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In This Issue

New Year's Resolutions for Law Firms …

Create Better Service Models, Address Associate Attrition, Communicate with Clients & Enhance Mentoring

As we start the last year of the 21st Century "Teens," many of us are embarking on the New Year's resolutions we crafted at the end of last month. Unfortunately, in reality, some (many?) of us may have already disembarked on those pledges, especially the casual vows made on New Year's Eve as the bubbly flowed and the night pushed past midnight. Some resolutions we stick to for a few weeks before we fall off the wagon and, for instance, stop going to the gym. (Year-round gym goers love February as by then many of the ambitious "resolvers" have given up.)

Also, sometimes we're resolute in our resolutions and live up to our goals throughout the year, improving ourselves, our professional lives, and in the case of law firm leaders, their partnerships.

As we have periodically reported on at the end of a year, last month *Of Counsel* asked several law firm leaders what they resolved for their firms or practice groups, what they want to see done differently and better in 2019. We

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Wolters Kluwer

also asked a law firm consultant and a legal recruiter what resolutions firms *should* be making and aiming to achieve. The respondents offered answers that ranged from the comprehensive to the circumscribed, the panoramic to the precise.

In Phoenix, Ken Van Winkle, the managing partner of Lewis Roca Rothgerber, says he has been taking a big-picture look back at the last decade as well as a forward view into the future. His partnership and many others spent several years during the Great Recession working "to stabilize things" and the last few years reaping the benefits of those efforts. Now, he adds, it's time for change.

"We were hit with a crisis, we reacted and then we sat on the couch and enjoyed the results of our response to the recession," Van Winkle says. "There's no current crisis but we still need to get off that couch to identify and meet the demands of tomorrow."

Specifically, Van Winkle resolves to do what he can to help Lewis Roca, Arizona's second biggest firm, develop more sophisticated knowledge management systems and more effective service delivery models. "We are going to focus on knowledge management so we can move a client's project along more quickly at a lower cost, providing the value that clients are expecting," he says. "We also intend to better understand clients' budgets and better understand how and when they want the product delivered. We want to become even more connected to our clients, their businesses and their industries."

Resolve to Fix Attrition

It's no secret that finding and keeping young talent continues to be a serious problem in the private-practice legal environment—and some say addressing this challenge would be a worthy goal for 2019.

Natasha Innocenti, a partner with the legal recruitment firm MLegal, sees this troubling concern manifest virtually every day with the law firm managing partners, hiring partners and other leaders she serves. "What keeps law firm chairs and practice group leaders up at night is the dearth of associates," she says. "I hear this from firm leaders all the time. More and more associates don't want to become partner. They don't want the lifestyle. And, they're going in-house as soon as they can. It's becoming a crisis."

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Taylor's Perspective …

Stress, Loneliness, Depression: Tragedy Should Propel Action

Recently, an attorney was suddenly "departnered" by his law firm. He'd been acting in an erratic, abnormal way with his co-workers, shouting at people and generally behaving cantankerously. His partners believed all the things that were wrong in their small firm were his fault. So, they stripped him of his partnership.

The downtrodden attorney came to Dallas-based psychotherapist James Dolan for counseling. "He had become the scapegoat," says Dolan, who's also a professional coach and works with lawyers and physicians.

While counseling the man, Dolan determined quickly and conclusively that the lawyer's behavior was actually a manifestation of depression. "His situation reflects a difficulty we have at large in our culture of realizing that difficult behavior is not necessarily because the person is just [a jerk]," Dolan says. "It's because they are struggling with an emotional condition that they don't know how to identify and deal with and are perhaps frightened to say, 'Hey, I'm having a hard time. I need some help.'"

But of course the culture of most law firms—in which strength is admired, weakness disparaged, and high-level stress considered part of the job—doesn't exactly encourage such a cry for help. "A lot of the pressure comes from within the firm itself; many firms, maybe even most, are what I think of as emotional slaughterhouses," Dolan adds. "Yet, you're never, ever supposed to let anyone know you're having a hard time. It's just not done. You become a weak sister and the next thing you know you're in trouble."

Fortunately, the lawyer who Dolan worked with did end up getting help. Many others don't, and sometimes that leads to tragedy. The widely reported suicide in October of Sidley Austin partner Gabriel MacConaill demonstrates how the pressure-packed legal profession can lead to depression and, in this case, death and heartbreak.

We've all heard of or read the statistics that underscore how the stress of a legal career can take a severe toll. Attorneys are three-and-a-half times more likely to experience depression than nonlawyers, and they're twice as likely to become alcoholics or drug addicts. A survey published earlier this year in *Harvard Business Review* by psychiatrist and workplace consultant Gabriella Rosen Kellerman and her colleagues concluded that the practice of law is the loneliest profession of all. Also, we all know that loneliness often leads to emotional suffering and dire consequences.

Promote Stress-Relief Outlets

Many firms need to reexamine the workplace atmosphere they breed, says Michael Rynowecer, president and founder of The BTI Consulting Group. "Many of the cultures are

all about the volume of hours you bill; we all understand how and why we got there," he says. "But law firms can and should provide the tools to deal with stress and make them more available. And importantly, they need to provide the cultural permission to use these tools."

Rynowecer points to two such outlets: mindful meditation and physical exercise. "Firms can bring in people to train their attorneys on how to practice mindful meditation," he says, adding that this practice has science behind it and requires no special poses, equipment or significant time commitment. It only requires some peace and quiet, focus and special breathing techniques. "You just need to turn off your phone and close your door for 20 minutes."

While some firms have brought in experts to teach mindful meditation—which has been sweeping the nation for several years now—more need to do so. Similarly, many partnerships do provide access to gyms and fitness trainers to help work out stress; other firms should follow suit.

Law firm leaders would be smart to "bring exercise into the conversation more frequently," Rynowecer adds. "Put out a weekly email that says, '42 people used the gym this week, up from 25 last week.' Promote the use of these tools. Provide the formal structure and the encouragement."

More importantly, spread the word about mental health issues and ways to acknowledge and address them. Dolan suggests that firms offer ongoing lectures and panel discussions by experts on these matters.

"Talk about depression, anxiety and suicide and let people know what these conditions are," Dolan says. "People still have generalized ideas about what, say, depression is. Law firms should offer a constant flow of information where people can be given more of an understanding of what these rather common emotional maladies are all about, how to recognize them and what to do about them."

Dolan also recommends that law firms have someone on staff with the ability to talk intelligently and supportively with a person who's in a situation that's likely to cause emotional turmoil, or is already showing emotional stress. "They should have people," he says, "who know how to come in and say, 'Hey, it looks like you're having a hard time. What's going on? What can we give you? How can we help?'"

