

Law Firm Management

essays by Karen M. Asner

WHITE & CASE

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written by **Karen M. Asner**

From 2004 to 2007, Karen Asner served as the administrative partner at White & Case and helped shape Firm culture, policies and strategic business objectives. During her tenure in this role, Karen wrote a regular column for Law.com, covering key topics of law firm management. This book is a compilation of the numerous articles she wrote for Law.com, including, "Where the Women Are," which received the 2007 Burton Award for Excellence in Legal Writing.



Making the Most of the Associate Evaluation Process

As seen on Law.com—December 21, 2007

by Karen M. Asner

Considering the amount of time and resources that law firms spend on attracting, recruiting and developing their lawyers, it makes perfect sense that firms also invest in creating an associate evaluation process that enhances the quality of life at the firm by providing associates and partners with an opportunity for open dialogue about management's performance expectations, the associate's progress in meeting them and objectives for professional-development initiatives in the coming year.

At White & Case, we found that the following best practices further shape the talent at our firm and create the foundation for a year-round dialogue.

Ask associates to develop a professional-development plan. Professional-development plans give associates the opportunity to assess their strengths and weaknesses, set specific goals and timelines and identify the actions necessary to attain them. More importantly, it helps them take ownership of their career development and gets their buy-in to the evaluation process.

Offer user-friendly self-assessment forms. Conducting self-assessments allows lawyers to provide information about their performance and shed light on their accomplishments and goals over the course of the year. Self-assessment forms should ask questions that engage associates to explore their performance over the past year and identify opportunities that will enrich their learning and development, such as CLE training, involvement in firm committees, bar association activities or client development activities, among others. It should also help identify skills that need to be developed—legal, leadership, management, business or client relationship. Offer self-assessment forms that strike the right balance of both qualitative and quantitative questions, with check boxes and areas to cite specific examples to support performance evaluation.

Preparing to give a performance review. Performance evaluations afford management the opportunity to apply the firm's performance standards, provide feedback and set developmental goals in line with their practice's objectives. Evaluation interviews should be carefully thought out, and evaluators need to be

as honest and precise as possible. What are the key points that must be communicated to the associate? What specific examples can be used to support conclusions of an associate's performance? Be frank and suggest specific actions that the associate should take to correct any weaknesses or developmental gaps. Also consider how you, as the supervisor, may have contributed to their shortcomings in the past year and how you can help improve their development going forward.

Preparing for the evaluation meeting. Associates play a critical role in determining whether the evaluation process will be a meaningful dialogue or a perfunctory interview. They should come armed with highlights of their greatest achievements and contributions over the past year, an honest assessment of areas in which they need improvement and suggestions of resources that the firm can provide to help achieve their professional goals. Partners need to be ready to discuss goals for the next 12 months and what opportunities associates are seeking to develop their careers, such as work assignments, training and development, client development, firm activities and pro bono.

During the meeting. Although associates should take the initiative by asking questions of partners to know exactly what is expected and what they should improve upon, most often partners are relied upon to steer the discussion. Some logistical questions to ask are:

- What have been your successes?
- What types of projects do you want to do more of?
- What have you found difficult?
- What are you unsure about regarding your performance?
- What expertise or skills do you need to develop?
- What has limited your development?
- What support do you need?
- What do you see as your next challenges?
- How can you work up to the next level?

Considering the amount of time spent by partners, associates and administrators on annual evaluations, it makes sense to get the best possible return on the investment by crafting an effective evaluation process that is accurate, timely and consistent. It will enable management to understand associate contributions, define clear metrics of performance, communicate management expectations and develop effective professional-development programs that will help support and retain your greatest asset—your people.



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Commentary: Elements of Effective Law Firm Orientation

As seen on Law.com—October 10, 2007
by Karen M. Asner

When I joined White & Case in 1995 as a new associate, my orientation primarily consisted of computer training and a healthy dose of completing forms for Human Resources.

Today, when entering classes of new associates are bigger than many small law firms, large firms must rethink how they welcome and orient their new lawyers in today's global marketplace.

We all know that making the transition from law graduate to successful lawyer is an unmapped and evolutionary process. While new associates have already learned a great deal about contracts and

case law, the skills required to successfully practice law are harder to discern. A comprehensive orientation regimen is essential to getting everyone on the road to success.

Offer regional and practice-specific orientation curriculum. An effective and comprehensive law firm orientation program allows new lawyers to integrate into the firm and, ultimately, become better and more productive lawyers. Practices and regions have different skill requirements, so be sure to speak to partners and associates to devise a matrix of attributes and talents most needed by new associates.

For example, as part of White & Case's orientation for our offices in Europe, the Middle East, Africa and Asia, new associates are invited to attend an intense multi-day conference, featuring sessions as diverse as client relationship management, cultural awareness, effective writing, comparative legal systems and time-management techniques. In our recent orientation for associates in the Americas, new lawyers also took part in a two-day mini-MBA program.

Use a formal mentoring program. Formal mentoring programs offer another important way to assist new lawyers in answering their ongoing questions about how to integrate into the firm. Having a partner or an associate available to provide advice or insight into firm culture adds a lot in terms of confidence and comfort level.

Mentors also can offer practical advice on how to get new work, turn down assignments when the load gets too heavy, manage time or work with support staff. While formal mentoring programs cannot and should not replace the informal mentoring that develops over time, it is a great way to help foster the growth and emphasize the importance of these types of relationships until they blossom naturally.

Introduce your resources. Continue to familiarize new associates with the operations of the firm, administrative groups and other resources while recognizing it is only one part of an effective orientation program.

