

When “Things Aren’t Working Out” -- Seven Termination Warning Signs

Q. I am going into my fourth year as an associate at a midsize firm, and I am dreading the annual associate review process. My first two reviews were very positive, but last year my review was not glowing. No one suggested that I look for another position, but I am concerned about my future. What should I do?

A. First, let’s look carefully at the information you received at your last review. Was the review generally encouraging but with suggestions for improvement? If so, have you taken the necessary steps? Have you spoken to partners with whom you work closely for additional suggestions?

Was the criticism you received constructive? As you mature into the role of mid-level to senior associate, partners may have a greater interest in preparing you for eventual partnership.

Given your concerns for the future, you should at least consider the “seven warning signs.” If five or more of the following apply, you probably would do well to consider your options. The warning signs include:

- No repeat assignments from the partners with whom you work most closely (even though they are busy)
- Significant, long-term projects are assigned to other associates in your practice group
- Low billable hours
- No reassignment to firm committees
- No constructive criticism of your work product
- You no longer enjoy the practice of law
- You dislike the firm and the attorneys with whom you work

Why are these signs that “things are not working out?”

If the partners who used to give you work have lost confidence, they are unlikely to give you new assignments. They may even reassign projects you are currently working on to other associates. Before you assume that lack of confidence is the reason for not receiving new assignments, evaluate your practice area in light of recent economic changes. Has your practice area suffered in the wake of the recession? If so, there is probably a good reason for the lack of new work, and it may have nothing to do with the quality of your work. Look around you. Are other associates in your department getting assignments from the partners with whom you worked closely in the past? Then there may be cause for concern.

Are the projects you are working on, and more importantly the projects you have been given since your last review, long-term or short-term? Obviously, if partners assume you will not be with the firm in the future, you will not be given long-term assignments. Again, try to be objective in assessing your situation. Have long-term projects come in that you expected to be given? If the projects aren't there to assign, you shouldn't interpret that as a criticism of your work,

Low billable hours can be attributable to a number of causes. But if your hours have been high in the past and have suddenly taken a slide, it may be cause for concern. As with assignments, you want to look around you and assess your situation in light of other associates in your department. Have their hours also gone down? If they continue to be exceedingly busy, and you don't have enough work, this is a warning sign. And if no one in your practice group has more than a couple of billable hours a day, the firm may need to make adjustments. You might want to start asking for work from other practice groups —after checking with your practice group leader.

If you have been asked to resign from a committee, or were not reassigned, it could spell trouble. This is especially true if you have previously served on a high profile committee such as hiring or client development. This is often one of the early warning signs, because firms do not want to explain to in-coming associates or clients why the associate they met is no longer with the firm.

Has anyone taken time to explain why your last review was not glowing? Busy partners will generally not take the time to work with an associate and offer constructive criticism unless they expect to work with the associate in the future. Again, try your best to be objective. Some partners don't provide adequate feedback -- even for star associates.

Finally, what does enjoying the practice of law and your satisfaction with the firm have to do with your future? You may think that you can hide your frustration, but it may not be working. The conventional wisdom is that if you are unhappy in your current employment, start looking. If you don't leave within a year, chances are you will be asked to leave.

What are your options, if you believe that your situation is truly precarious? You could opt out of the review process. But before you do, you should realize this is a drastic step. It signals the firm that you do not intend to stay for the long term. You do not want to send this signal unless you have a place to land within the next few months. That may be challenging given the current economy. If you do participate in the review process, take steps now to improve the outcome. Talk to the partners

with whom you work, and ask them for their recommendations and advice. Ask them what you can be doing to secure more work. Also, ask them for any suggestions on ways to improve your work product.

I wish you well in your upcoming review. Please keep me posted!

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