A Personal Note: Taking Action

Communication is crucial in preventing depression-generated tragedy. When my son was the student body president of his large high school in Portland, Oregon, a sophomore two years younger than he committed suicide and one of his closest friends attempted it. As a student leader, he wanted to help make a difference.

So he conceived West Fest, a benefit concert with local teenage bands and speakers to raise money for and awareness about suicide-prevention. With the help of his sister, then a freshman who was also in student leadership, and others, they created a fantastic event.

My daughter helped carry her brother's legacy on by making West Fest an annual tradition. By the time she, too, became student body president in her senior year, the benefit concert was one of the most popular events of the school year. It has and continues to educate young people and raise thousands of dollars for a local suicide-prevention hot line, Lines for Life. And who knows, maybe it has also saved lives. (Yes, I'm a proud parent.)

The point is: If two teenagers can take action and contribute to the well-being of their peers, law firm leaders can too. ■

—Steven T. Taylor

Diversity as Value and Value-Driver:

Why Your Firm's Business Development Team Should Also Be Part of Your Diversity and Inclusion Team

For a long time, the people most prepared to articulate and advocate for inclusion efforts in law firms have been human resource professionals and diversity officers. Increasingly firms, however, are realizing that diversity plays an important role in their efforts to sell their services and build lasting relationships with clients. In fact, far from being a purely inward-facing function, diversity and inclusion efforts should be a central pillar of your firm's business development strategy, and this team should be staffed accordingly.

Clients are demanding diversity in their representation.

Commitment to diversity and inclusion is an increasingly important value driver. Companies are now asking—and in many cases demanding—that their teams of lawyers be as diverse as the consumers they serve. This reflects both their awareness of the optics and their experience that diverse teams provide more innovative legal solutions. It also indicates firms' propensity and capability to invite diverse perspectives into routine problem solving.

Simply pointing to general goals or mission statements created by a diversity committee will not be enough to satisfy clients who are getting much more sophisticated about looking at data around hiring, promotion to leadership, and work distribution within the law firms they choose to work with. The numbers don't lie.

Case in point: ABA Resolution 113, which passed in the summer of 2016, urged law firms and corporations to expand and create opportunities for diverse attorneys. Firms that joined the resolution are required to submit data about their diversity, which clients may then use in their ranking of law firms and in their decisionmaking and retention decisions. Dozens of corporations have signed on, including Adobe, Capital One, HP, JP Morgan & Chase Co., McDonald's, Microsoft, PepsiCo, and Prudential. Some corporate legal departments are now threatening consequences to those firms who fail to make gains in diversity. For instance, Hewlett Packard is withholding 10 percent of invoiced fees from firms who do not meet certain diversity requirements. Facebook requires 33 percent diversity for its outside counsel legal teams, and Metropolitan Life Insurance Co. sat down with 75 firms to help them create a formal plan to retain and promote diverse talent.

Additionally, many of your competitors are paying attention and are taking action. The Diversity Lab's Mansfield Rule Certification process makes it public and apparent which law firms are making authentic efforts to help women and minorities succeed. These firms pledge that women and minorities will comprise at least 30 percent of all candidates considered for any open leadership or governance roles. Sixty-five firms signed on to the Mansfield Rule 2.0 commitment and 41 firms were recently Mansfield Certified in the first inaugural class. Mansfield will also begin to measure the inclusion of minority-group attorneys in client pitch meetings and develop transparent processes to demonstrate how appointment and election decisions are made. No doubt, while not a panacea, this certification process helps make D&I efforts and results more transparent to those clients who want to see real evidence of progress when deciding which firms to hire.

With real money on the line, your business development and proposal response processes need to include specific language and tools to detail how you will meet diversity requirements, how you'll continuously monitor and measure your compliance, and how you'll structure fees and incentives around diversity goals.

Rainmakers are the face of your firm and, therefore, of your diversity efforts.

The lawyers who have traditionally been most effective at selling work on a firm's behalf tend to be more experienced, more white, and more male than the rest of your firm. This demographic fact—along with the reality that these top sellers might not be keyed in to the firm's efforts on diversity and inclusion—means they lack some important information and awareness when it comes time to sit down with clients, and they certainly should not be the only faces and voices at the table when trying to demonstrate a firm's commitment to inclusion.

Not only do traditionally successful rainmakers need to be trained to talk about what the firm is doing in D&I, but other lawyers—meaningfully women and minorities—need to be prepared and trained with selling skills so they can also participate in the business-generating conversations.

Will your current top sellers know how to answer questions about the firm's hiring and promotion practices? What about flexibility policies that might have an impact on gender equality? Opportunities for LGBTQ+ lawyers? Access for lawyers with disabilities? Likewise, has your firm created pathways and provided the training that will allow your women and minority attorneys to be at the table and meaningfully lead or participate in these conversations with clients and prospects? Also, have you trained all of your lawyers to work as a team when presenting and pitching for the work so that the effort looks and feels cohesive rather than a patched-together conversation where white men do all the talking except when the topic of diversity and inclusion comes up? When firms walk the walk on access and equality, it sends a powerful message.

Business Development Offers a Meaningful Context for Inclusion

But what is the best way to prepare attorneys from underrepresented groups to become superstar sellers? In order for diverse rising stars to succeed, they not only need access to the pipeline but they also need training, resources, and support to successfully move up the ranks to perform the tasks and responsibilities that leadership and governance roles require. One unequivocal task for success in law firms is the ability to develop and generate business. The business development team is the best source for training these lawyers and getting them the resources they need to bring in new clients.

Here's why: Traditionally, the approach to training lawyers to sell has relied on a one-size-*should*-fit-all approach that tries to make everyone into a "rainmaker." This is understandable. According to Altman Weil research, only seven percent of all partners in the NLJ 350 are "rainmakers," contributing 35–45 percent of firm billings. It makes sense that firms would like to see more of them!

Research, however, reveals that there is actually a wide diversity in selling roles and strengths for doer-sellers. Growth Play's research on the predictive competencies related to selling as a doer-seller reveals that there are at least five different and unique roles—each with different strengths and skill sets—that contribute to a law firm's ability to grow revenue. Ninety-eight percent of all doer-sellers match at least one profile. If only 7 percent of partners are considered rainmakers, that means there is a remarkable amount of potential sitting latent in the other 93 percent.

Savvy business development teams are helping lawyers realize their individual skill sets, and, therefore, how to contribute to a firm's revenue-growth objectives. Additionally, firms that are maximizing revenue potential are helping lawyers see, appreciate, and connect their roles and strengths to others with different roles and strengths in order to unlock the untapped potential in nontraditional sellers This in itself is an exercise in learning how to value, appreciate, and build inclusive teams and cultures, and it helps create new roles and a recognition of value for those who have not had access to the dominant resources that have traditionally catapulted top rainmakers to success.

