

4 Tips For Associates Dealing With Nightmare Partners

By **Jacob Fischler**

Law360, Washington (May 11, 2016, 7:58 PM ET) -- Associates might expect law firms to be filled with Type A personalities and litigators who love to fight, but some partners with short fuses or unrealistic expectations can make work life miserable for young lawyers.

Partners who allow everyday tensions spill over into rage-filled fits, dress down associates rather than mentor them, engage in unethical conduct or otherwise behave badly do their firms no favors, attorneys told Law360. But associates can take several steps to avoid such partners or improve their conduct, from sitting down with the adversary directly to reporting them to human resources.

Here, Law360 examines four ways to deal with partners who make life difficult for their colleagues.

Distinguish True Nightmares From Demanding Partners

There's a difference between an abusive partner and one who is simply demanding, according to Ankur Kapoor, a partner at Constantine Cannon LLP, who added that the latter is much more common. Partners can be demanding because they deal with demanding clients, and working with a hard-charging partner who expects a lot from associates can be a positive experience for younger attorneys, he said.

Working for a particularly demanding partner as an associate allowed Kapoor to build a reputation as someone who handled pressure well, he said. And the best way to deal with him was to give the partner what he wanted.

"It won't last indefinitely," he said. "When that person kind of realizes your value, I think they'll back off. They'll be more willing to listen to your opinion once you've established your credibility. ... You'll not only come out of it, you'll have earned that partner's respect, you'll have earned your colleagues' respect, you'll have earned other partners' respect."

Ethan Horwitz, a shareholder at Carlton Fields, noted not all obnoxious partners necessarily require a serious response.

"There are problem partners all the time," Horwitz said. "The question is: Does the problem rise to the level where it's intolerable or where you can see it's going to be intolerable? ... It really is where they're doing things that are really harmful to the health of the firm, as opposed to quirky."

Stand Your Ground

Joseph Price, a partner at Faegre Baker Daniels, recommends young attorneys do their best to understand what is making a vexatious partner act inappropriately. Perhaps it's an idiosyncrasy that manifests in certain situations that associates can learn to avoid, he said.

If that fails, however, a blunt conversation can go a long way, Price said. Associates should explain they are happy to take constructive criticism from senior partners but are unwilling to put up with browbeating.

"Confront this partner, and sometimes they'll back off," Price said. "I mean, they just love to bully people, and when somebody comes in and says, 'Tell me what the problem is here,' oftentimes they're astounded. ... If you're right, and this partner is just out of line, you have to stand your ground, and you have to stand up for yourself. Even if that is perceived as compromising your position in the firm or with the partner — life's too short."

And it's better to have those types of direct conversations earlier than later. Waiting to address a problem only allows it to persist, according to attorneys.

"I think by tolerating behavior, you teach people that it is acceptable," Horwitz said.

A smaller firm where Horwitz once worked lost a partner when the firm could not rein in behavior after allowing it to persist for too long, he said.

"I think had we spoken to him and had we not put up with it early on when it was a minor problem, I don't think it would have turned into a major problem," he said.

Report Bad Behavior to Management

Some behavior is unacceptable in any context. Discrimination, serious personal grudges or other actions that cross lines of basic decency must be reported to the firm's leadership, Kapoor said.

Firm management wants to know when an out-of-line partner could be driving away quality lawyers, which would be worse for the firm's long-term well-being than losing a top-notch rainmaker, Kapoor said.

And a partner who disrespects associates and other junior colleagues might also offend a client, which would directly cost the firm, he added.

"Good people are literally worth their weight in gold, and as a firm, as a lawyer, as a partner, you do not want to lose good people for any reason," Kapoor said. "And as a human being, you certainly don't want to lose good people because someone at the firm has been abusive. Not just as a matter of morality, but it's just bad business. ... The best law firms just don't tolerate it. They realize that even if that attorney is bringing in a lot of business, it's short-term."

For some junior attorneys, going above the offending partner's head might be the only option, Horwitz said.

"If you are an associate, and there is a heavy-hitter partner doing something, you're not going to be able to deal with that heavy-hitter partner," he said. "So you've got to go to management and talk to them."

If All Else Fails, Quit

If it's clear the partner is not going to modify his or her behavior, and the firm is unwilling to take a stand, associates should not be afraid to look for work elsewhere, attorneys said.

"The ultimate solution is people just pick up and leave," Price said. "There is more than one law firm out there in this country, and it's really easy to vote with your feet."

Associates may be wary about their prospects of finding new jobs. But sometimes the best choice is to bolt the firm, Horwitz said, especially if associates find themselves in situations where partners are encouraging them to participate in unethical practices, for example.

"If that's the problem you're faced with, get out," he said.

--Editing by Katherine Rautenberg and Christine Chun.

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