zinder, New York

Why not just call her an "attorney?" Are there ethical rules that require more specificity?

Jeramie J. Fortenberry

Since you like her and her work, call her an associate. I know of plenty of firms locally that call attorneys "associate" even if those attorneys are part time or are paid by the hour. That title also will look better on her resume should she decide to move on.

Cara Hergenroether

I tend to agree more with Lisa, and less with Erin and Kevin on this one.

The definitions of all of these terms are fairly "squishy," with "partner" the only one that is (in my opinion) clearly defined.

In general, "associate" tends to mean "employee," with (as Kevin notes) some implication of being on partnership track, although the latter is not clearly the case.

The term "of counsel" has some general definitions, most of which start with an indication that it excludes "partners" and "associates."

Still and all, I would probably lean more towards "associate" than towards "of counsel." In my mind, "of counsel" tends to imply a less-close relationship than "of counsel," and also has some implication of a more-senior (or at least more independent) person.

Other possibilities would be "Counsel," "Attorney," or "Lawyer," without being more specific.

Brian H. Cole, California

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Call her a contract associate, NOT an associate. My humble opinion - you run into legal issues (employee v. contractor) if you do anything else.

Larry Frost

How about call her "special counsel"? I have always liked that term.

Tracia Y. Lee, Texas

I am not sure why you need to define. I would stay away from "associate" which I think implies an employment relationship. You could easily use "Of Counsel," "Special Counsel," or simply "Attorney."

Stephanie Hill

I'm following this thread closely because I'm basically in the same position as your young attorney. I was a law clerk at this little firm until I passed the bar, and am staying on part time while I try to get started on my own. We were all actually wondering what I should be called just today, but no one knew what implications it might have for malpractice insurance. I know I certainly need some insurance, and stat, but am I covered for work I do for the firm in addition to my own individual cases if I get my own? I'm thinking the answer is one google search away, since contract attorneys must deal with this all the time.

I'm liking the sound of part-time associate, by the way. sounds less like document review and more like you just have this going on the side :)

Lindsey Peebles

Why don't you not call her anything?

"This is X. She works with me in my office./She is an attorney with or at my office./She works with me."

Joseph Cohen

Lindsay, the best bet is to discuss with your malpractice carrier. I certainly wouldn't count on a Google search. There is a way for the employing attorney to add the contracting/employee attorney to cover the firm for liability without covering the attorney for liability. You need to find out whether you, personally, are covered for work you do for the firm and work you do outside the firm.

Jeramie J. Fortenberry

Lindsey, I think the firm's insurance would cover your work only for that firm. I don't think it would cover your own or independent work for direct clients or other firms. However, it is best to check with your firm's insurance carrier about that, although I highly doubt that it would provide you with independent coverage. If you plan to have your own clients or work for other firms, you should get your own policy.

Tracia Y. Lee

I would just go with 'associate'. I think you are projecting the 'full-time' implication; I would never leap to that conclusion. I presume you have no issues with whether she is an employee or an independent contractor for IRS purposes as some replies have suggested.

D.A. "Duke" Drouillard, Nebraska

I don't think "contract associate" sounds like document review, but that's just me! But I always think "contract attorney" is document review while "associate" sounds like more.

My contract associate was called that...she kind of picked the term as being the least bad. She usually just went all-out with sentences though, explaining to anyone who asked that she was not a part of my firm but did work for me on a contract basis. I think in her case, she felt it important to be clear that she was NOT an associate -- she was older and actually had technically been a lawyer for a year longer than me (but she was non-practicing for a while). She also was always nervous that we'd get sued and she'd be included (only partly joking).

I think it may depend on how the title is being sued? With my contract associate, she only needed a title when someone asked her. She was appearing for me on cases and on the few cases she was assigned to, she put in more hours -- especially hands-on hours with opposing counsel -- than I did. So no one really thought she was doing document review. However, if you are talking about a title for future resumes, that may be different as there is no context.

Did you ask your contractually-paid attorney what he or she wanted to be called?

Amy Clark Kleinpeter, Texas

Why not call her associate. There's no part of the definition that she misses, oh, wait, there's no definition. Sort of like asking if you introduce your adopted children as my adopted child, or just as my child. Or better common law spouse, as spouse...

She's your associate. She not of counsel because she's not generating her own business yet. My take is that an of counsel brings more experience and clients to the relationship. Whereas an associate brings their skills and little else.

Roger Traversa, Pennsylvania