Productive interplay between your diversity team and your business development team can create a virtuous cycle: deepening your relationship with forward-thinking clients and the talented attorneys who'll serve those clients. Working to make your firm more diverse *and* to effectively communicate about that important work with clients will have a direct impact on your bottom line. Diversity has always been an important value. Now it's also a value driver, for both clients and lawyers. ■

—Alycia Sutor

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A Lesson from the Accountants:

What Do They Know That Lawyers Do Not?

Last year, accounting and consultancy firm PriceWaterhouseCoopers (PwC) announced the appointment of two 'outsiders' to its Board. According to PwC Governance Insights Center Leader and partner Paula Loop, "Good corporate governance is critical to enhancing public trust in institutions" and "we believe that adding outside directors and adopting some corporate governance best practices help maintain greater independence and objectivity."

Diversity and addressing the risk of 'group think' were also prominent in the PwC decision. Meanwhile, Grant Thornton LLP, another leading accounting and advisory firm, reports that for the past 5 years, it has included two independent (external) directors on their partnership board. Grant Thornton believes that they are the first major accounting firm to do this with its international board. Currently, external directors serve up to two, three-year terms.

Even Deloitte announced, in late 2017, that they too had appointed external directors to their management board.

Why Don't Law Firms Adopt This Thinking?

Are the rules about governance and good management not applicable to law firms? Do the advances in governance, which lawyers often develop for clients, get short shrift in the legal sector? It appears so, at least in North America.

The irony is that lawyers are likely quick to point out the benefits of competent, independent and diverse boards, with advanced selection tools like director qualification matrices, but seem slow to adopt the same thinking in their own firms.

One of the notable differences between the top UK law firms and top US firms is that almost one in four (24 percent) of the UK firms now employ one or more outside, often called Non-Executive Directors (NEDs) in the UK, on their boards. Even more interesting, in one impartial study, those law firms with at least one NED have seen revenues grow by one-third more than those without. Also, in another research study commissioned by BDO, nearly a third of global firms had at least one NED on their board.

UK law firms often draw NEDs from a pool of retired law firm leaders, accountants, and management consultants. US lawyers continue to be sceptical about the value an outside expert might bring.

Information gathered about the Grant Thornton experience, suggests pros, and some cons, to be considered. That information and our own thinking, show, we suggest, that external board (or management committee) members can provide any law firm with benefits, including:

- a dispassionate external view of the firm, and the business climate;
- business expertise and ideas;
- a contribution to the firm's strategy and market performance;
- a vital sounding board and an outside voice to challenge current thinking and practices;
- a strengthening and widening of a firm's management viewpoint and resources;
- open thinking around new concepts, ideas, methods, technologies, standards, risks and opportunities, for example, of

emerging issues, technology advances, or new revenue streams; and
- an objective assessment of the firm's performance and problem areas, and recommendations for improvement.

Thus, by being a respected, and presumably a respectful, voice from outside, an external director can speak when others may not.

Sandra Peitrzyk, a CPA experienced in public company work, and a partner in Grant Thornton, is a member of their national management board. She says the Grant Thornton experience suggests other benefits, which she listed as follows:

> External directors can (and should) bring different backgrounds and views, to counteract the similar thinking patterns ("cut from the same cloth") that may seep into professional firms, especially those with much home-grown talent. The different skills of the external director can (and should) round out the board's skills matrix; they can also focus attention on what skills are actually needed at the management or board table. This can ease the disappointment sometimes felt by "rejected" candidates and provide comfort for those worried about favouritism in the appointment process. Properly done, the use of external directors helps avoid the sense of "rubber stamping" and provides an outlet from the circular governance often found in our firms – by which we mean, the sort of anomaly of partners reporting to the firm management, who then reports to the firm partners.

In Grant Thornton's case, the appointment is made from candidates provided by an Executive search firm that specializes in Board appointments, after shortlisting, extensive vetting and interviews by a nominating committee. They see that such candidates, who are strong, and independent, in their own right, can constructively challenge the thinking of the committee, the biases of a managing partner, or the result of 'group think'. The external person should be respectful, and effective, in itself a worthwhile model for management committee members to learn from and emulate.

Externals often have been through the search for and selection of new leaders. Thus, they are not faced with, and can help manage, the potential conflicts of interest, or other personal issues which can arise in selecting a new CEO or managing partner. These issues are often inherent in succession planning, when the prospective candidate(s) for leadership already serve on the management committee.

It is important that the "externals" bring focus on matters at the Executive Committee or Board level, not the day-to-day operations of the firm. It is also important that the external understand the culture of the firm, and the nature of partnerships, (as a group of owner/operators) different from the traditional top down corporate structure. Some learning time might be necessary.

The potential disadvantage of the external, the time taken, the incurred cost (recruiters, travel, compensation) would likely be covered by the benefits driven by the external as fan, and supporter of, and networker for the firm, let alone for the value of his or her advice and perspective.

The mandate of an external can (and should) be defined, and documented, and the exclusions or restrictions understood. For example, the question of compensation of partners may be an area where the external has no vote.

So Why Don't More Law Firms Practice What They Preach?

It is often claimed that only partners really understand the business or enjoy the necessary respect. Yet, external directors are perfectly capable, in the corporate and not for profit worlds, of commanding respect and of calling management to account on behalf of stakeholders. They can also use their outside

experience to question the sacred cows which tend to develop in any inwardly focused organization. Also, they can help the board to see things from a different perspective, without the "baggage" of personalized decisionmaking (it is sometimes quite evident whose ox is being gored).

Clearly, client confidentiality must be maintained. This seems easy enough, with non-disclosure agreements, and a clear commitment to transparency. Just as there is no hesitation in having outside consultants review lists of clients and other firm information, and no reluctance to deliver firm records to external accountants, so, aside from client specific information, the qualified board appointee, properly vetted, should create no concerns.

Is the objection around risk? And if so, whose risk?

The director's risk can be dealt with by insurance, indemnities, waivers, and the like. The risk to the law firm is presumably improper disclosure, or perhaps a too ready acceptance of the outsider's point of view . . . but the reality, for most lawyers, is their propensity to challenge other's points of view. And besides, haven't we all experienced law firm management being insistent . . . and wrong?

Law firms need the fresh, unbiased and unfiltered perspective, the ideas, the intelligence (market and otherwise), and the challenge that an independent director can bring.

Why then are law firms reluctant to take this step?