For lawyers, a key to working efficiently is knowing what resources are available and whom to contact in the various administrative departments:

- What knowledge management tools are available for a particular practice?
- What is the process and what are the guidelines for charging billable work?
- When at-desk secretarial support is no longer available in the late evening, who can assist?
- If an unexpected RFP comes in from a prospective client, who in marketing is the go-to person?

Knowing how to effectively utilize firm resources is essential to a young lawyer's practical training.

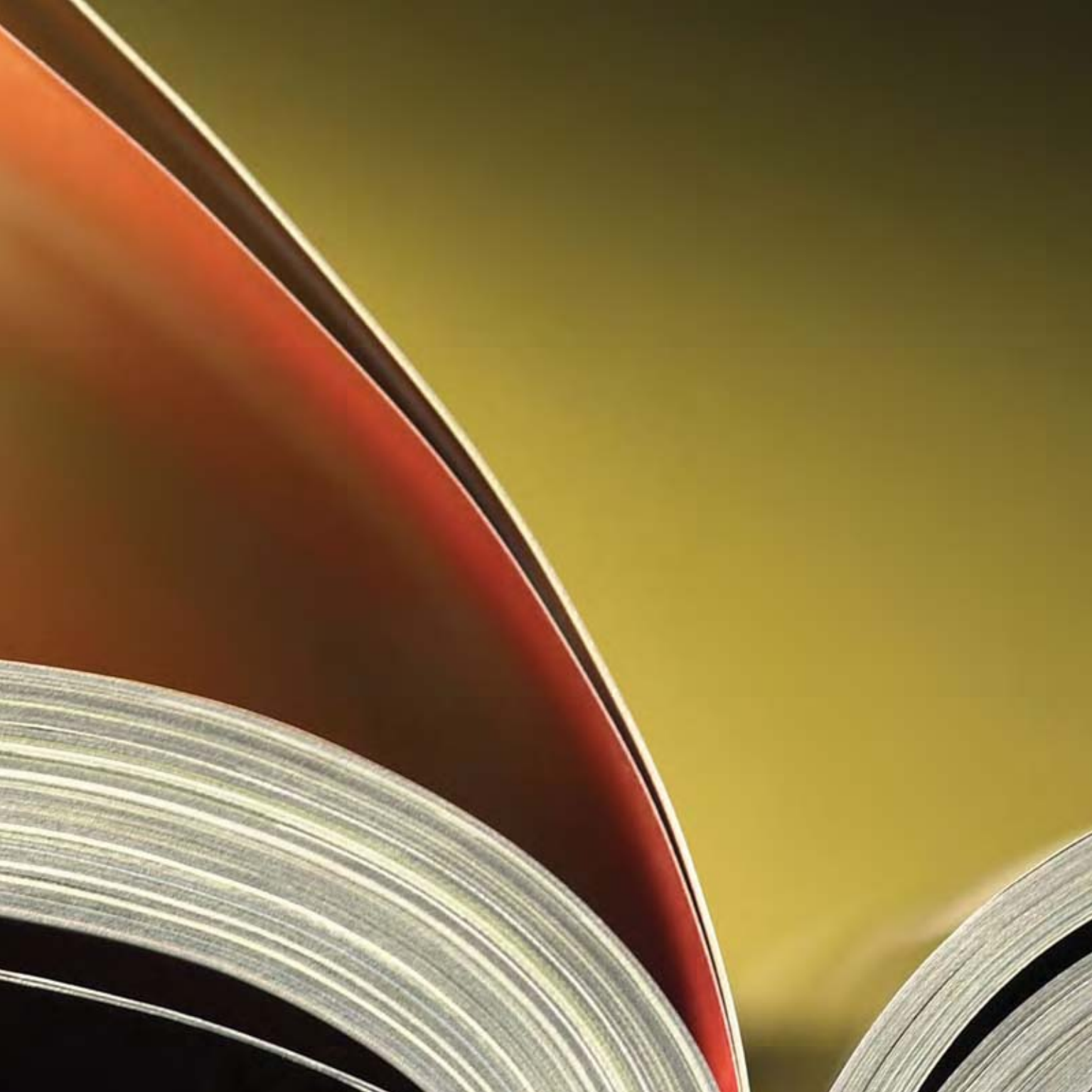
Get them to know your committees.

New White & Case associates get a formal introduction to the many groups that help enrich our working life at the firm, including our Women’s Network Committee, Diversity Committee and Lawyers’ Committee, just to name a few. Representatives from each of those committees speak to the associates about the various affinity groups they can join or upcoming networking events they can attend as well as other ways in which they can enhance their experience at the firm by getting actively involved.

Incorporate pro bono. Just about every law student will say that pro bono is one of the most important aspects of law firm life in which to be involved. To back your firm’s commitment and make pro bono more accessible, have pro bono hours included as billable time.

At White & Case, to further emphasize the importance we collectively place on pro bono, each new associate is given a pro bono case upon completing his or her initial orientation program.

Just as not all law firms are alike, there is no cookie-cutter approach to an effective new associate orientation. The key is spending the time to meaningfully introduce associates to your firm’s culture, expectations and resources—there is no better investment you can make.



How Law Firms Can Train the Global Lawyer

As seen on Law.com—August 1, 2007
by Karen M. Asner

Just knowing the law isn't the same as successfully practicing law, especially at a global law firm where certain skills are crucial to working successfully with clients on challenging cross-border transactions and multijurisdictional, precedent-setting cases. Helping your associates develop those skills early in their careers so they can quickly assume key roles is beneficial to them, your firm and, of course, your clients.

Industry surveys reveal that associates rank training and professional development as an important consideration in firm selection and career satisfaction.

