

3 Things Associates Should Never Say

By **Aebra Coe**

Law360, New York (September 14, 2015, 4:49 PM ET) -- Drawing the ire of powerful partners can be as simple as uttering an offhand comment that diminishes their trust or rubs them the wrong way, but experts say such blunders can be avoided by steering clear of a few key phrases.

In every interaction with an associate, partners are looking for an indication that the cases they seek help with are in good hands, said Amanda Martinsek, founding president of Thacker Martinsek LPA. She says that it is critical for associates to demonstrate maturity, commitment and an understanding of the serious nature of client matters while communicating with partners.

“On the flip side, statements that indicate the contrary are troubling and will linger — often for years,” Martinsek said.

According to Fluet Huber & Hoang PLLC managing partner Tom Craig, what partners truly want is a reliable teammate, and associates should avoid admissions that make them appear unable to fill that role.

“Handling an important client or managing a complex matter can be daunting for even an experienced partner,” Craig said. “Partners want to know that they have someone they can count on — that they are not alone in shouldering the burden.”

Here, partners divulge the three phrases an associate should never utter in their presence.

'I'm Too Busy'

While associates should not overpromise and then fail to deliver, the phrase “I’m too busy to do that” should never leave their lips, Craig said.

Instead of saying they are too busy, a better approach is to fill the partner in on what they already have on their plate and then ask for advice on how to best prioritize those tasks.

“If the partner cannot rearrange priorities, then the decision to put off the work will be his, not yours,” Craig said. “Most partners are much more willing to accept that situation.”

Whether or not an associate is able to take on a given task proposed by a partner, the associate should never be inaccessible because of a busy schedule, according to Sean P. Wajert, managing partner

of Shook Hardy & Bacon LLP's Philadelphia office.

"Anything along the lines of 'Sorry I missed your message' or 'I was busy and couldn't get back to you' should be avoided at all costs," Wajert said.

Associates are often very busy and building their ability to juggle multiple assignments, but no matter how new to the firm or practicing law they are, associates should respond promptly to partner questions or requests, he said.

"You must return voicemails or emails from the senior attorney, no matter what time they come in, and no matter what else you are doing," Wajert said. "Most partners will try hard to respect the work/life balance that flows from their firm culture, but whatever that culture, responding quickly and being responsive is essential to success as an associate."

An associate should think twice before saying no to a partner request to avoid being deemed unapproachable, unwilling or even lazy, said Shannon Conway, a partner at Talcott Franklin PC.

"As an associate, if you are too busy to take on a project within the offered deadline ... consider explaining that you can't take it on all by yourself given other deadlines, but that you'd be happy to find another associate to team up with and get the project done within the deadline," she said.

'That's Not My Job'

Michael Dockterman, a partner in Steptoe & Johnson LLP's Chicago office, says he never wants to hear an associate say, "I don't really want to do that kind of work."

It's perfectly fine for new attorneys to ask for a partner's guidance on a matter in which they are unfamiliar, Dockterman said, but they should never put the work back on the partner's desk or ask that she hold their hand each step of the way.

"Saying no in that way could be misinterpreted as being unwilling to shoulder your part and likely suggests that you are not a team player," Dockterman said. "You are very early in your career, the partner would like the chance to work with you, and you might actually learn something."

Another phrase to avoid, according to Dockterman, is "that wasn't my responsibility."

"Partners are owners, and being an owner means taking responsibility," he said. "If you signal you aren't ready to do that, you aren't ready to be a partner."

Martinsek says that when an associate has a "that's not my part on my job" mentality, they can let partners down in other ways by failing to go the extra mile and take responsibility for the gamut of the tasks they are handed.

Imagine an associate is given a project and a deadline, she said. The brief or memorandum that results, handed in soon before the deadline, is missing an obvious aspect of an issue or fails to address a question that begs to be answered. The partner mentions the issues to the associate and the associate responds, "I know, I wondered about that, too."

"Would you ever want to work with that associate again?" Martinsek said. "That would not be my first

choice."

'Did You Hear ...'

Law is a team sport and the ability to work well with colleagues, support staff and clients is an essential survival skill, according to Martinsek. That means, she said, any comment an associate makes that indicates an inability to work well with others is concerning.

Because partners and associates work so closely, interactions grow more casual, lines blur, and many associates are tempted to gossip or make negative comments about colleagues or clients.

"I do not want to hear bad things about your peers," Martinsek said. "Think about the inevitable 'Bachelor' scene where one of the contestants uses 'alone' time with the bachelor to tell him that another contestant is just using him. Nine times out of 10, both contestants are eliminated within a few dates. There is a reason for that."

The same applies in the world of law. Partners rely on the integrity of associates and their ability to be stellar team players, Martinsek said, and off-hand comments that demean others create a chasm in the bond of trust between members of the team.

The same applies to clients, she explained.

"There are associates who make light of client concerns one way or another or to one degree or another," she said. "For me, that is completely unacceptable. Clients come with serious problems and they deserve respect. If I get a hint that an associate feels differently, they will not be on my team."

Craig says he expects the same integrity from associates in their communications about his own work, and it's a deal-breaker for him when an associate tells him that he's right even when he is not.

"Partners tend to be highly confident people who value their own opinion, especially on the law," Craig said. "But associates are not paid to agree with them."

To the contrary, associates are often closer to the facts and sometimes more up-to-date on the law than the partner, he said.

"Associates are legal professionals with an independent duty to make sound legal decisions for clients and the firm," Craig said. "To do that, associates need to have the backbone to tell a partner when he is wrong."

--Editing by Jeremy Barker and Patricia K. Cole.