We have heard some cynics say that, law firms inherently don't want to open their doors, their books, their methods, their compensation and costs, or their dirty laundry to outsiders. Is that a valid fear?

The paramount point should be, we submit, the "good of the firm." Good ideas should be sought out and adopted—for the good of the firm. Yet, often, we hear, firm management doesn't want to entertain new or different ideas and concepts that might shake the existing culture. Don't get us wrong; firm culture is a very important component of firm life and success. It, however, can also get in the way of dealing with problems, facing facts in a business-like, impartial way. This is what kills firms, in our experience, this inability to overcome the habits, preconceived approaches, individual independence, so-called collegiality, (or simple avoidance of conflict), power groupings, hidden (or not so hidden) agendas, personal greed, and poor partner business practices; often firms grew-up to be that way, without any conscious decision. The outside director should, in a way that is constructive, be able to point out these issues or question comments like . . . "*oh, that's just Dwayne being Dwayne*" or "*Well, you know, Cheryl is one of our biggest billers*."

Each firm has secrets. Each firm has problem children and sometimes a reluctance to deal with them. Each firm likely thinks it has a strategic plan, but chooses, often, to fit that plan around the realities of who works there, and what practices they, or it, has. Each firm is also made up of partners with particularly personal agendas, or perks, or comfort levels that, deep down, no one wants to confront. It takes a perceptive, strong, trusted, and all-seeing managing partner or executive committee to see, and then be able to deal effectively with those challenges. And knowing lawyers, not everyone will agree.

Lawyers, for all their vaunted Type A drive and self-confidence, are often insecure human beings. Is an outside director too threatening? Is the concern that the outsider will see the secrets, the partner compensation, the real costs, or how problems are dealt with? Is there a concern the outsider will question why things that seem illogical (or just contrary to the firm's strategic plan), are allowed to continue?

Or, perhaps, law firms—despite the mantra of the 'business of law' and 'the best interests of the firm'—do pay more heed than admitted, to the force of history, the fear of conflict, or the strength (or aggressiveness) of

individual practitioners, and there is a reluctance to face that fact.

As the world becomes more complex, and technological, and as trends and issues emerge, so it seems the need for outside directors grows. Currently, we see entities of all sorts, private and public, (not just law firms) faced with sexual harassment claims, social media concerns, staff, and other HR matters going public, compensation and fairness disputes, and other challenges. There will be others in the future. An outside director can provide perspective, not only on what others are doing, in real time, about these areas of concern, but what perceptions of the firm may well result. Just recently, firm reputational risk seemed to have outweighed "presumed innocence" involving a partner in a major international firm.

Significantly, the outsider can often ask the "*why do you do that*?" kind of questions that insiders are either blind to, or afraid to raise.

So, what do you think?

Is it time for your law firm to adopt a similar strategy to what most of your corporate clients have been doing for decades? ■

—Patrick McKenna and L. Neil Gower

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The Essential Associate:

Step Up, Stand Out, and Rise to the Top as a Young Lawyer

Toward the tail-end of my first year as an associate, a partner walked up to me at the firm's holiday party and said, "You're famous!" He had a hint of a smile but a steely look in his eyes. I focused on the eyes because I knew exactly what he was referring to. It wasn't good.

Earlier that day, a pleading peppered with my name and appended with a bunch of emails that I wrote was filed in a multi-billion-dollar Chapter 11 bankruptcy case by an adverse party. At issue was a "he said/he said" situation in which opposing counsel acknowledged missing a critical deadline related to a multi-million-dollar claim against my client but was making the case that I had consented to a late-filed claim. I had not, but after reading through his pleading I realized that I was sloppy in my communications. I had opened the door just enough for him to point his finger back at me.

If you're a first-year associate at a big law firm, there is virtually zero chance that becoming "famous" for something you do at work is a good thing. Also, while the partner's use of the term was obviously sarcastic, I was experiencing my first "15 minutes of fame" (more like notoriety) within the halls of my law firm.

It was a tight spot. Because I had been doing reliable work on the case I was taking on more responsibility with less oversight. I, however, was still playing a supporting role and this was the first time I had the spotlight on me for something I did wrong. I had a choice: I could either own the problem and fix it or shrink from it and let someone else deal with it. It wasn't easy, and I ended up with a bruised ego, but by tackling the issue head-on with the help of my colleagues the issue got resolved. I became a better lawyer by learning from the experience.

The odds are that you've experienced something similar or soon will. These are the type of moments that determine the trajectory of your career. It may be a positive moment or a negative one. Sometimes circumstances like this result from actions you take or fail to take. Other times they're due to conditions outside of your control but you have to confront them nonetheless. If a lawyer's life was depicted in a movie, this type of moment would be called an "inciting incident."

In screenplay and novel writing, the inciting incident is the event that gets the story rolling. It's the action or decision that introduces the problem that the story's main character must overcome. In *Jerry Maguire*, it's the moment that Jerry writes his manifesto about the need to put people first in the sports agency business. It leads to his firing and he walks away from his power job to start over.

In movies and books, the inciting incident is unmistakable. It's the moment that calls the protagonist to action and changes their life irrevocably. That's the thing about fiction—almost every story follows the same arc. There's background, struggle, and ultimately triumph, with twists and turns along the way. The story almost always, however, gets resolved, wrapped up in a pretty bow. More often than not the protagonist lives happily ever after, having defeated the villain, gotten the girl, or defused the bomb, just in the nick of time.

Art may imitate life, but real life is, of course, far different. And messier (at least the

ending). We're all characters in a narrative, but unlike in most books and movies our stories don't always result in happy endings. Inciting incidents occur all around us but rarely do they lead to real change. Often we miss their meaning altogether. Other times we recognize their significance but we are unable or unwilling to leverage their transformational power. We have a health scare but do little to improve our lifestyle. We struggle at work but instead of taking the time to understand the cause of our struggles, we plow forward with no real plan to make the future different than the past.

The same is true of organizations and entire industries. It's hard to believe that the buggy whip industry missed the automotive revolution; typewriter makers didn't see the power of personal computers; the taxi industry overlooked what Uber and Lyft saw; and the music industry didn't adapt to the digitization of its product. How did the retail sector not see Amazon coming? Why didn't hotels crush Airbnb when they had the chance? It happens over and over. In every industry, market participants miss (or completely ignore) inciting incidents that should lead to transformational change. They remain stagnant, unable, or unwilling to fundamentally change behaviors that could lead to a change in fortunes.

