



THE CITY OF LONDON LAW SOCIETY

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CLLS Associates Forum

Quality of life – best practice

The City of London Law Society (“CLLS”) represents approximately 13,000 city lawyers, through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi jurisdictional legal issues.

The CLLS Associates Forum (the “Forum”) comprises associates (of between 18 months and 12 years post qualification experience (“PQE”)) from some of the CLLS’s corporate member firms. This document is a record of their discussions regarding best practice in staff retention and job satisfaction. This document has its origins in the Forum’s 2007 submission to the Law Society’s Great ‘Quality of Life’ Debate (see Appendix I). The 2007 submission suggested the minimum steps law firms should be taking in order to optimise their associates’ work life balance. This document builds on that earlier submission, and it is hoped that it will be promulgated through the CLLS’s corporate member firms.

The Forum wishes to emphasise that the following are considered to be “best practice” and therefore we appreciate that it may not be possible for all firms to comply at all times but believe that if firms want to be employers of choice and attract the best candidates, these are the standards they should be working towards.

Communication

- Employ a variety of mass communication methods with associates about strategic and firm-wide developments. These could include:
 - Email for short, urgent messages. (However, consider whether email is always the most appropriate method of communication and ensure that associates are not overloaded with email news.);
 - Weekly/monthly newsletters (either in hard copy or electronic form);
 - Intranet pages; and
 - Online chatrooms/blog sites.

- Ensure that associates have opportunities for ad hoc face to face discussions with management. These discussions could (for example) take the form of scheduled face to face large open meetings, or "surgeries" where senior partners agree to make themselves available on a one to one basis.
- There should be some formal, elected group with firms, for example with members from each department/practice area, which meets regularly with a senior partner to discuss issues which have arisen within the associate population. These groups can also be used by the firms to get feedback upon or pilot new initiatives, such as new appraisal forms or new canteen menus, prior to rolling them out across the firm.

Flexible working policies

- Each firm should have a written, transparent and flexible working policy. This should include a formal process for applying for flexible working arrangements, and an appeal process to management outside the team/department, should the original application be rejected.
- Firms must actively implement and manage their flexible working policies, and not just publish them in staff handbooks. The policy should be regularly reviewed in terms of uptake, impact on team members working with those who work flexibly and clients views on service levels.
- Such policies should go beyond the minimum arrangements (i.e. arrangements to enable care for dependents): firms should consider granting requests to applicants who wish to study or to actively pursue hobbies (so long as such outside interests do not conflict with those of the firm).
- Participants in any flexible working scheme should be encouraged to provide their respective firms with feedback on their experiences of the scheme and their suggestions for improvement.
- Firms' work allocation and appraisal systems (on which, see below) should have checks and balances to ensure that management does not treat those working "flexibly" less favourably in terms of
 - Quality of work; or
 - Promotion prospects.

Formal performance reviews

- Each firm should establish a meaningful and transparent annual performance review system.
- As part of such a system, firms should establish transparent, detailed competency criteria for different levels of associates, so that:
 - Associates clearly understand what is expected of them at each level of PQE, and
 - Partners have a benchmark against which to judge associates.
- Feedback on individual associates should be collated from all partners and senior associates for whom each associate has worked, and from clients (as far as

practicable). Feedback should be sought on all of the competency criteria areas, namely:

- Legal abilities;
 - Client service levels;
 - Commercial awareness;
 - Business development;
 - Know how contributions;
 - Management skills; and
 - Wider firm contribution
- For each associate review:
 - Reviews across teams/departments should be moderated in advance of the review meeting,. (This would give associates more confidence in the fairness of the process.);
 - A review meeting should be held to discuss the feedback between the associate and a minimum of two reviewers. There should be a thorough, open, two-way discussion between the reviewers and the associate. The meeting should be held away from the normal office environment (i.e. in a meeting room) . Also, the meeting should be scheduled to run for at least one hour and should take place shortly after the end of the review period;
 - There should be a formal, written record of the feedback received. There should also be space on the form for associates to record their thoughts in advance of the meeting. The form where both these comments are to be provided should be standardised and should mirror the firm's competency criteria for the associate. Both sets of comments (together) should be agreed between the reviewers and the associate and signed as a record of the review meeting; and
 - At the end of the meeting, SMART objectives should be set for the next twelve months and a career plan for the associate established/reviewed.
 - All partners should receive proper training in conducting performance review meetings (especially in delivering difficult messages).
 - In addition to conducting associates' annual performance reviews, firms should establish a less formal system for monitoring progress throughout the year and providing feedback as necessary. Firms should hold half-yearly feedback meetings, and participants in such meetings should not provide written records of the feedback.
 - Firms should establish a mentoring system whereby each associate is paired with a partner (usually from a different department). The system should be flexible so that each associate can use it as he or she needs. However, mentors should be open to bi-annual out-of-the-office meetings (e.g. coffee) with their mentees to discuss issues such as career development.