Clients also tell us that excellent legal skills, while critical, are not the distinguishing factor they are looking for in their lawyers. The complex and demanding work that they entrust to us demands that their lawyers possess a much wider range of skills, such as the ability to working seamlessly with counterparts in other countries and knowing the cultural nuances that facilitate how business gets done.

At White & Case, we developed the Professional Skills Institute (PSI), which serves as an umbrella for our global training programs and ensures an organized approach to our professional development activities

worldwide. Held annually in each of our regions—the Americas, Asia-Pacific and Europe, the Middle East and Africa—PSI complements individual programs that are created to address the specific business needs of our diverse offices and extensive practice areas.

The institute has three distinct but interrelated tracks:

- Orientation programs offer a comprehensive introduction to the firm and provide a foundation of core skills for the practice of law at a global firm. The intensive multi-day conference offers practical and valuable sessions in client relationship management, cultural awareness, effective writing, comparable legal systems and time management techniques.
- Business skills programs help associates develop skills that are essential for the practice of law in today's highly competitive environment. By harnessing our internal best practices with the experience of select external consultants, we are able to provide tailored, hands-on training in communications, negotiation, business development and commercial understanding.

- Legal skills programs, such as our Mini MBA and White & Case Trial Academy, are tailored for the appropriate levels of associates' experience in their specific practice areas.

Since its inception, the PSI program has evolved, reflecting the demands of the marketplace and the changing needs of our firm and clients. For any global law firm it is imperative to develop a comprehensive, hands-on training program that covers specific legal and business skills and reflects how lawyers will work on deals and matters in the years to come.

Based on our experience with PSI during the last few years, we have come across some fundamental keys to forming a solid, well-rounded and progressive training program:

Develop tomorrow's teams today. Being a lawyer in a global firm provides many opportunities to work with colleagues from other offices and practice areas. The seeds for developing effective teams are sewn at the early stages of associate training. Training programs are an ideal forum to provide associates the opportunity to network and build close professional relationships with colleagues from around the world who will, ultimately, work with them in the future.

Incorporate cultural training. It is critical to understand the culture in which you are doing business and demonstrate that understanding to clients. In a global marketplace, your client base can come from anywhere. Lawyers who are trained on cultural sensitivities—such as dietary restrictions, customs, language differences and the proper way to greet people from other countries—help build client trust.

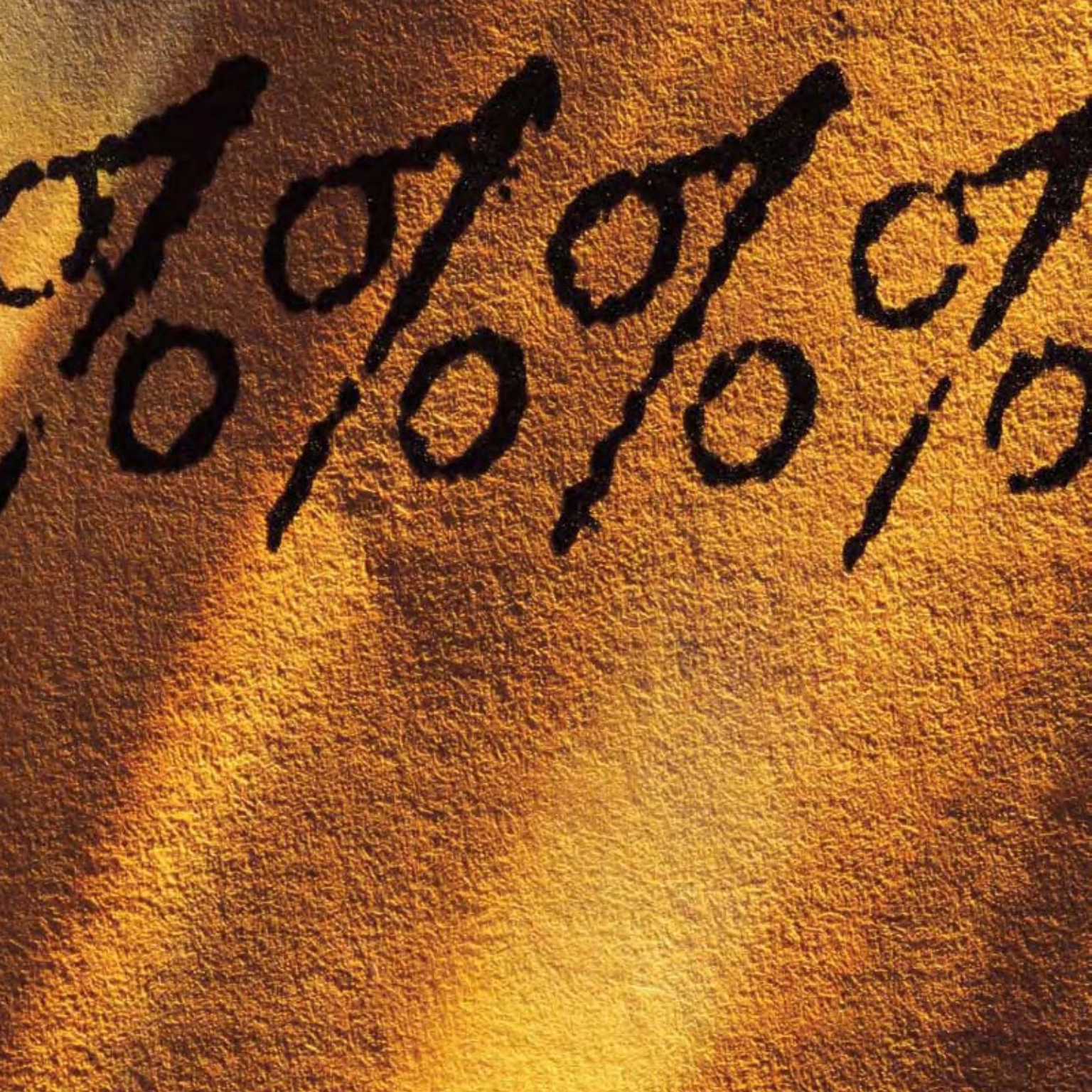
Pilot programs. Encourage your offices to develop courses as they see fit or as the need arises, whether those are geographic, industry-related or economic in nature. Your offices can be used as incubators for programs, which may eventually become an integral part of your training curriculum.