What does this have to do with achieving success as a law firm associate? As someone who is operating in today's legal industry you don't have the luxury of ambivalence to the winds of change swirling around you. Your employer is buffeting against these forces and you must too. There's little chance that today's law firms will go the way of early 20th-century buggy whip makers. But inciting incidents, beckoning lawyers and law firms to change, are happening more frequently as the broader economy continues the transformation from the industrial age to the information age.

Since last decade's Great Recession, there has been a fundamental change in the legal landscape. Much like what happened to the housing market before last decade's meltdown in the financial markets, the legal marketplace has shifted from a seller's to a buyer's market.

This has led to downward pressure on fees, increased demand for alternative billing practices, and more significant competition for fewer opportunities. Law firms continue to consolidate in an attempt to achieve economies of scale. Work has also moved in-house as corporate law departments have looked for ways to cut costs and figure out more efficient models and methods of acquiring the legal services.

The "2018 Report on the State of the Legal Market" (the "Report"), published by Georgetown University Law Center and Thomson Reuters Legal Executive Institute, highlights these trends and punctuates the need for change. According to the Report, there is flat demand for law firm services despite growing demand for legal services; less leverage (fewer associates per partner) at law firms; weakening collections; falling productivity; rising competition; a lack of innovation among law firms even though clients are demanding more of it; and loss of law firm market share to alternative service providers. The Report suggests that too many firms are fighting the "last war" by making changes based on how the market has behaved in the past and not on what's to come.

Entrepreneurs have eagerly stepped in to fill in the gaps. From overseas document review firms to Silicon Valley technology start- ups, alternative service providers continue to chip away at work that traditionally was within the exclusive domain of lawyers and law firms. Companies such as LegalZoom and Rocket Lawyer, which were once seen as novelties, continue to gain ground. Big Four accounting firms are building their own legal services departments around the world. Some are as big as the largest global law firms.

Headlines in legal tech publications trumpet the inevitable march of artificial intelligence in the legal industry, and its power to displace and disrupt many of the essential functions provided by today's lawyers and law firms.

Some speculate that blockchain technology (the foundational technology of cryptocurrencies such as Bitcoin), will obviate the need for "middlemen" such as lawyers, and even judges, when it comes to negotiating, performing, and enforcing rights and obligations related to transactions. Depending on who you believe, this is just the tip of the blockchain iceberg.

The struggles of many firms in this no-growth market shouldn't come as a huge surprise. Despite the challenges, it's business as usual in many quarters. Law firms like Sedgwick, Howrey, Burleson, Dewey & LeBoeuf, and other venerable brand names have shuttered in recent years. Others are consolidating to survive.

There will come a time, as you progress in your career and become a law firm leader that you will be in a position to directly address and influence the broader issues facing the legal industry. But for now, as a young associate, the primary challenge you face is putting yourself in a position to not just survive but thrive in today's law firm environment. By doing so, you'll not only experience success but also lift up those around you through your actions.

Newton's second law of inertia states that an object at rest will remain at rest unless acted upon by an outside force. Take a hard look around. Outside forces are gathering and calling you to action. The question is: In the face of these challenges, will you lean in or look the other way?

To borrow a phrase from Dickens, for young lawyers in today's legal market, it's both the best of times and the worst of times. "Worst of times" because there's no place to hide. Clients are less willing to pay for young associate time (what some clients perceive as "on the job training"). Law firms can't afford to put up with mediocre performance. Firms are expecting more value from their associates because clients are expecting more from them.

Things are changing so fast that young associates today face challenges that others before them did not. There was comfort in being told, during the "good old days," that you just needed to keep your head down and do good work and everything else would fall into place in due time. There was a sense of relief in thinking that there was plenty of business to go around for talented lawyers, so there was no need to worry about business development. In today's environment, any comfort derived from such advice is false.

On the other hand, these are the "best of times" because it's during moments like these, when things get tough, that merit matters most and there are opportunities to achieve stand-out success. Young lawyers today have the chance to achieve things that were never before possible. The Internet has changed everything. There are fewer gatekeepers and those that remain have less influence. A small firm, small market, entrepreneurial-minded young lawyer can leave just as big of a footprint in the digital landscape as anyone else. Want to make a significant impact as a young associate? There's little to stop you, no matter who you are or where you are, except for your own limiting beliefs about what's possible.

Don't you want to see what you're capable of? It's time to step up to the challenge and stand out among your peers.

I've been competing in the legal industry for close to 20 years, first as a lawyer and now as an executive coach and consultant, and there have been lots of ups and downs in the market during this time period. I began my career as a corporate bankruptcy associate at Skadden, Arps, Slate, Meagher & Flom one week after the 9/11 terrorist attacks. I co-founded a law firm in early 2009 in Detroit at the height of the financial crisis. For over a decade, I have been coaching and consulting with top lawyers and law firms who are navigating the same choppy waters that you're now swimming in. I've learned through these experiences what it takes to succeed as a law firm associate in good times and bad.

Some of the most valuable lessons come from the time I spent at my own small firm. I

achieved success, but it was neither the clients nor the financial rewards that made a lasting impact. Indeed, those things were fleeting. What mattered most was that through this experience I learned what it's like to have real agency and ownership over my legal career. It wasn't that working at my small firm, as opposed to a "Biglaw" firm, was easier or more exciting. In many respects, running a small law firm is far harder and more stressful than working at a big one. What made the greatest difference was that, through the entrepreneurial experience of founding and running my own firm, I finally learned what it takes to master both the practice of law and the business of law. Up to that point, I had focused almost exclusively on the former.

The practice of law still wasn't fun. What job is? For the first time, however, it was deeply satisfying. I learned that while the work, itself, may not bring joy, it is possible to learn to love the "fruits," including the personal growth and professional satisfaction, of my labor.

At the same time, let's face facts: You have a tough road ahead of you. The path to partnership is becoming increasingly treacherous. The number of equity partners at law firms has increased at a relatively slow pace over the past 15 years while the overall number of attorneys has surged. The combination of fewer equity partners, more competition among firms, and more lawyers in the system means that associates who hope to make partner face increasingly difficult odds.

The reason it's important to know what path you're on, or at least want to be on, is that advancing in a law firm requires a unique skill set. To succeed in a legal career outside of a law firm you need to be an excellent lawyer. To become successful in a law firm, you need to be an excellent lawyer and also generate work for yourself and others.

A law firm partner has two jobs: producing excellent work product and building a book of business. The reason it's difficult to make partner is that the skills required to become both an excellent lawyer and adept at developing business are difficult ones to master. They're valuable skills because they're in short supply. As a result, most lawyers who are up for partner go into the process with little confidence about the outcome.