Transparent career path

- Each firm should establish transparent, published criteria for partnership and other career paths offered by the firm (of counsel, management roles etc.).
- Associates should be offered confidential, independent career coaching at an early stage in their career.
- Partner champions or mentors should be appointed (and their existence promoted) so that associates have someone to approach outside their own team/department to discuss career and partnership process and prospects.

Intangible benefits

- Firms should promote a culture of recognising contributions to the firm (e.g. through internal awards programmes, informal thanks, intranet stories). Firms should ensure that employees' contributions are noted, regardless of whether they work full or part time.
- Firms should also be prepared to recognise their associates through events (e.g. team/department lunches, dinners or drinks) when the staff have worked hard on particular projects, and should ensure that all associates involved in such projects are invited to attend.
- Firms should implement a consistent "time off in lieu" ("TOIL") policy for those associates who have worked extremely unsociable working hours on particular deals/cases. While associates appreciate that TOIL days cannot equal the number of evenings and weekends they have worked, they thoroughly appreciate the firms creating TOIL policies.
- Depending on firm size and relative demand, firms should consider creating some or all of the following on-site facilities (although not necessarily on a full time basis):
 - Dry cleaning facilities;
 - Doctor;
 - Dentist; and
 - Physiotherapist.
- Depending on firm size and relative demand, firms should consider implementing a clear taxi policy for associates who have worked late. (For example, for associates working past 8 pm weeknights, firms/clients should pay for taxis to take them:
 - From the firm to public transport; and
 - From public transport to their homes.After 10 pm, firms/clients should cover the cost of a taxi from the office to their home.)
- Depending on firm size and relative demand, firms should consider enabling associates working past 8 pm to eat dinner at the office, and to charge the cost to

the firm/client. Associates should not have to leave the office to collect/prepare food. If the firm is not large enough to have its own catering/canteen in the evening, it could recommend dinner delivery companies to associates and should give guidelines on what is a reasonable amount to spend per person.

- Office space, furniture and design should take the views and needs of associates into account. Natural light should be available in each office (as far as possible) and associates should be able to obtain ergonomic chairs and office accessories if requested.

Management

- Firms' management should:
 - Recognise and make allowances for the time partners need to spend to actively manage associates;
 - Ensure that all new and existing partners are given specific training in how to manage associates (as well as trainees). Training should be targeted to ensure that partners appreciate the importance to associates of continual feedback;
 - Conduct regular 360 degree appraisals for all senior associates and partners to encourage feedback on management style;.
 - Circulate (in hard or electronic copy) regular workload forms to associates. These should:
 - Be both backward and forward looking; and
 - Request:
 - The details of:
 - All matters that each associate is undertaking; and
 - The hours each associate has spent on each matter in the previous period (where applicable); and
 - Each associates anticipated capacity for the next period.

Responses to the forms should be collated and shared between each firms' partners as appropriate.

- Teams/departments should be encouraged to hold regular meetings to discuss new matters, progress on existing matters and relative capacity.



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Response

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Submission to the Law Society of England and Wales' Great 'Quality of Life' Debate

The City of London Law Society ("CLLS") represents approximately 12,000 city solicitors, through individual and corporate membership including the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi-jurisdictional legal issues. Through this practice in both the UK and abroad, City solicitors facilitate the working of the City and of national and international business and they contribute considerably to the UK economy.

The CLLS Associates Forum (the Forum) comprises associates from the CLLS corporate member firms of between 6 months and 11 years PQE. This submission is a record of their discussion of the Law Society's findings regarding best practice in staff retention and job satisfaction.

Topic: Challenge/quality of work

This was recognised as being one of the most important factors for the Forum. A firm's ability to attract quality work and then to allocate it in an appropriate and fair manner is clearly important to the retention of solicitors. This promotes confidence in and demonstrates leadership from the management of the firm and within groups/teams, broadens the experience of associates and helps to ensure that work is evenly distributed (as far as possible).

Best practice: Establish a clear and transparent system for the allocation of work within groups/divisions/departments and a system for monitoring the capacity of individual associates on a regular basis.

Action: Firms, who do not already do so, should ensure that there:

- is a clear and transparent system for the allocation of work within groups/divisions/departments; and
- are adequate systems in place for monitoring the capacity of individual associates on a regular basis.

