

THE ESSENTIAL ASSOCIATE

Step up, stand out,
and rise to the top as
a young lawyer

JAY HARRINGTON

Praise for The Essential Associate

“Jay has been there, done it, and learned from it. His gift is succinctly communicating his and others’ lessons learned. An enjoyable read that will help you succeed.”

Scott Wolfson, Partner at Wolfson Bolton

“Making the transition from legal philosopher (law school) to legal practitioner is the hardest step every lawyer must make. *The Essential Associate* is a vital resource to facilitate that process.”

Paul H. Burton, Founder QuietSpacing, LLC

“If you’re a new associate looking for fundamental advice on how to get ahead, *The Essential Associate* is a great place to start.”

Keith Lee, Attorney, Author, and Founder of Associate’s Mind and LawyerSmack

“*The Essential Associate* is a must-read for anyone starting a legal career or hoping to take their career to the next level. It’s highly practical, and brimming with concrete advice from high-performing law firm partners on the qualities they are looking for in young lawyers. The first step to a successful legal career is graduating from law school. The next is reading *The Essential Associate*.”

Felicia Perlman, Partner at Skadden, Arps, Slate, Meagher & Flom

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Introduction

“A pessimist sees the difficulty in every opportunity;
an optimist sees the opportunity in every difficulty.”

– WINSTON CHURCHILL

Toward the tail-end of my first year as an associate, a partner walked up to me at the firm’s holiday party and said, “You’re famous!” He had a hint of a smile but a steely look in his eyes. I focused on the eyes because I knew exactly what he was referring to. It wasn’t good.

Earlier that day, a pleading peppered with my name and appended with a bunch of emails that I wrote was filed in a multi-billion dollar Chapter 11 bankruptcy case by an adverse party. At issue was a “he said/he said” situation in which opposing counsel acknowledged missing a critical deadline related to a multi-million dollar

claim against my client but was making the case that I had consented to a late-filed claim. I had not, but after reading through his pleading I realized that I was sloppy in my communications. I had opened the door just enough for him to point his finger back at me.

If you're a first-year associate at a big law firm, there is virtually zero chance that becoming "famous" for something you do at work is a good thing. And while the partner's use of the term was obviously sarcastic, I was experiencing my first "15 minutes of fame" (more like notoriety) within the halls of my law firm.

It was a tight spot. Because I had been doing reliable work on the case I was taking on more responsibility with less oversight. But I was still playing a supporting role and this was the first time I had the spotlight on me for something I did wrong. I had a choice: I could either own the problem and fix it or shrink from it and let someone else deal with it. It wasn't easy, and I ended up with a bruised ego, but by tackling the issue head-on with the help of my colleagues the issue got resolved. I became a better lawyer by learning from the experience.

The odds are that you've experienced something similar or soon will. These are the type of moments that determine the trajectory of your career. It may be a positive moment or a negative one. Sometimes circumstances like this result from actions you take or fail to take. Other times they're due to conditions outside of your control but you have to confront them nonetheless. If a lawyer's life was depicted in a movie, this type of moment would be called an "inciting incident."

In screenplay and novel writing the inciting incident is the event that gets the story rolling. It's the action or decision that introduces the problem that the story's main character must overcome. In *Jerry Maguire*, it's the moment that Jerry writes his manifesto about the need to put people first in the sports agency business. It leads to his

firing and he walks away from his power job to start over.

In movies and books the inciting incident is unmistakable. It's the moment that calls the protagonist to action and changes their life irrevocably. That's the thing about fiction—almost every story follows the same arc. There's background, struggle, and ultimately triumph, with twists and turns along the way. But the story almost always gets resolved, wrapped up in a pretty bow. More often than not the protagonist lives happily ever after, having defeated the villain, gotten the girl, or defused the bomb, just in the nick of time.

Art may imitate life, but real life is, of course, far different. And messier (at least the ending). We're all characters in a narrative, but unlike in most books and movies our stories don't always result in happy endings. Inciting incidents occur all around us but rarely do they lead to real change. Often we miss their meaning altogether. Other times we recognize their significance but we are unable or unwilling to leverage their transformational power. We have a health scare but do little to improve our lifestyle. We struggle at work but instead of taking the time to understand the cause of our struggles, we plow forward with no real plan to make the future different than the past.