It's not that these lawyers haven't excelled at what they do. In order to even be considered for partner at a law firm, it means that a lawyer: (1) has worked really hard, racked up big billable hours, and as a result has contributed greatly to the firm's bottom-line; (2) possesses expertise or a unique skill that the firm values (an IP lawyer with a Phd in computer science, for example); or (3) has demonstrated the ability to generate significant business. However, it's rare for an associate to batch these skills and qualities together. As a result, most associates wait with baited breath and fingers crossed to learn their fate.

But note that I said "most." There are always a few who figure out the system and learn what it takes to make partner. These are the associates for whom the partnership vote is not a cliffhanger but a foregone conclusion. Why? They've managed to become so valuable that they've flipped the balance of power. Because they're so valuable, they have the leverage in decisions related to their career advancement, not their firms. Firms are so concerned about losing these lawyers to competitors that they have no choice but to make them a partner.

An associate with leverage is one who has gained mastery of both the practice of law and the business of law; one who acts like an entrepreneur and not an employee; one who recognizes that their potential is limitless and that they can generate significant value for their clients and their firm at any stage of their career. Because it's rare to find associates like this, they are essential in the sense that they stand out among their colleagues for all the right reasons. If someone is essential, it means others perceive them as absolutely necessary. In today's market, to be considered for partner, you need to be an "Essential Associate."

Building mastery as a lawyer and building a book of business both take a long time. You can't focus on one or the other in isolation. There's an old Russian proverb that states: "If you chase two rabbits you will not catch either one." But when it comes to focusing on the dual priorities required for advancement in a law firm, you have no choice but to be smart and agile enough to work intensely on both at the same time. ■

—Jay Harrington

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Enhance Mentoring

Continued from page 2

These days, partnership leaders constantly ask Innocenti about ways to fill the young lawyer void, often hoping for a group hire when she places a lateral partner. "When I send a lateral partner to a law firm," she says, "one of the first things I get asked is: 'Does he or she have any associates?'"

Consequently, Innocenti believes members of law firm management need to position associate retention as a top priority in 2019. "So," she says, "the resolution might be this: 'As a law firm leader, I'm going to focus my strategic thinking on how can I creatively change the world of the associate – with retention as an important goal.'"

The partners at Willig, Williams & Davidson, a Philadelphia-based labor and employment firm, seem to fully understand the importance of maintaining a strong talent base—something that constitutes a 2019 resolution for managing partner Deborah Willig. "Searching for the best and brightest attorneys to add to our team has been and will continue to be a priority for Willig, Williams & Davidson," she says. "We know … that, from time to time, we need to evaluate the way our firm operates and ensure that we continue to be a workplace with a culture that talented people want to join."

Willig adds that hiring and retaining attorneys requires a commitment to work-life balance needs, which cultivates vibrant mental and physical health, making attorneys "more creative, more productive, and better advocates for our clients."

As this year unfolds, Willig says she and the partnership resolve to continue to be "open to exploring new ways of working, from flexible hours to increasing our capacity to work remotely, to researching and implementing new software systems that can save time and money – as long as the job gets done, and gets done well."

Get the Message Out

For other leaders, the goals for 2019 center on clear communication about exactly what their identity is. At the Chicago-based global firm of Jenner & Block, the chair of the 400-attorney litigation department, Craig Martin, has essentially made that an annual resolution because of the importance of such messaging to the marketplace.

"We are best-suited to handle the most significant matters clients have in the litigation arena," Martin says. "We are not the firm for your run-of-the-mill cases so when you have a $200,000 breach-of-contract case, we're happy to point you to one of our friends. We are here when a company has its biggest crisis – for high-impact, high-value litigation and highly sensitive investigations, arbitrations and appeals that go to the core of a client's business and involve the reputation of the company. Communicating that message is a resolution for us this year as it is every year. It's important for people to know what we do."

Law firm consultant Robert Denney, based in Wayne, PA, agrees that communication should be a pledge and he goes one step further recommending that lawyers resolve to conduct face-to-face meetings. Leaders should tell themselves to "meet with important clients – and those who have potential for more work – at least once this year," Denney says.

Many leaders remind themselves to place a priority on sufficient communication with clients and prospective clients, particularly in this competitive market. "In a shrinking private practice legal market we have to do a better job of communicating with our clients and differentiating our abilities for them – that's an important firm-wide New Year's resolution," says Ben Adams, Jr. CEO of Memphis-based Baker, Donelson, Bearman, Caldwell & Berkowitz.

After more than 15 years serving at the helm of Baker Donelson and helping grow the firm significantly, Adams is stepping down as CEO in April and will remain with the firm. Timothy Lupinacci was named as his successor. "A personal resolution I have," Adams adds, "is to make a successful transition for our new CEO and for me to facilitate that transition as smoothly as possible."

Embrace Change

Several of those interviewed for this article, including those who aren't quoted, say they resolve to help their respective firms seek out and develop innovation. "We at Schwabe, Williamson & Wyatt have been changing and adapting and trying new things all year," says Graciela Gomez Cowger, who in October 2017 became the CEO of the Portland, OR-based firm, its first-ever CEO. "In the new year we will continue to try new and innovative ways to serve our clients, who keep saying they want us to keep adapting more and more to what their needs are. We will continue to [that]."

This year Schwabe set up what it calls an Innovation Lab to explore and implement ways to enhance the firm and the legal profession. The attorneys and staff are in conversation with several clients in order to partner with them. The Innovation Lab, however, not only looks out externally but it also examines internal processes, including ways to improve associate retention. "Associates are asking us for more timely feedback on the work they deliver to our partners and we're looking at different and innovative ways to provide that feedback," says Gomez Cowger, one of very few Latinas who lead firms in the United States.

Conduct Equitable Mentoring

The #MeToo Movement has, of course, brought on many major changes, most are very positive but at least one ramification of this transformation of the workplace has unintentionally hindered the development of young lawyers, primarily female associates. Male mentors have pulled back their mentoring efforts of women attorneys—worried that their behavior might be misperceived and that they'll be wrongly accused.

Wayne Stacy, the chair of the San Francisco intellectual property group at Houston-based Baker Botts, has made it one of his resolutions to reverse this emerging trend. "I saw early on that some men were withdrawing from mentoring women because they were scared," he says. "While I've always focused on training to become a better teacher so I can help people develop their careers, I'm going to continue to focus my extra time on a program I created about equitable mentoring. In 2019, I'm going to continue to give presentations to spread the word and raise awareness on this issue."

As *Of Counsel* reported in April, shortly after Stacy wrote an article that appeared in *The Recorder* and he began getting calls for help on this topic, he and others believe that lawyer-mentors can make adjustments to avoid any appearance of impropriety so that women attorneys aren't unfairly slighted in getting the training they need and deserve. "We need to make sure we adjust and engage in equitable mentoring," he said at the time.

