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The Bumpy Road To Law Partnership

by Bernadette Starzee

In the legal world, the road to partnership is paved with hard work, professional excellence and the ability to bring in business for the firm. But the process by which associates become partners has undergone changes.

Length of time

Over the past five years or so, the length of time it takes a freshly minted attorney to become partner has crept up.

"In firms of any size - those with at least 40 or 50 attorneys - the trend was in the seven to eight-year range," said Robert Andrew Wild, a founding partner and chairman of Garfunkel, Wild & Travis in Great Neck. "Now it tends to take nine to 10 years."

There are exceptions to the rule, Wild said. "If someone lands Google as an account, they'll be a partner in 15 minutes," he said.

Additionally, it's tricky to apply the nine to 10-year rule to Long Island's legal landscape, where smaller firms with two to 12 partners abound, Wild said. "In some small firms, you might never become partner - there may be two partners, and that's it," he noted. "Or there may be three partners, and a fourth attorney is so important to the business that the firm doesn't want to lose him or her, so he or she is made partner early."

The rules have changed along with career mobility. In the past, attorneys tended to stay with one firm throughout their career, which helped create the standard length of time after which a productive associate could expect to make partner. "Those times have changed, as attorneys are less likely to stay in one place," said **Marc L. Hamroff,** managing partner of **Moritt Hock Hamroff & Horowitz** in Garden City. "The timeline for someone who has worked at several different firms is less predictable."

Billable hours

Though the road to partner may be longer, it has become a bit less onerous for many attorneys.

"The amount of billable hours an attorney must put in has gone down over the past 10 years," said Joseph G. Milizio, managing partner of Vishnick McGovern Milizio (formerly Capell Vishnick) in Lake Success. "All of our attorneys used to work on Saturdays. Now, they're only in the office on a Saturday if they're working on a major project or if they have a client meeting."

According to Wild, 1,900 billable hours a year is now about average at larger firms. "It used to be status to work 24 hours, not sleep, keep a clean shirt in the office, eat fast food and put in 2,400, sometimes as many as 2,800 billable hours," he said. "Now, more than 2,000 hours is rare."

Attorneys are looking for better work-life balance, Milizio said. "There's an overabundance of attorneys, but firms want to attract good people and want them to be willing to stay for a long time," he said.

The right stuff

Doing the time doesn't necessarily translate to making partner.

"We analyze whether the candidate has the ability to generate new clients, and whether he or she has the ability to maintain and expand existing client relationships," said William M. Savino, managing partner of Rivkin Radler in Uniondale. "We also look for someone who has an owner's mentality - who thinks like the owner of a company, makes tough decisions and is good at managing, organizing and leading."

Further, to make partner, the associate has to be a top-notch lawyer, Savino said. "We're in the knowledge business, and professional excellence matters a great deal," he said. "That will never change."

Productivity has to be there, as well. "Those who really have ambition, who are driven to distinguish themselves, will work hard," Savino said. "But it's not just a matter of billable hours. I might have one lawyer who billed more hours, but his work had to be redone by other attorneys, vs. a second lawyer, who inspired confidence in the client and produced excellent work. It's quality, not just quantity - you have to know your stuff and get the job done right the first time for value."

Personality, too, is a factor. "We look at how the potential partner gets along with existing partners and clients," Milizio said.

The economy's role

In the current recession, Milizio said, firms are more carefully scrutinizing what income potential partners represent. "Law firms are looking for attorneys with a book of business and clients to be integrated into the firm," he said. "That has always been important, but it is more important now."

Firms are also more likely to name partners in practice areas that are doing well. "I would hazard a guess that heavy-duty real estate firms are not rushing to make people partner," Wild said.

On the opposite end of the coin, **Moritt Hock Hamroff & Horowitz** recently welcomed a new partner in its creditor's rights & litigation practice. "That area is very busy now," Hamroff said.

Partnership agreements

Milizio, who said he has drafted a number of partnership agreements over the years, noted these agreements have also undergone changes.

"One major change I see is that firms are looking for a defined means of financing a partner's buyout, so it isn't a scramble when a partner gives notice or passes away," he said. "The agreements are getting more specific as to valuation methods and payout periods."

According to Milizio, some partnership agreements are also getting more specific in spelling out an attorney's responsibilities. "A lot of firms are utilizing managing partners and administrative people to handle daily activities of the firm," he said. "This allows attorneys to devote more time to their practice area. Often the agreement will define the attorney's obligations with regard to nonlegal work such as administration and attorney mentoring."

Moritt Hock has altered its agreements so that "partners are more vested in the success of the firm," **Hamroff** said. In other words, a partner's compensation is based, in part, on the firm's overall success.

This has had a positive effect on the firm, **Hamroff** said. "Partners are looking at the whole firm, instead of just their area," he said. "They are working to help the entire firm succeed."