The same is true of organizations and entire industries. It's hard to believe that the buggy whip industry missed the automotive revolution; typewriter makers didn't see the power of personal computers; the taxi industry overlooked what Uber and Lyft saw; and the music industry didn't adapt to the digitization of its product. How did the retail sector not see Amazon coming? Why didn't hotels crush Airbnb when they had the chance? It happens over and over. In every industry, market participants miss (or completely ignore) inciting incidents that should lead to transformational change. They remain stagnant, unable or unwilling to fundamentally change behaviors that could lead to a change in fortunes. Their marketplaces

disintermediate and they're left scrambling to catch up.

What does this have to do with achieving success as a law firm associate? As someone who is operating in today's legal industry you don't have the luxury of ambivalence to the winds of change swirling around you. Your employer is buffeting against these forces and you must too. There's little chance that today's law firms will go the way of early twentieth-century buggy whip makers. But inciting incidents, beckoning lawyers and law firms to change, are happening more frequently as the broader economy continues the transformation from the industrial age to the information age.

Since last decade's Great Recession there has been a fundamental change in the legal landscape. Much like what happened to the housing market before last decade's meltdown in the financial markets, the legal marketplace has shifted from a seller's to a buyer's market.

This has led to downward pressure on fees, increased demand for alternative billing practices, and more significant competition for fewer opportunities. Law firms continue to consolidate in an attempt to achieve economies of scale. Work has also moved in-house as corporate law departments have looked for ways to cut costs and figure out more efficient models and methods of acquiring the legal services.

The "2018 Report on the State of the Legal Market" (the "Report"), published by Georgetown University Law Center and Thomson Reuters Legal Executive Institute, highlights these trends and punctuates the need for change. According to the Report, there is flat demand for law firm services despite growing demand for legal services; less leverage (fewer associates per partner) at law firms; weakening collections; falling productivity; rising competition; a lack of innovation among law firms even though clients are demanding more of it; and loss of law firm market share to alternative service providers. The Report suggests that too many firms are fighting the

“last war” by making changes based on how the market has behaved in the past and not on what’s to come.

Entrepreneurs have eagerly stepped in to fill in the gaps. From overseas document review firms to Silicon Valley technology startups, alternative service providers continue to chip away at work that traditionally was within the exclusive domain of lawyers and law firms. Companies such as LegalZoom and Rocket Lawyer, which were once seen as novelties, continue to gain ground. Big Four accounting firms are building their own legal services departments around the world. Some are as big as the largest global law firms.

Headlines in legal tech publications trumpet the inevitable march of artificial intelligence in the legal industry, and its power to displace and disrupt many of the essential functions provided by today’s lawyers and law firms. Some speculate that blockchain technology (the foundational technology of cryptocurrencies such as Bitcoin), will obviate the need for “middlemen” such as lawyers, and even judges, when it comes to negotiating, performing, and enforcing rights and obligations related to transactions. Depending on who you believe, this is just the tip of the blockchain iceberg.

The struggles of many firms in this no-growth market shouldn’t come as a huge surprise. Despite the challenges, it’s business as usual in many quarters. Law firms like Sedgwick, Howrey, Burleson, Dewey & LeBoeuf, and other venerable brand names have shuttered in recent years. Others are consolidating to survive.

There will come a time, as you progress in your career and become a law firm leader, that you will be in a position to directly address and influence the broader issues facing the legal industry. But for now, as a young associate, the primary challenge you face is putting yourself in a position to not just survive but thrive in today’s law firm environment. By doing so, you’ll not only experience success but also lift up those around you through your actions.

Newton's second law of inertia states that an object at rest will remain at rest unless acted upon by an outside force. Take a hard look around. Outside forces are gathering and calling you to action. The question is: In the face of these challenges, will you lean in or look the other way?