Lewis Roca's Van Winkle agrees and says proper mentoring is the only way to groom the leaders of tomorrow, and he has made that part of his 2019 resolution package for his firm. As the Baby Boomer generation continues to age and retire, he says, "it's really time to step up our efforts to support and develop the next generations and give them the opportunity to reap the benefits we created before them. We need to help them take the platform we built and take it to the next level. In 2019 and beyond, we have to work towards steadily passing the baton." ■

—Steven T. Taylor

Continued from page 24

work in government and create policies that were fair and lifted people up. Being a lawyer seemed like good preparation for becoming an effective politician who could figure out what needs fixing and write good laws.

But soon after law school I realized that I wasn't cut out to be a politician and work in the cut-throat world of politics. I like the idea of helping a lot of people at one time by passing laws that serve people well, but at some point I realized I was probably better off trying to help people one client at a time.

OC: It's interesting that you pass out at the sight of blood and now you're representing people who've suffered catastrophic injuries.

CP: Yeah, and that's sort of funny now. I've gotten over that. I had to because when I was a public defender, I had to look at a lot of graphic photos involved in the many violent cases I worked on. It's like most anything in life. Eventually you can acclimate.

OC: After you worked in the public defender's office, you went into private practice. When did you launch Altair Law?

CP: I started Altair in February of 2018. I was the first lawyer here. Within a month, two more partners who'd been at my former firm joined and a few months later we added two more partners. So there have been five of us for about five months now.

Civil Justice System Does Its Job

OC: What's a case you've worked on that you felt was very important or satisfying? You've worked on so many, so it might be a tough question.

CP: In about 2013 we handled two cases back-to-back. The first was in Solano County and the second in Monterey County. Those were both satisfying cases, not just because of getting fair compensation for our clients and having the civil justice system actually work and do the job it's supposed to do, which is to make those kinds of decisions, but because I had incredible clients.

In Solano County a guy named Jimmy Duncan was a bus driver for a company that did all kinds of things. He made long-haul drives where he would pick people up in the Bay Area, many of whom were retirees, and drive them to Vegas or other cities with casinos. They'd gamble, and then he'd drive them back home. He was just a nice guy; everybody liked Jimmy. He actually lived in the house he'd grown up in because he took care of both his mother and his grandmother, from a care standpoint and also a fiscal standpoint.

He was driving his bus on the freeway and got hit by a big rig as he was exiting the freeway. He got broadsided and then pushed into the wall that formed the edge of a tunnel. A lot of the passengers were hurt, and they had to extract all the passengers and Jimmy and take them by ambulance to hospitals. He suffered a serious back injury that prevented him from ever being able to work again.

It was a challenging case because the company that owned the big rig was a father-son outfit and poorly insured. They worked for a very large conglomerate that was part of the Gallo family [the winemakers] where there were plenty of assets to fully compensate Jimmy for his injuries. We had to make sure that everybody was held responsible, all the way up to the people who were really benefitting the most, which was Gallo.

It was a satisfying case because of the combination of serving a great client who was super deserving and needed to be fully compensated and because we had to ensure that everybody would pay their fair share for the damage that had been done. Too often in this world people get insulated from being

held responsible, which ultimately means that injured parties don't get fully compensated. As a result [the onus] gets put onto the rest of society through government care to help these people. It's not really fair to spread that cost to the rest of society when you have responsible parties who can and should pay.

Taking on Caterpillar

OC: Thank you for giving me the details on that. I can see why it was important to you. And, what about the case that followed?

CP: I went to Monterey County where there had been a wild fire. I was fortunate enough to represent the family of one of those firefighters who died in fighting the fire when a Caterpillar bulldozer rolled over and rolled down a hill. Ultimately, that caused his death because he was being slammed around inside the operator compartment of the bulldozer, which had large steel mounts, essentially square poles. His head got thrown against one of those large steel poles, split his head open and killed him.

The issue was that Matt Will, my client, would have been alive today playing with his kids and loving his wife had Caterpillar simply made the decision to put in a four-point restraint on bulldozers, as opposed to a two-point restraint like the old seatbelts we used to have. It'd be crazy to drive a car now without wearing a three-point restraint. Everybody knows that would be dangerous. Yet here's a bulldozer they know will roll down hills because they designed something called a rollover protection system.

Those four posts in the cab are supporting what's essentially a cage that goes around the operator to make sure that the operator stays inside the compartment. That's fine, but you can't have the operator inside the compartment bouncing around like a ping pong ball where he or she is getting injured. You need to make sure that they're secured within that, which simply takes a four-point restrain. That's about $100 fix on what is a $3 or $4 million piece of equipment. So it's a miniscule cost to incur to make sure that the people who are driving their Caterpillar bulldozers are safe.

That was a rewarding case because Caterpillar fought us very hard on it. They were unwilling to settle; they thought it was unreasonable to put a four-point restraint in and what we discovered is that back in the late 60s, early 70s Caterpillar had actually procured a patent for two different safety restraint devices for their bulldozers to protect the occupant in the event of a rollover. That meant two things. One, they know they roll over. And two, they know what happens to the occupant inside unless they're properly restrained to prevent them from bouncing around and getting injured. One of those solutions, from decades ago, was the four-point restraint system.

OC: These two cases that you describe get to that notion you had when you were a high school and college student of wanting to effect change. You did that. You held Gallo responsible and Caterpillar changed their ways, or will likely change their ways.

CP: Unfortunately, Caterpillar has not been as responsive to making changes as I had hoped originally. Sometimes your high hopes meet reality and that's sort of disappointing. With the Mazda case it's been sort of the same. I was hopeful that maybe the American car industry would change their standards. That has not yet happened. I don't expect that to happen soon. But sometimes you have to be patient and wait for incremental change.

With Caterpillar it's interesting because Australia requires these four-point restraints in any heavy equipment that's being sold in that country, and Caterpillar is one of the manufacturers who sells them there. So Caterpillar is doing it there. They're protecting Australians better than Americans. Hopefully at some point that will change.

And the European Union historically has been much better at holding industries accountable to make sure that their standards are as satisfactory as possible. Sometimes you can make a product safer, but it will cost you a million dollars per product. Well that's not reasonable. On the other hand, if it costs you five cents or five dollars or five hundred dollars, depending on what the cost of the product is, that's very reasonable. It's disappointing because frequently people in Europe, Australia or Canada are safer than Americans. There's no good reason for that except for a lack of will within our political system and industries.

OC: And of course the lobbyists for the manufacturers often fight regulations that would require such safety devices. Let's now move to the Mazda case, which you won last year, and which hinged on a defective seatback. Could you summarize it and then talk about why it's important?