Make it practice-specific. Since every practice area brings with it a unique set of challenges, skills and opportunities, develop practice-specific training courses that widen lawyers’ abilities and skill set in that chosen area of law.

Learn from your clients. Enlist clients and/or alumni to provide their “front-line” perspectives during training programs. They can offer valuable insights and share their views on various business and legal issues. This is also a great way for building and sustaining client relationships.

Get feedback. Courses must continually be refined and retooled to reflect the latest thinking and practices. Associate feedback is a vital component of that process, not only through their evaluations of the programs but also through their suggestions in modifications and creating or piloting new programs.

Staying on top means always being a few steps ahead. Developing a comprehensive training program, which spans all levels from summer associates to partners, is an evolutionary process. A good lawyer is always learning; it’s our job to give them the tools to be great.



How Law Firms Can Achieve Optimal Procurement

As seen on Law.com—June 20, 2007

by Karen M. Asner

Few other administrative functions can directly impact a firm's bottom line as powerfully as procurement.

When managed effectively, procurement can deliver substantial benefits: expense savings, service enhancements, improved vendor relationships and utilization of advanced technologies to analyze and track firm spending.

For a global law firm, the procurement function plays a crucial role in leveraging purchasing power on a global scale to gain an advantage in negotiating services and costs with vendors. The results are tangible. Our firm, White & Case, recently achieved

\$12 million to \$15 million in annual recurring savings and improved the quality of service and vendor relationships in the process.

What Is Procurement?

Procurement's role is often misunderstood. The procurement team is not a group of "spend cops" who chase cost savings at the expense of service quality. The role of procurement is to leverage global spending to create strategic partnerships and pricing agreements with vendors that will deliver high-quality goods and services at competitive prices while striving to maintain superior customer service.

The procurement process is driven by such strategic objectives as:

- Cost reduction;
- Vendor management and relationship development;
- Strategic purchasing to fit current and future needs;
- Customer service;
- Contract management and external supplier compliance;
- Internal purchasing compliance; and
- Process enhancement.

Procurement professionals use their specialized skills and knowledge of the marketplace to add significant value and guidance to the process of selecting, negotiating and managing vendors. By coordinating vendor relationships across offices and/or groups, procurement can devise global and/or regional consolidation strategies to leverage your firm's purchasing power, getting the most value for your money.

Working with Procurement

Engage your procurement team as early as possible in the sourcing cycle to discuss your needs and why you need the particular services. Provide background information or a history of the project and any current service/goods providers to help the team evaluate what will work best. What is your budget? Are you buying a commodity or a strategic service? Are you buying at the best possible price, and how do you sustain competitive pricing? Should you buy or lease? What are the risks involved? Could your needs change substantially in the near term?

By consulting with procurement at the beginning to discuss requirements and business needs, the team can conduct proper RFPs, perform necessary vendor and/or product due diligence, manage the negotiation process and negotiate better prices and value-added services with vendors on your behalf. As a vendor-neutral party, procurement seeks to objectively evaluate and select the best supplier that offers the most attractive overall deal at the most competitive price and in light of other ongoing arrangements.

Procurement's job doesn't end after a service/goods provider is selected. An equally important factor to any successful vendor arrangement is ongoing compliance. This ensures that correct invoicing and payment for actual services delivered is in line with the terms outlined in the contract. Procurement also helps the firm mitigate risk, avoid paying any unnecessary expenses and limit duplication of services across practice groups or functional areas that otherwise might not communicate.

Additionally, the procurement team is in charge of vendor management and relationship development.

At White & Case, we designate a "user" of the goods or service who is responsible for monitoring and reporting to the procurement team on the quality of service and other deliverables from the vendor. From there, the procurement team conducts vendor reviews and can address any issues and complications so that remedial actions can be made immediately to keep the project on course. They also can help you decide whether to implement new agreements or renew contracts in light of the feedback received over time.

Vendors too can benefit by having more centralized points of contact who are able to effectively discuss a variety of expanded, strategic services that the vendor may be able to provide.

Procurement is more than just saving dollars and cents. It is a strategic function that can help each group, and your firm as a whole, work more efficiently to achieve your business objectives.

Best Practices in Implementing Law Firm Diversity Programs

As seen on Law.com—April 18, 2007
by Karen M. Asner

Achieving meaningful progress toward improved diversity has been a stubborn challenge at law firms. Recently, though, law firms are increasingly taking concrete steps, which are backed by dedicated resources and budgets, to achieve success.

