

CHANGING CAREER TRENDS IN LAW TALENT, WOMEN AND PARTNERSHIP

November 2006

At the most recent IDDAS dinner for senior partners and HR professionals from leading law firms held on 28th November 2006, former Senior Partner of Simmons & Simmons, Janet Gaymer, opened the discussion on changing trends in careers with particular reference to law firms, and wider issues on talent and women in Partnership. The very next evening, Janet received the City of London Law Society's Lifetime Achievement Award at the Legal Week Awards.

The following is an overview of her career and speech, and the main points that arose from subsequent discussion.

About Our Speaker: Janet Gaymer CBE

Janet is the current Commissioner for Public Appointments in England and Wales and a Civil Service Commissioner, having previously been Senior Partner of Simmons & Simmons. She was the Founder Chairman of both the UK and European Employment Lawyers Associations and is now respectively Life Vice President and Honorary Chairman of the Associations.

Other achievements include: being a member of the Employment Tribunals Service Steering Board, Chair of the Employment Tribunal System Taskforce, being on the Council of the Advisory, Conciliation and Arbitration Service for six years, a member of the Council of 'Justice', Honorary Fellow of St Hilda's College, Oxford, an Honorary Doctor of Laws of Nottingham University and an Honorary Doctor of the University of Surrey, Patron of the Association of Women Solicitors, the founding UK representative of the European Women Lawyers Association, and she is a member of the board of International Women of Excellence. Her book entitled "The Employment Relationship" was published by Sweet & Maxwell in 2001. She has won "The Times" Woman of Achievement in the Law Award and the "Partner of the Year" award in the annual Lawyer/HIFAL Awards. She is married to a solicitor and has two children.

Remarks by Janet Gaymer

Janet lived up to her formidable reputation and started provocatively by stating that there were many talented women in Law, but not all in partnership.

Referencing research undertaken by Richard Collier, Professor of Law and Social Theory at the University of Newcastle upon Tyne, Janet quoted actual comments recorded by the research team during interviews that "*women lawyers (and I use the term 'female' loosely) were often more scary creatures than an aggressive man*".

Moving swiftly on to the broader issue of collective talent management, Janet contended we should look to 'Self Talent Management'. She felt that most law firms were out of date. The traditional 1950s' model of talent management based on long term career development with job rotations and succession plans was no longer fit for 21st century work.

The new generation see the world through very different eyes and it is time senior partners woke up to the facts, which are:

Demographic trends:

- The average person will change job seven times during their career.
- The number of younger workers will shrink to 11% by 2020.
- At the same time one in five workers will still be working in their sixties.
- 11m baby boomers will leave the workforce.
- 51% of newly qualified solicitors and 41% of practising solicitors are women.
- Increasing numbers of associates are leaving after 3 – 4 years PQE.
- The 35 – 45 year old age group is reducing in size, and increasing numbers in this age group are looking to move to part-time work.

Employee expectations:

- The age of deference has gone.
- Individuals want control in the workplace.
- There has been a collapse of loyalty and loss of the bargaining chip of job security.
- There is a growing demand to work differently. People want to make their own patterns of work, varying these at different periods.
- Moving from personalised space to personalised time.

In law firms:

- There are fewer equity partners.
- Young lawyers are rejecting the partnership model and the opportunity to take equity and there are changing reward expectations.
- Lifestyle changes have led employees (and partners) to cite lifestyle concerns and lack of worth, and to reject billable hours as a measure of satisfaction.
- Alvin Toffler (writer of *The Third Wave*) paints a picture of work migrating from the office to home.

Law firms have thrived on those who work 24/7 - so why change? Very simply, demand may exceed supply although there will always be those who are prepared to work 24/7. Janet posed a series of challenges for the leaders of law firms:

- Do individuals (as opposed to organisations) really need to be available 24/7?
- Why is 'hire and fire' the dominant employment model?
- Why is work defined in jobs not tasks?
- Why continue to organise work on the basis of a 40 hour week?
- Why is work defined on a weekly basis?
- In a knowledge economy, why define work on a time basis at all?

Janet suggested a series of practical actions:

- Restructure careers to provide flexibility.
- Tailor tasks to particular skills.
- Consider home vs. office working.

Janet exhorted the audience to think from the outside in: to start with client service and decide how you organise your human resources to respond.