CP: Let me first talk generally about products liability cases. If you've got a products liability case – whether it involves a seatbelt in a bulldozer or a seatback in a car – every product is supposed to be reasonably safe for its intended purpose. If someone gets injured using that product, we ask ourselves: Did it perform in the way that the consumer reasonably expected? We call that the consumer expectation test. A second way to look at it is called the risk-benefit test, which asks: Could this product have been designed safer in a reasonable way? On the plaintiff's side we only need to prove one of those, and if we do, then the product is deemed defective.

In seatback failure cases, the courts have said that consumers have an expectation of what will happen to their seatback in car accidents. So one reason the Mazda case is significant is that it advances what happened in an earlier case involving a multi-car accident, in which one of the driver's seatback failed, causing catastrophic injuries. The court said that a consumer could have an expectation that this seatback would not have failed.

[Peters goes on to describe much of the science involved in these two cases and his argument that ultimately proved the seatback was expected to withstand the collision and protect his client, who was very severely injured and will live in pain for the rest of her life.]

Seatback standards set by the National Highway Traffic Safety Administration have not changed since 1974 and if you look at all of the scientific development and advancements that have occurred since 1974, it's mind-boggling. The industry has actively lobbied the NHTSA to not mandate that seatback safety improvement.

Debunking the Frivolous Litigation Myth

OC: Thanks for talking about those cases. How do you respond when you hear defense attorneys and tort reform advocates talk about so-called frivolous lawsuits?

CP: Let me preface my remarks: I do not think that corporations, by and large, are bad. Like people, once in a while, by accident or neglect, they do something bad. In a case where my client has been severely injured and there's a corporation on the other side, I try to work with them to the greatest extent possible to fix the immediate problem while also trying to help them understand what I think is the bigger problem. People make mistakes and corporations make mistakes.

There's a perception that plaintiff's attorneys hate all corporations and all insurance companies – we're the good guys and they're the bad guys – but I don't see the world in that kind of black-and-white way. Besides, I have plenty of my own failings. [*laughter*]

When it comes to so-called frivolous lawsuits, well, the US Chamber of Commerce has done a very good job of promoting this idea, completely devoid of facts. There is no evidence of this. In fact, to the contrary, it's very hard to get a case into court these days.

Because, by and large, this whole false narrative about frivolous lawsuits has to do with personal injury and wrongful death cases, and about 98 percent of those are contingency-fee cases, in which attorneys don't get paid unless the client gets paid. Usually the attorney pays most of the costs or, in my case, all the costs. Every single cost. As an attorney, why would I spend money on a case that doesn't have real damages? That doesn't make sense to me.

So is a frivolous lawsuit about somebody who isn't actually responsible? Well, if somebody isn't responsible, that's something the defense attorney can file a motion for summary judgment on and say, "there are no facts that establish liability," and the case will get thrown out. Now on the plaintiff's side, I will have spent money for a case that's going to get thrown out on summary judgment. I'm curious where those frivolous lawsuits are, because I can't find them. The actual data undercuts that concept all together.

I think the thing that's kind of sad about that is that much of the public has been duped. When they hear about tort reform or they hear about frivolous lawsuits really what they should be hearing is that corporate America wants to take away the rights of the underdog to get a fair shake. The only place you get a fair shake these days is in a court of law. Why? Because it's not up to a king and the king's minions to that make a decision. It's 12 people from your community. You know what 12 people from your community can see through? The smokescreen that a corporation might put up.

Corporate America – primarily through the US Chamber and through these bogus organizations like American Tort Reform Association that are supported by big oil and big corporations – are trying to dupe the public into thinking that this is a problem that affects them, the little guy. What they're actually trying to do is take away the little guy's, the underdog's, the everyday man and woman's ability to get a fair shake.

Of all the parts of our Constitution, this is the most revolutionary idea that's in it. It's not freedom of speech; it's not gun rights; it's none of that. It's the right to have a trial by your peers because it's the great equalizer in our society. Do people think that politicians get elected because there's a mass outpouring of support from the general public unaffected by messaging from corporate America and the powerful interests in America? Heck no. Nobody thinks that, right? They think the system is rigged. But you know where it's not rigged? In the courts. And that makes corporate America mad because they want to have power in all three branches, not just in the two. [*pause*] And now I'll get off my soap box. [*laughter*]

OC: I appreciate your thoughtful, candid answer. Finally, do you expect you and your partners will be growing Altair in the near future?

CP: Our goal has been to try to remain efficient. And we still want to be efficient. But it's becoming clear that efficiency is not going to mean less. Sometimes efficiency does mean more. We are deciding which way we want to go. Do we want to take on more of these cases and add more personnel or do we want to keep the numbers as low as they've been and stick with just the staff we have?

We have a staff that is awesome but you can only push people so far before they start to break, and of course we don't want that. We want people to be happy to come to work and feel like they can get the job done well. There's nothing more frustrating than feeling like you've got so much work you can't get the job done well. We'll always make sure we do whatever it takes to ensure our people are happy.■

—Steven T. Taylor

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Of Counsel *Interview …*

Attorney's Big Win against Mazda May Ultimately Make US Cars Safer

Craig Peters grew up wanting to make a career of helping others. It seems he achieved his goal, as an attorney, most recently by winning a courtroom battle against the automaker Mazda over a faulty seatback that collapsed in an automobile accident, leaving a woman paralyzed. The jury awarded a $14.9 million verdict, which will of course help pay for her medical bills and life-long care. It, however, also serves as a precedent that might push federal regulators to change outdated standards on seatbacks and force the auto industry to make their vehicles safer.

In November, Peters was selected as the as the winner of Consumer Attorney of the Year Award at the Consumer Attorneys of California's 57th Annual Convention, largely because of his work in the Mazda case.

Those who work with Peters at San Francisco's five-attorney Altair Law see why he prevails in court so often. "Craig is extremely credible, perhaps the most important attribute for any trial attorney to have," says Kevin Morrison, a partner at Altair. "He's persuasive, prepared, polite and aggressive but in a respectful way – and that's not easy. He's a consummate professional."

Recently *Of Counsel* talked with Peters about the impetus for his legal career, three cases he's most proud of, "frivolous" lawsuits and other topics. The following is that edited interview

Of Counsel: What made you want to become an attorney?

Craig Peters: The big-picture answer is that I wanted to help people. I wanted to make a change. Originally I thought I wanted to be a doctor. But I realized that I tend to pass out at the sight of blood and so that probably wasn't a great career choice. [*laughter*] Then I thought I wanted to be a politician,

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