Establishing the Fundamentals

Too often, it seems that much of the energy surrounding the desire to improve diversity is consumed in discussing and defining the problem. Every law firm has its own view of diversity, which

can include a broad spectrum of categories: gender, race, nationality, sexual orientation, parental status, religion and marital status, among others. The myriad of surveys and classifications that abound contribute to the complexity. For instance, under the Equal Employment Opportunity Commission guidelines, “a person having origins in any of the original people of Europe, the Middle East or North Africa” is classified as “White.”¹ By contrast, the Vault survey defines “minorities” as “those whose race is other than White/Caucasian and include . . . Middle Eastern.”²

It is therefore critical at the outset that, following appropriate discussions, a law firm develop a diversity mission statement that identifies what the firm values, so initiatives and resources can be directed toward agreed-upon goals.

The absence of uniform definitions also underscores the importance of implementing a voluntary self-identification survey. Such a survey will allow lawyers and staff to categorize themselves into the groups they believe are most appropriate and relevant to them and will prove invaluable toward the effective formation of affinity groups and other targeted diversity programs at your firm.

Incorporate open-ended questions such as, “Please identify any ethnicity, religion, cultural group or other similar category which is important to your identity (e.g., Caribbean, Middle Eastern, Eastern Orthodox, Veteran, etc.),” rather than merely using pre-determined categories. You will be surprised to learn of the groups with which your employees affiliate themselves most. Voluntary self-identification surveys can also provide useful information for client and government-mandated reports.

Choosing and tracking specific metrics is critical in assessing the true level of diversity at your firm and the progress you are making over time. Rigorous tracking can also demonstrate overlooked accomplishments.

Dedicating Resources

Law firms are beginning to understand that these types of initiatives take dedicated resources. Just establishing the fundamentals is time-consuming. To move beyond that point and create meaningful programs that address a law firm’s unique concerns takes particular expertise. In the past, law firms have typically relied solely on practicing lawyers and committees to address these issues, thereby subjecting the best of intentions to the constant competing demands of client work. While committees may still form an integral part of a law firm’s efforts in helping to set a “tone from the top” and accomplish key objectives, they cannot be the sole resource.

At White & Case, among other efforts, we hired a full-time manager of diversity programs. Maxine Williams is an accomplished lawyer with international and human rights experience. She works with our recruiting, professional development, pro bono and marketing departments to develop strategies and

implement programs. She also acts as a resource in providing lawyers and staff with updated data and descriptive information for diversity sections of client pitches and proposals. Professional development staff also can monitor the work assignments of associates, ensuring that work is evenly distributed and that career-making opportunities are afforded to a diverse group of associates.

Developing the Culture

Creating a diversity culture at a law firm is no easy feat. There will be skeptics who will need to be answered thoughtfully and persistently. Top management, therefore, must clearly express and deliver support for the firm's diversity goals.

At White & Case's last global partners' retreat, diversity was a highlighted topic during our plenary sessions.

Clients and legal talent—the lifeblood of all law firms—also are particularly effective at convincing outside counsel to shore up and sustain their diversity efforts. According to the last census, among Americans age 70 and up, there are 5.3 white people for every person of color—a ratio of roughly 5 to 1. For Americans below age 40, the ratio is 2 to 1. Among children age 10 and younger, the ratio is 1.5 to 1.³

Consumer buying power among people of color also nearly doubled over the past decade, at a much faster pace than overall purchasing power.⁴ Numerous other statistics abound concerning various categories of diversity.

Corporations serve this diverse client base and understand that a diverse legal team is best able to provide the most appropriate and effective solutions for the spectrum of matters that arise in the operation of their business. Law students are equally concerned about joining a law firm that concretely demonstrates the ability of all to succeed.

It is therefore not just altruism that drives diversity efforts, but solid business sense. Law firms must effectively respond to this challenge or face an increasing disadvantage in the competitive marketplace.

1 Equal Employment Opportunity, Instruction Booklet Standard Form 100, REV January 2006. Equal Employment Opportunity Commission O.M.B. No. 3046-0007

2 Vault/MCCA Guide to Law Firm Diversity Programs, 2007 Edition, p.18

3 Christopher J. Metzler, Esq. "Selecting The Diversity Consultant—Ensuring the Emperor Has Clothes"; Workforce Diversity Reader Spring 2003.

4 Ibid; Metzler.



Law Firm Partners Find Out What Associates Really Think of Them

As seen on Law.com—February 22, 2007
by Karen M. Asner

It is probably fair to say that law firm partners are not known for their highly developed sense of their own interactions with associates. Most, to the extent they give it much thought, probably believe that they are good managers, provide insightful feedback, are generally well liked—the list could go on and on.

But ask associates their views, and you will often get a very different perspective.

The one thing that both sides are likely to agree on is that engaging in a meaningful dialogue on these issues is extremely difficult. Upward reviews—when done right—are a nonthreatening and productive means by which this invaluable feedback can be shared.

Upward reviews give associates the opportunity to evaluate and provide input on the management and leadership performance of partners with whom they regularly work on deals, cases, committees or pro bono matters.

Law firms aiming to create an outstanding work environment for their associates and attract prospective recruits should seriously consider implementing an upward review process.

White & Case first rolled out an upward review program several years ago. The results can be quite eye-opening, but ultimately, the process can make a powerful impact for improving management performance and reinforcing the value you place on your associates.

Where to Start?

Conducting initial focus groups with partners and associates will help you to discover and explore the core values that are most important at your firm.

You may be surprised to learn the range of values and priority of importance associates place on a variety of characteristics such as: trust, respect and integrity; training, mentoring and associate development;

teamwork and team building; sensitivity to the needs of others; ability to manage change and stress; leadership and vision; time management and associate feedback.

This is a crucial first step in developing an evaluation questionnaire that truly captures the qualities most valued by the lawyers at your firm.

Keep It Confidential!