Topic: Transparency of career path (including formal appraisals)

The Forum discussed the importance of three connected issues. These were:

- adequate appraisals with appropriate feedback (see also the next topic on management and communication);
- a transparent process for promotion to partnership ; and
- potential for alternative career paths i.e. not just to equity partnership but to roles such as senior associate with some management responsibilities.

The Forum recognised that the approach could not be too prescriptive in that each law firm was different and that seniority of the associate concerned would be relevant, but felt that certain minimum standards could and should be universally applied. This could include a required minimum frequency of appraisals and a transparent system of moderation between associates. Training in conducting appraisals would ensure an effective system.

Best practice: Establish a meaningful and transparent annual appraisal system. Firms may also consider a less formal system for monitoring progress throughout the year and providing feedback as necessary (perhaps through informal half-yearly meetings or a mentoring system).

Action: Firms, who do not already have systems in place, should consider:

- implementing a formal annual appraisal system; and
- ensuring that appraisals are completed in a meaningful and timely manner.

Topic: Management and communication

The issue of management style and communication between partners and associates and, more generally, within firms, overlaps significantly with the factors discussed above. Good communication assists in ensuring a good atmosphere, transparency in career path and appropriate distribution of work.

The Forum noted the Law Society’s finding regarding improvement of productivity following management training for senior staff at a large accountancy firm. The Forum recognised that management training is available to partners who supervise trainees. It was concerned that similar training is not always provided to newly appointed partners in relation to managing associates. The Forum also emphasised the importance of recognising and making allowances for the time involved in managing staff. Alternatively, where this was not possible, firms may consider allowing appropriately trained senior associates, with more capacity, to assume some management responsibilities. This could

be part of a development programme for associates approaching partnership or wishing to become involved in management of the firm.

It was also noted that at least one firm represented on the Forum had a rolling program of 360 degree appraisals for senior associates and partners as a means of ensuring effective management.

Best practice: Ensure that all new and existing partners are trained specifically in the management of associates, as well as trainees. Conduct regular 360 degree appraisals for all senior associates and partners to encourage feedback on management style.

Action: Firms, who do not already do so, could:

- instigate regular, targeted training for all new and existing partners to aid in their management of associates (as well as their supervision of trainees); and
- consider implementing a bi-annual system of 360 degree appraisals for partners.

Topic: Valued through tangible benefits

The Forum recognised that City solicitors are well paid in comparison to some sectors in the economy, but felt that pay was not commensurate to hours worked or in line with the increased cost of living in London. The Forum felt that this was a driving reason for some solicitors to leave firms either to US firms paying higher salaries, in-house for fewer hours but similar pay or to alternative careers altogether.

Flexible working policies were also discussed, under this topic and as part of the further discussion on intangible benefits (see below). Flexible working policies, which are actively implemented and managed by firms, rather than merely appearing in staff handbooks, are considered key for retaining key staff as life outside work changes. It is also imperative that those who opt for flexible working are not seen less favourably by management in terms of quality of work or promotion prospects (see also discussion above about transparent career paths and feedback).

This topic also included benefits ranging from days in lieu for working unsociable working hours, health care, pensions etc.

Best practice: Offer a competitive benefits package commensurate with hours worked and other City professions. Make flexible working a real alternative/option for those associates who wish to work a different pattern to what is considered normal. Promote a culture within the firm which values flexible staff and ensure that they are considered equally where possible for work and promotion.

Action: Firms, who do not already do so, could consider:

- monitoring City wide (not just City law firm) benefits packages to be able to offer a commensurate and competitive range of tangible benefits;
- implementing a realistic flexible working policy; and
- encouraging participants in any flexible scheme to speak about their experiences and feedback ideas for improvements etc.

Topic: Valued through intangible benefits

This category included factors which might improve quality of life at City law firms in addition to financial reward. Examples included recognition of hard work, dry cleaning facilities, on-site doctors or dentists, working environment/facilities and the atmosphere at the firm. These are considered significant, particularly as they (combined with tangible benefits) recognise associates' overall contribution to the firm, for example reflecting the sometimes unsociable hours.

Best practice: Offer a competitive intangible benefits package commensurate with hours worked and other City professions. Offer a range of onsite schemes/benefits which make life easier for associates with little free time. Promote a culture of recognising contributions to the firm, be it internal awards programmes, informal thanks or group/division drinks or parties, ensuring that contributions are noted whether full or part time.

Action: Firms, who do not already do so, could consider:

- monitoring City wide (not just City law firm) benefits packages to be able to offer a range of intangible benefits to help associates make the most of their free time; and
- encouraging partners and senior management to recognise individuals and teams/groups for their hard work.

Please contact:

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