The fact that you're reading this book suggests that you're someone who doesn't shrink in the face of a challenge and is motivated to learn, grow, and take charge of your career. That's great, because while periods of change pose lots of obstacles, they also present massive opportunities.

To borrow a phrase from Dickens, for young lawyers in today's legal market, it's both the best of times and the worst of times. "Worst of times" because there's no place to hide. Clients are less willing to pay for young associate time (what some clients perceive as "on the job training"). Law firms can't afford to put up with mediocre performance. Firms are expecting more value from their associates because clients are expecting more from them.

Things are changing so fast that young associates today face challenges that others before them did not. There was comfort in being told, during the "good old days," that you just needed to keep your head down and do good work and everything else would fall into place in due time. There was a sense of relief in thinking that there was plenty of business to go around for talented lawyers, so there was no need to worry about business development. In today's environment, any comfort derived from such advice is false.

On the other hand, these are the "best of times" because it's during moments like these, when things get tough, that merit matters most and there are opportunities to achieve stand-out success. Young lawyers today have the chance to achieve things that were never before possible. The Internet has changed everything. There are fewer gatekeepers and those that remain have less influence. A

small firm, small market, entrepreneurial-minded young lawyer can leave just as big of a footprint in the digital landscape as anyone else.

Want to make a significant impact as a young associate? There's little to stop you, no matter who you are or where you are, except for your own limiting beliefs about what's possible.

Don't you want to see what you're capable of? It's time to step up to the challenge and stand out among your peers.

WHO THIS BOOK IS FOR

I've been competing in the legal industry for close to twenty years, first as a lawyer and now as an executive coach and consultant, and there have been lots of ups and downs in the market during this time period. I began my career as a corporate bankruptcy associate at Skadden, Arps, Slate, Meagher & Flom one week after the 9/11 terrorist attacks. I co-founded a law firm in early 2009 in Detroit at the height of the financial crisis. For over a decade, I have been coaching and consulting with top lawyers and law firms who are navigating the same choppy waters that you're now swimming in. I've learned through these experiences what it takes to succeed as a law firm associate in good times and bad.

Some of the most valuable lessons come from the time I spent at my own small firm. I achieved success, but it was neither the clients nor the financial rewards that made a lasting impact. Indeed, those things were fleeting. What mattered most was that through this experience I learned what it's like to have real agency and ownership over my legal career. It wasn't that working at my small firm, as opposed to a "Biglaw" firm, was easier or more exciting. In many respects running a small law firm is far harder and more stressful than working at a big one. What made the greatest difference was that,

through the entrepreneurial experience of founding and running my own firm, I finally learned what it takes to master both the practice of law and the business of law. Up to that point I had focused almost exclusively on the former.

The practice of law still wasn't fun. What job is? For the first time, however, it was deeply satisfying. I learned that while the work, itself, may not bring joy, it is possible to learn to love the "fruits," including the personal growth and professional satisfaction, of my labor.

The problem is that many lawyers only learn these lessons (if at all) in hindsight. I wrote this book so that you don't have to.

With that said, this book is not for everyone. It's not even for every young lawyer. I wrote it for young lawyers who aspire to succeed, grow, and advance on a partnership track at a law firm (or at least want to keep the partnership option open). Are you hoping to succeed in a law firm environment? If so continue reading.

At the same time, let's face facts: You have a tough road ahead of you. The path to partnership is becoming increasingly treacherous. The number of equity partners at law firms has increased at a relatively slow pace over the past fifteen years while the overall number of attorneys has surged. The combination of fewer equity partners, more competition among firms, and more lawyers in the system means that associates who hope to make partner face increasingly difficult odds.

The reason it's important to know what path you're on, or at least want to be on, is that advancing in a law firm requires a unique skill set. To succeed in a legal career outside of a law firm you need to be an excellent lawyer. To become successful in a law firm, you need to be an excellent lawyer and also generate work for yourself and others.