White & Case found that it is critical—from both the associates' and the partners' perspectives—that upward evaluations are anonymous and confidential. It therefore should be clearly communicated to all participants that any feedback they provide will be safeguarded. If associates feel their identities may be discovered, they will censor their responses out of fear of reprisal at a later time.

Aside from not directly attributing the comments or other feedback to specific associates, it is important to implement procedures by which partners cannot read between the lines to determine who made particular comments. For example, requiring a minimum number of associates to review a partner before a report is generated and only providing

average scores aids in reassuring associates that they can be candid.

Likewise, White & Case has found it is important that partners are also assured that their evaluations will be kept confidential from all colleagues other than the select few in management who are responsible for working with partners to understand their feedback and to implement suggestions for improvement.

Facilitate a Reality Check

Partners also should be encouraged to complete their own self-assessment in advance of obtaining associate feedback. Doing so will allow partners to fully understand the assessment criteria in advance of receiving specific feedback. This process also will show partners, at times rather pointedly, how their self-perception differs significantly from that of associates.

Importantly, a self-assessment can also point out where a partner doesn't fully appreciate what he or she does really well, in addition to finding areas for improvement.

Rolling It Out

White & Case hired an outside consultant who had the experience, the needed skills and an objective, outsider perspective that can be invaluable to implementing a new initiative. Hiring an outside expert, however, cannot substitute for clear communication by management of the fundamental importance of the initiative and how the information will be used.

Running a pilot first for one office or practice area can be helpful in ensuring success and working out kinks before implementing the program on a more comprehensive basis. White & Case initially rolled out the program in its New York office and, after receiving very favorable buzz about the program, implemented it in other offices, as well as for senior associates.

Post-Evaluations Matter Most

The true value of the upward review is the knowledge each partner gains about his or her management strengths and areas for improvement, so that each can become a more effective manager and leader. Spending the time to make sure partners really understand what the results mean is critical and can be done in group sessions, which are designed to put the results in context.

In some instances, management also will need to sit down with individual partners to discuss specific challenges.

Regardless of the form it takes, working with individual partners to improve is critical, as nothing can stall a program faster than a belief by associates that management does not take their feedback seriously.

Following the start of White & Case's program, the rating for partners improved in every category in just one year—reflecting how seriously and positively the partnership viewed the feedback.

Implementing an upward review is a major step toward improving overall management performance and enhancing leadership skills. It gives associates an important avenue to provide feedback on their bosses and, for partners, provides a valuable way to improve their management skills and retain top talent.

Done right, it's a win-win situation, and law firms should tap into this valuable resource.



A New Year's Resolution: Creating a Healthy Law Firm

As seen on Law.com—December 26, 2006
by Karen M. Asner

As we look at our goals for the New Year of increasing revenue or building new client relationships, another important resolution to add is creating a healthy organization. Law firms are now seeking ways to shape healthier work environments for their employees and realizing the benefits of adopting a health-conscious culture. For lawyers, working for a firm that promotes a healthier lifestyle for its employees is a very valuable benefit, especially given the number of hours that we spend at the office.

The benefits to the bottom line can be substantial. "During the past decade, research has validated the effectiveness of employee wellness programs. For every dollar spent on a wellness program, the returns have been cost savings between \$2.30 and \$10.10 in the areas of decreased absenteeism, fewer sick days, reduced Workplace Safety and Insurance Board claims, lowered health and insurance costs, and improvements to employee retention, performance and productivity."¹

There certainly is no question that employees appreciate working for an organization that shows concern for their general health and well-being. Adopting a healthier way of life directly impacts every part of the day—particularly during those extra hours that lawyers tend to work. In today's busy law firm environment, a doctor's visit to get a flu shot or plans to go to the gym after work often falls to the bottom of the priority list. A good wellness program facilitates the process by making health initiatives easily accessible to employees.

Considering these mutual benefits, it is important to examine what measures your firm is taking to reduce stress and improve the health of your employees. How much can you save in lost productivity by initiating a few changes to your corporate culture? What opportunities do you have to integrate new or better health programs? Who will be your program champion and how can you reinforce management support? Assess who, within your firm—partners, lawyers or staff—is likely to use the program and find creative ways to attract others to participate in the program.

At White & Case, we launched wellnessWorks for Me, a comprehensive wellness program that motivates lawyers and staff to improve their health and well-being. This global health program is available to all lawyers and staff, and information is accessible on an interactive website. Following the completion of a wellness assessment, an employee gets a confidential personal homepage tailored to his/her health needs, with preventative care reminders for dental checkups, physical exams and annual flu shots, special interest health articles and a summary of any programs in which an employee is currently enrolled.

The wellnessWorks for Me program also sponsors a variety of on-site health programs including:

- Exercise classes such as circuit training, basic and power yoga, kickboxing, Pilates, Taoist breathing and mediation classes.
- Annual flu shots, discounted on-site weekly massages, periodic health fairs and weight management seminars.
- Employee Assistance Program offering individuals the opportunity to discuss and resolve personal issues with the assistance of professional counselors.
- Healthy Living Programs such as stress relief, healthier diet, reducing the risk for cancer, diabetes or heart disease, smoke-free and healthy aging.
- Personal coaching for employees who want to make positive changes in their lives, such as losing weight and getting in shape, or eliminating unhealthy behaviors and reducing disease risk.
- Nurse24, a toll-free telephone number providing immediate clinical support from a registered nurse for health issues and questions that otherwise might lead to an unnecessary doctor or emergency visit.
- Wellness tools, such as exercise guides and recipes for healthy meals, a nutrition and medical encyclopedia, diet reviews, sports medicine and calculators to determine body mass index and composition.

