

# PROJECT *for* ATTORNEY RETENTION

## BEST PRACTICE

To make significant progress in improving retention and advancement of women and diverse attorneys, firms need to change their culture and infrastructure in three basic ways: Develop a formal system for handling **workflow and assignments**, with benchmarking, transparency, and accountability; design an **evaluation system** that accurately defines competencies, combined with active talent management and development; change the **compensation system** to require, value, and incent talent management. Our "Diversity Beyond the Body Count" initiative mobilizes the latest in social science to give legal employers concrete guidance on how evaluation, work allocation, and compensation systems need to be changed in order to support the retention and advancement of women lawyers and work/life balance for all. We highlight our PAR members' best practices in making progress "beyond the body count."

### Work Allocation Systems

In the current off-the-shelf model for law firm management, associate workflow is through informal assignment systems – “hey you” tasking or the free market model. Informal workflow systems align to partners’ needs to get work done efficiently, setting up the motivation to give a task to someone who has done it before and has shown to do it well. While this type of system works well for some, research suggests it works less well for women and people of color, resulting in uneven utilization and associate development.

Formal work allocation systems are more effective in providing equal access to development opportunities. This is especially important under merit-based compensation and promotion systems, which are becoming increasingly common.

Verna Myers, a nationally recognized expert on diversity in law firms, has set forth some of the critical components of a successful system. These include tracking assignments, benchmarking against core competencies, and managing through workflow coordinators, who communicate with both associates and partners and ensure that all are held accountable. Several law firms have been moving towards these kinds of best practices.

PAR member [Farella Braun + Martel LLP](#), which is also a member of PAR’s [Diversity & Flexibility Connection](#), has devoted substantial resources to building an effective work allocation system for its litigation associates. The firm’s

*A Non-Profit Initiative at*  
U.C. Hastings College of the Law

telephone: (415) 565-4640  
facsimile: (415) 581-8848

200 McAllister Street  
San Francisco, CA 94102

[info@attorneyretention.org](mailto:info@attorneyretention.org)  
[www.attorneyretention.org](http://www.attorneyretention.org)

Director of Professional Development serves as staffing manager and is the first point of contact for partners who need associates to work on a given matter. The Director of Professional Development confers with the Practice Group Leader or Department Chair when a new case or matter needs staffing. The two work together to review the available associates to staff the case and communicate the decision to the partner.

Benchmarking is a key component of Farella Braun + Martel's system. The firm collects information about associates' cases and workloads to confirm that associates are getting opportunities to develop the skills in the firm's experience guidelines and competencies checklists and are meeting utilization goals. In addition, associates send in monthly workload reports to review what they are working on, what they anticipate is coming up, and what kinds of experiences they would like to get. These reports enable the Director of Professional Development to match up cases and assignments with associates in an effort to offer equal opportunity for development and advancement.

Another role that the Director of Professional Development plays is to serve as a liaison between the partners and associates. As an attorney who can talk to partners and associates about their cases, the Director of Professional Development uses his own litigation experience to match the clients' and partners' needs with associates' skills, interests, and workloads. The firm is able to better distribute work thus evening out utilization across the litigation group.

A second firm with a robust work allocation system is [Goodwin Procter LLP](#). Taking lessons learned from staffing in the consulting world, Goodwin has instituted a new position: a Manager of Staffing & Professional Development handles assignments for each group of fifty associates. The managers support a particular practice group and work with one or more of the firm's offices. These staffing managers, former practicing lawyers, identify staffing needs, monitor associates' workloads and professional development, and allocate the work for the group. Partners contact their respective staffing manager when a new matter comes in or when they have an assignment that needs to be completed. The manager then gives the partners different staffing options. This system enables managers to monitor for inappropriate assignment patterns and hear about serious issues quickly.

Goodwin Procter uses a home-grown tracking system, in which associates report weekly on what they are working on and what they would like to work on, as well as track their progression on the firm's competencies. When an associate reports that he or she is working on an assignment that did not come through the staffing manager, the staffing manager follows up with the associate. The staffing manager can then discuss the matter with the partner and even take it off of the associate's plate and re-allocate it if necessary.

Goodwin has found that this work allocation system offers a variety of advantages. It helps control for uneven workflow. It makes staffing more efficient. It also provides for early feedback opportunities. For example, if a partner indicates that he or she does not want to work with a particular associate, the staffing manager is able to discuss the issue with the partner and ensure that feedback on past performance is delivered. The system also allows the firm to monitor how much time is written off and enables better tracking of utilization and realization.

The role of the staffing manager is linked closely to the business needs of the firm. The managers deliver more resources, better and faster, to partners in need, and have thus become trusted advisors to the partners. To facilitate this relationship further, the departments fund the managers from their budgets, and the managers report directly to their respective practice group leaders.

A final benefit of the kinds of work allocation systems adopted by firms such as Farella Braun + Martel and Goodwin Procter is to control the kinds of implicit biases that have been shown to affect the retention and promotion of women and diverse attorneys. Research shows that, without any evil intent, automatic biases will and do creep into a variety of workplace systems, including work allocation processes, unless processes are designed in ways to check automatic bias.

Both firms dedicated the time and resources needed to put a well-working system into place. PAR is actively studying workplace allocation systems, and would welcome hearing from any other legal employer that has implemented a system that seems to be working well.

The bottom line: the last thirty years has dramatized that good intentions do not guarantee progress towards diversity and flexibility goals. By changing basic organizational systems, including the work allocation, performance evaluation, and compensation systems, firms can create a level playing field for all attorneys. Simply counting and recounting the number of diverse and women attorneys has not proved a recipe for progress. PAR's goal with our "Diversity Beyond the Body Count" initiative is to provide legal employers with best-practice systems already in use that will lead to concrete progress on diversity goals.