A law firm partner has two jobs: producing excellent work product and building a book of business. The reason it's difficult to make partner is that the skills required to become both an excellent lawyer

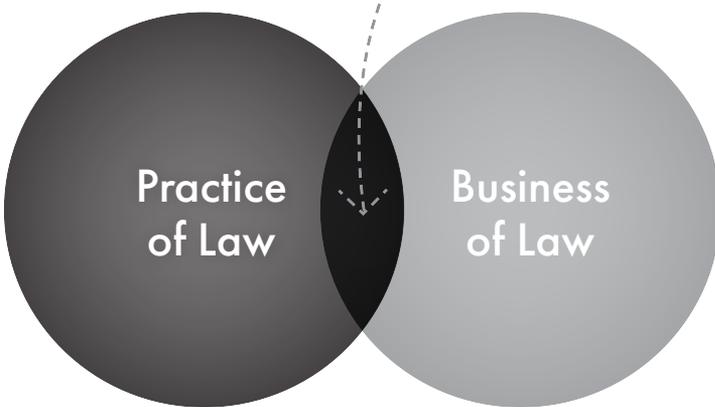
and adept at developing business are difficult ones to master. They're valuable skills because they're in short supply. As a result, most lawyers who are up for partner go into the process with little confidence about the outcome.

It's not that these lawyers haven't excelled at what they do. In order to even be considered for partner at a law firm it means that a lawyer: (1) has worked really hard, racked up big billable hours, and as a result has contributed greatly to the firm's bottom-line; (2) possesses expertise or a unique skill that the firm values (an IP lawyer with a Ph.D. in computer science, for example); or (3) has demonstrated the ability to generate significant business. However, it's rare for an associate to batch these skills and qualities together. As a result, most associates wait with baited breath and fingers crossed to learn their fate.

But note that I said "most." There are always a few who figure out the system and learn what it takes to make partner. These are the associates for whom the partnership vote is not a cliffhanger but a foregone conclusion. Why? They've managed to become so valuable that they've flipped the balance of power. Because they're so valuable, they have the leverage in decisions related to their career advancement, not their firms. Firms are so concerned about losing these lawyers to competitors that they have no choice but to make them a partner.

An associate with leverage is one who has gained mastery of both the practice of law and the business of law; one who acts like an entrepreneur and not an employee; one who recognizes that their potential is limitless and that they can generate significant value for their clients and their firm at any stage of their career. Because it's rare to find associates like this, they are essential in the sense that they stand out among their colleagues for all the right reasons. If someone is essential, it means others perceive them as absolutely necessary. In today's market, to be considered for partner, you need to be an "Essential Associate."

Essential Associate



Building mastery as a lawyer and building a book of business both take a long time. You can't focus on one or the other in isolation. There's an old Russian proverb that states: "If you chase two rabbits you will not catch either one." But when it comes to focusing on the dual priorities required for advancement in a law firm, you have no choice but to be smart and agile enough to work intensely on both at the same time.

PUTTING THE IDEAS FROM THIS BOOK INTO ACTION

In the coming chapters of this book, we'll go deep into strategies and tactics related to what it takes to become an Essential Associate at a law firm. In Part One, we'll address what's necessary to become a lawyer capable of producing outstanding work product and delivering

impeccable client service (i.e., the practice of law). Part Two focuses on the essential actions required to lay the foundation for future business development (i.e., the business of law).

But first, let's discuss how to make the ideas in this book serve as more than mere inspiration. After all, it's easy to read a book, feel motivated, put the book down, and then move on, without doing anything to put the ideas from the book into action. Time spent learning is wasted if not paired with action.

As a young lawyer, it's easy to overlook a lurking risk: You have a long time to do what it takes to become an Essential Associate. Because you have time it's easy to do nothing. Procrastination and complacency are two of the most significant threats to your success. It's far easier to react to the urgency of the day-to-day than it is to plan strategically for the next year—or eight years—of your career. But if you want to make partner this is the type of long-term thinking that is required. Start today because eight years will go by faster than you think.

Learning the Essential Associate principles is an excellent first step. The next one involves implementing them over time as part of your daily routine. The best way to do this, as we'll now address, is to: (1) think big, (2) establish priorities, and (3) act small. Think of this book as a road map for a long journey ahead. The only way you'll get to your destination is one step at a time.