A key feature of wellnessWorks for Me is the Incentive Rewards Program, whereby participants can receive discounts on their health insurance contribution, or the cash equivalent for non-participants of the White & Case health insurance program. Rewards earned by partners are donated to a charity of their choice.

White & Case lawyers and senior legal staff in the New York office also enjoy the convenience of our on-site health and fitness center, open on most work days until 10 p.m., and supervised by professional fitness staff that provide complimentary personal training sessions. In our US offices, we offer corporate health club discount memberships to a choice of 19 gyms, all with established brands and a number of locations.

Beyond changing or adopting a new wellness program, there are a number of organized sporting events in which firms can participate, or which they can sponsor, to encourage employees to become active, such as the JPMorgan Chase Corporate Challenge or America on the Move. A double bonus is that some events also help raise money to support worthy causes, such as the Avon Walk for Breast Cancer, AIDS Walk and the Multiple Sclerosis Society's Bike Tour.

Getting other ideas to promote a healthy culture can be easily found just by looking at the athletes, marathoners, century riders and tri-athletes who work at your firm. Initiated by our lawyers and staff, White & Case now has quite a panoply of sports teams including rugby, cycling, bowling, tennis, soccer, football and softball. This past summer, teams from 12 of our offices competed in our fifth annual White & Case World Soccer Championship in Berlin.

Diet also should not be overlooked. If your company has a subsidized cafeteria, consider using one of the specialized corporate caterers offering an option for healthy menus with a wide selection of tasty and nutritious meals containing fewer calories, lower saturated fat, low cholesterol and sodium, and increased dietary fiber. Get rid of the ever-present cookies in conference rooms—or at least add a healthy alternative!

Creating a healthy mind and body should be a priority for everybody. Firms that aim to protect and help their most valuable asset—their people—achieve this goal do an invaluable and lasting service to both their employees and their bottom line.



Commentary: The Inside Scoop on Outsourcing

As seen on Law.com—November 15, 2006
by Karen M. Asner

Although law firms have traditionally outsourced services like security, travel or mail, the allure of Thomas Friedman’s “flat” world has some law firms looking hard at whether to outsource other functions.¹ The options are no longer limited to an outside vendor running a service in-house. Instead, firms face an impressive array of options offered around the globe, from Chennai, India to Wheeling, West Virginia. Navigating these decisions requires thoughtful consideration of your business goals and careful planning.

Let Your Business Goals Guide the Strategy

Review of outsourcing options is most often triggered by the desire for cost reduction. Although the lure of

potential cost savings and operational efficiency is a powerful siren, outsourcing can offer numerous other benefits that further important business goals:

- Outsourcing can enhance service to clients and lawyers through greater operational coverage and better product area experience.
- Outsourcing can free up management to focus on other strategic areas for the firm.
- Third-party vendors are more focused on a particular product or service and are more likely to stay abreast of the technological changes and other industry innovations that will further improve service and lower costs.

When White & Case expanded its outsourcing arrangements to include its word processing, creative design and publishing functions, the critical factor aside from cost-efficiencies was the significant potential for improving client and lawyer service. By moving these functions to an outside global vendor, the firm eliminated duplication of staff and equipment, consolidated and cross-trained staff, improved cost efficiencies and set a better firmwide support platform to leverage its global capabilities and 24/7 service. Smaller offices are now able to access improved service on a 24/7 platform that notably upgrades their ability to serve both lawyers and clients.

Similarly, White & Case's objective behind outsourcing a truly professional concierge and conference management service, commensurate with its newly upgraded New York conference center, was to create an environment that supports the Firm's client service ethic. Its clients now experience a seamless welcoming reception service, upgraded audiovisual support and streamlined conference booking.

How to Evaluate the Array of Options

Although cost-savings are often touted as the most obvious and achievable benefit of outsourcing, prepare an apples-to-apples comparison of the costs and benefits of keeping a function in-house, or insourcing (keeping it in-house but moving to a lower cost location), versus outsourcing.

Carefully research a vendor's history, capabilities, competitors and definitely follow-up with their references. Speak to your peers at other law firms to see what works and doesn't, and get additional referrals. Friends outside of the legal profession can share a wealth of information from their experience, since corporations have been outsourcing functions for longer.

Depending on the function, it may be essential to use vendors with law firm experience because they will be familiar with handling confidential information and complying with particular ethical rules.

Manage Your Outsourcing Strategy and Process

Once the vendor has been selected, a detailed rollout plan must be created. Thoroughly evaluate the work product during the transition phase—including setting up a “shadow” team that performs the same tasks for comparison. Consider having an on-site project manager from your vendor who will be available for daily communications and who will understand your business.

It must be acknowledged that outsourcing decisions always make staff anxious—and understandably so. It’s crucial, therefore, that staff who are affected by the decision, whether they are moving or staying, be communicated with frankly and supportively. Once the dialogue gets past the anxiety stage, people are eager to look forward to the future and the new opportunities that may unfold.

Once the transition is handled, many fail to achieve the potential benefits because they fail to properly manage and monitor their vendors. Craft an agreement that explicitly documents service requirements, and specifies the processes and deliverables up-front. It is

critical to watch increasing costs over time, as any cost savings that you initially achieved can be quickly eroded.

Also, make sure your contract includes a clear exit strategy, with well-thought through provisions on how information will be accessed and data gets returned.

Outsourcing arrangements are multi-faceted processes that require attention to business goals, human resource issues, technology and overall project management. Whether you decide to venture across the globe, or keep things across the street, consider all of these issues and regularly revisit your goals to ensure the arrangement is meeting your ever-changing needs.