On the subject of individual talent management, Janet reflected on her personal experience. Her approach to date has been to know her 'use by date' and, in terms of future options, to keep something 'on standby'.

Janet's time at ACAS being a case in point where Janet quickly developed new skills (e.g. Chair of the Audit Committee) and built an understanding of a new sector. Janet was able to bring these skills back into the Firm. This and her time on the board (and Nominations Committee) of the Royal Shakespeare Company served her well when she applied for appointment as the Commissioner for Public Appointments. "I'd love to say I planned this!" said Janet, but in truth, she admitted, "this happened unconsciously".

This brought Janet to reflect on her decision to not stand for a second term as Senior Partner at Simmons and Simmons, adopting her policy of knowing her 'use by date'. She reflected on the shock of seeing a blank diary after this date.

Janet sought advice and was asked: what do you have to offer and do you have a CV? Whilst pondering these questions, Janet's husband spotted an advert in the Sunday Times seeking applications for the role of Commissioner for Public Appointments. He mused that Janet could do this and....should apply, "even though you won't get it!"

Janet concluded her talk by quoting Alan Bennett, the playwright, from 'Beyond the Fringe'. Alan spoke of the humble sardine tin where, once you've found the key, opened the tin and emptied the contents out with a fork, you're very often left with a small piece of fish lodged in one corner. Janet wondered what small bits of fish her audience had in their tins. Janet meanwhile is keeping another tin 'on standby'!

General Discussion

Following Janet's thought provoking talk, the topic was opened up for broader debate, the key points of which are captured below:

- Are the new generation really looking for something different or is it just an indulgence, a function of the now booming sector?
- Perhaps the issue is that lawyers face a new set of circumstances, rather than that they are a new generational breed.
- Like other professional service firms, law firms do not have an unlimited resource of talent, and this can inevitably affect the dynamic of the relationship between firms, their top talent pool and remuneration levels.
- International firms have the added challenge of different jurisdictions and cultures; many American lawyers can find it difficult to understand British/European concerns over work-life balance.
- It is the Senior Partner's role to bring out the best in their partners.
- What keeps lawyers in the office and makes them really want to stay with the firm, and be there when required 24/7, is good leadership. But 'leadership' is not always evident; in its absence, high financial rewards are offered.
- Efforts are being made to improve matters - for example, new partners at one leading firm were sent on a two day retreat where they could reflect on their motivations, open their hearts to each other to attain a higher level of self-awareness and, in so doing, start to understand others better.
- To make any change you have to win over the 'deal junkies' who thrive on a 24/7 culture. Any firm has to have these people to constantly drive the business forward. That said, firms need to make room for other 'methods of working' and must find a way of motivating those not prepared to work 24/7 but, who all the same, can add value and generate fees.
- We are not talking about managing human resources, rather motivating an individual, which means we need to understand that individual!
- Is the law a vocation or a means to an end? In reality, it depends on the individual.
- A key issue for those partners who have families is the support they receive (or not) from their spouse, whose critical role managing the home and (where relevant) caring for children, can enable a partner to give his or her all to the firm in the knowledge that all is well at home. Those partners who do not have such luxury of support are likely to have greater challenges in fitting into a 24/7 work culture.
- Lawyers do need to begin to plan their careers beyond the law early. The world outside finds it hard to estimate a lawyer's value? Running a multi-disciplinary and multi-jurisdictional firm is not recognised externally. Indeed, it is often not even valued internally amongst peers as it does not deliver fee income.
- Having an understanding of what they can offer other walks of life is an issue of confidence for lawyers. One leading headhunter had asked whether a partner exploring a life beyond law could 'name more than five lawyers who have gone on to a successful career outside law?' In reality there are many more than that, but perhaps they have shed their lawyer branding and so do not act as active exemplars.
- Head-hunters are part of the problem - they tend too often to put people in boxes and work to their client's brief which does not envisage a lawyer as the answer to their needs.
- Some companies may wish for a compliant NED. What CEO would want a challenging lawyer on their board?
- Many agreed they wanted a place on a company board that gave recognition to them as a business person not as a lawyer who is there only to offer legal advice.
- Lawyers need to think hard about their 'transferable skills' and articulate the value they can bring, rather than rely on their position as a partner in a recognised and respected law firm.

Janet Gaymer concluded the evening's discussion with a plug and encouragement - that lawyers looking for a role beyond the law should seriously consider a public appointment!