Think Big

Thinking big is expansive thinking. Thinking small is restrictive thinking. Thinking big is all about possibilities. Thinking small is all about limitations. Have big dreams? You need to think big. The odds of making partner at a law firm are stacked against you, so to make your big dream become a reality you need to set equally big goals for yourself.

Many people confuse dreams and goals. A dream is loose and

ephemeral. It's important to have dreams, but it's easy to dismiss a dream as out of reach. That's because there's often a big gap between a dream and our belief about what's possible. You can only realize a dream by creating a goal associated with it and then pursuing the goal by taking action.

Elon Musk dreamed about making it big in the United States when he emigrated to Canada from South Africa at the age of seventeen, but his vision of bringing electric cars (and ultimately space travel) to mass markets would have remained just a dream had he not backed it up with strategic thinking and tireless action. The same process is required to realize your dream of making partner at a law firm.

A concrete goal requires us to think more deeply about what we want and commit to a series of specific actions that will get us there. A dream is focused on outcomes. A goal is focused on actions. A dream is what you want. A goal is how you get there. A goal, like a dream, is about reaching a destination, but setting a goal requires far more planning for the journey.

A goal requires systems, processes, metrics, start dates, and deadlines. There's a saying that "if you dream it, you can do it," but too often we don't. A simple shift in thinking, which allows us to think in terms of goals and not dreams, is what leads us to roll up our sleeves, get to work, and move forward. You can't think small and short-term if you want to achieve big things over the long-term.

Accordingly, don't just dream about making partner at a law firm, make it a concrete goal. Given the odds it's an audacious one. But that's good. The best goals are big ones.

Set Priorities

Once you've established a big goal for yourself—in this case, making partner at a law firm—the next step in the process is setting priorities that will help you to achieve it. There are many actions

you can take to reach your goal. The challenge lies in prioritizing the activities that produce the most significant impact. It's not enough to merely identify your goals; you must ensure that your goals guide your everyday actions.

In his book, *Tools of Titans*, Tim Ferriss writes that in recent years he has started to regularly ask himself a question that helps him to maintain a long-term focus on his most important goals, and commit to everyday action to achieve them. The question is, "Am I hunting antelopes or field mice?"

The premise of the "antelopes and field mice" question is as follows: A lion is capable of hunting and eating field mice if it wants to, but the energy required to catch a field mouse exceeds its potential nourishment. If a lion spends its days chasing mice, it will slowly starve to death.

Instead, lions must hunt antelopes, which are big and nourishing. An antelope requires more effort to hunt. But once captured it provides ample fuel for a long happy life.

As lawyers, "field mice" fill our days. We focus on short-term goals. There's always endless busy work to do. We react to the urgent and put off the important. When it comes to critical priorities such as marketing and business development, we fit in what we can when we can. Many of the activities we engage in result in little impact and are disconnected from any broader strategy. They might provide a momentary sense of pleasure or satisfaction but don't serve a long-term purpose. In other words, we hunt field mice.

Successful lawyers hunt antelopes. "Antelopes" include things like cultivating and maintaining relationships, developing real skills and unique expertise, tackling high impact projects, and contributing to something greater than ourselves. These activities make our lives and careers meaningful. They take time and effort to accomplish, but in the end the payoff is significant.

Becoming an Essential Associate is not easy. It takes hard work and patience. But over time, through grit, resilience, and setting the right priorities for yourself, you can position yourself to achieve big things.

Once you've set a goal and established priorities, only one more crucial ingredient is required: small, incremental, everyday action.

Act Small

While thinking big is critical to becoming an Essential Associate, big things happen through consistent small actions. How do you eat an elephant (or an antelope)? As the old saying goes, it's one bite at a time.

Mark Zuckerberg might have been relegated to a footnote in business school textbooks if his goal was limited to making Facebook a Harvard-based platform. He had to dream big and set big goals to make his business a multi-billion dollar platform used by billions of people throughout the world. But he also had to go about it through a series of practical, achievable, momentum-inducing small actions. Incremental daily progress led to the news feed, status update, like button, mobile app, and ad product features that drive Facebook's growth. These features, created slowly over time, fueled Zuckerberg's big dream and transformed his ambition into reality.

The same goes for Jeff Bezos. He knew Amazon would be big, and had a plan for its growth from day one, but few others shared his vision. Bezos had to start very small by working out of his garage, fulfilling book orders one by one, until he could convince others of the Internet's potential for e-commerce.

The problem that many young lawyers face in making real progress in their careers is twofold: overwhelm and over-ambition. They feel overwhelmed by how busy they are, and do little to habitually improve their skills and lay the groundwork for future business de-

velopment. Because they're not taking small steps forward every day, they try to make up for lost time by engaging in a flurry of activity later in their careers. They become over-ambitious (out of necessity) for short-term periods and burn out.

Randy Juip is a partner at Foley, Baron, Metzger & Juip. At a relatively young age, he earned a reputation as a skilled trial lawyer and developed an impressive book of business. This didn't happen by accident. Randy recognized the need to move forward on his big picture career objectives, such as developing client relationships, while dealing with the day-to-day challenges of a busy litigation practice. He kept his career and his caseload moving forward in tandem. Many young lawyers become so overwhelmed by their work that they let everything else fall by the wayside.

According to Randy, "Many associates spend all of their time putting out fires. They need to set aside time to think about and act on things like business development that are important but not urgent. It's important to always be thinking long-term. The law is a business that needs long-term strategic thinking and corresponding short-term action."

By failing to think big and act small, many young associates find themselves in a bind later on in their careers. Because they take no regular action toward their goals they're forced to play catch up. The only way to achieve what they want is to try to muscle their way there through grandiose plans they're incapable of executing. The urgency and immensity of the task before them leads to paralyzing overwhelm and corresponding inaction.

There's a better approach to success. Instead of trying to do everything all at once, focus on one thing at a time. Identify the lead domino that will help advance your career step-by-step. Success doesn't happen all at once—it's sequential.

Put another way, it's not all of the big, bold things you do that

lead to success. It's the small actions taken every day that make the difference and lead to compounding results over time.

Incremental daily progress is the key to sustainable growth in life and in a legal career. Ready to get started?

The legal industry is radically different than it was just a decade ago. This presents both challenges and opportunities for young law firm associates. No longer can young lawyers sit back and wait for opportunities to fall into their laps. But never before have more tools and options been available that allow entrepreneurial-minded lawyers to stand out and rise to the top of the profession.

From attorney, coach, and legal marketing expert Jay Harrington comes a playbook to help young lawyers not just survive, but thrive in today's competitive law firm environment. This step-by-step guide for mastering both the practice and business of law includes the insights of dozens of successful lawyers, general counsel at Fortune 500 companies, and leading consultants to the legal industry.

www.TheEssentialAssociate.com

PRAISE FOR THE ESSENTIAL ASSOCIATE

"The Essential Associate is a must-read for every new Biglaw associate and, for that matter, young associates at every size firm. It combines clear guidelines and action steps with real life insights from a wide range of attorneys who have spent years navigating the shoals of legal practice. If every young associate reads this book, and puts its lessons to work, their careers will benefit immeasurably."

William McKenna, Partner at Foley & Lardner

"Jay Harrington's insights on how to become an Essential Associate are spot on. He provides practical advice on what action steps to take to succeed in becoming a valuable team member and a better lawyer."

Brian McCarthy, Managing Partner L.A. Office, Skadden, Arps, Slate, Meagher & Flom

"The Essential Associate combines a wealth of practical insights into a readable story well-attributed to interesting historical figures, giants of industry, and hands-on practitioners who have been in the trenches in recent years dealing with a profession that has become a business."

William Gilbride, Partner at Abbott Nicholson

ABOUT THE AUTHOR

Jay Harrington is an attorney, author, public speaker, and marketing expert, and is the owner of Harrington, a leading creative services and business development training agency for lawyers and law firms. He is a graduate of the University of Michigan Law School, and practiced at top law firms including Skadden, Arps, Slate, Meagher & Flom and Foley & Lardner.