¹ Thomas L. Friedman, *The World is Flat* (New York: Farrar, Straus and Giroux, 2006).



Creating Win-Win Flexible Work Arrangements

As seen on Law.com—November 1, 2006

by Karen M. Asner

There was a time when “flexible work arrangements” for lawyers meant that if you worked late on both Saturday and Sunday, a 10 a.m. arrival on Monday was permitted.

Now, however, both lawyers and non-lawyers seek flexibility to help achieve a healthy work/life balance. Data released by the Bureau of Labor Statistics in July 2005 shows that nearly 30 percent of all full-time employees in the US had flexible work schedules.¹ Factors such as the growing number of dual-career couples, child and elder care responsibilities, changing demographics and pressures in the marketplace have contributed to the increased demand for more inclusive flexible work options. The traditional view that flex time is only for working mothers is an anachronism, as employers are expanding their flexible work programs to include all employees, regardless of age, gender or parental status.

The reason is not purely altruistic. Employers recognize that giving employees the flexibility to

balance work and personal obligations can help increase the retention of experienced and valuable staff, assist in recruiting and diversity efforts, boost employee loyalty, productivity and collegiality, and enhance overall corporate image.

And clients benefit as well. In a law firm study conducted by the Project for Attorney Retention (PAR) at American University Washington College of Law, many in-house counsel expressed support for flex time work at law firms.² Since it typically takes six to 18 months to get a new lawyer up to speed, cutting down on attrition costs and preserving institutional knowledge can benefit firms and their clients in the long run.

My firm recently formalized our flexible work arrangement program, which allows lawyers in our US offices to develop flexible work arrangements on a gender- and reason-neutral basis. We created a program that goes beyond simply allowing reduced work hours by providing a wider range of options

from working part-time with a reduced workweek or reduced annual hours, to taking time off between assignments or telecommuting on a regular basis.

Because flexible work arrangements represent a way of working that challenges many traditional assumptions at law firms about how, where and when work gets done, developing and rolling out such a program takes careful planning:

1. Build organizational support. Ensure management support for the initiative and clearly communicate it. Promote the importance of the link between flexible work arrangements and business goals.

2. De-stigmatize and address issues upfront.

Making the program universal across the firm helps eliminate stigmas and resentment. To avoid participants' concerns of being "mommy-tracked," or ineligible for promotion or partnership, clearly communicate modifications to the pace of one's career trajectory and set benchmarks to remain on a progressive career track.

3. Formalize the process. Institute a formal policy and procedures for flexible work arrangements—informal policies lead to inconsistencies and

inequities. Candidates should present their case by developing a proposal that outlines the details of their proposed flexible work arrangement, describes how work demands will be met, identifies challenges and suggests solutions.

4. Ensure consistent and optimal client service.

According to PAR's study, a key concern for in-house lawyers was that outside counsel be accessible when they were needed and responsive to client concerns.³ Because flexible work arrangements mean that lawyers will not always be working at the same time or location as their colleagues, it is essential that there is frequent and effective communication about how and when lawyers are accessible. Online calendars, e-mail and voicemail can all be used to assure that clients and lawyers know how someone can be reached. Over-communication, especially when everyone is getting used to a more flexible way of working, is better than under-communication.

5. Recognize not all positions are alike. Associates whose work requires a significant amount of interaction with clients and/or other lawyers may not be as compatible with flexible work arrangements or may require more extensive planning.

6. Consider the effects on other lawyers, partners and clients. Decisions cannot be made in a vacuum. Determine which tasks and relationships may be affected by a flexible work arrangement and come to some mutually agreeable solutions to potential challenges.

7. Set benchmarks for monitoring and measuring. Propose clear measurable criteria and a timeframe to evaluate the ongoing viability of the flexible work arrangement and, as needed, modify activities and work schedules.

8. Ensure they are still part of the team. Provide the tools and support for supervisors and employees who participate in the program. Every effort should be made to continue mentoring and training program participants and ensure ongoing communication with them. Participation in conference calls, meetings, retreats or other firm social events is essential in ensuring that participants and colleagues recognize that flexibility does not inhibit one's role as part of the team. Participants in the program should share best practices and communicate successes to guide others who may be interested in participating in the future.

Striking a win-win flexible work arrangement for law firms, lawyers and clients is a challenge, but it is well worth the investment to get it right. One recent study by WFD Consulting found a connection between workplace flexibility and reduced turnover, increased revenues, faster cycle times, better client service, stronger employee commitment and reduced stress.⁴

Any one of these benefits alone is important. Taken together, they present a compelling case for law firms to embrace more flexible work arrangements for their lawyers and staff.

1 Patricia Schaefer, "Flexible Work Arrangements: Employer Solutions to Common Problems," Business Know-How, 2005, <http://www.businessknowhow.com/manage/flex-work.htm> (accessed September 13, 2006).

2 The Project for Attorney Retention, Program on WorkLife Law of American University Washington College of Law, Better on Balance—The Corporate Counsel Work/Life Report, (December 2003), http://www.pardc.org/Publications/BetterOnBalance_sum.shtml (accessed September 14, 2006).

3 The Project for Attorney Retention, Program on WorkLife Law of American University Washington College of Law, Better on Balance—The Corporate Counsel Work/Life Report, (December 2003), http://www.pardc.org/Publications/BetterOnBalance_sum.shtml (accessed September 14, 2006).

4 Robin Hardman, "Flexible Work Arrangements Can Mean Good Business," AICPA Career Insider™ Newsletter, August 24, 2006, <https://www.cpa2biz.com/Career/Flexible+Work+Arrangements>.



Six Steps to a Global Network for Law Firms

As seen on Law.com—August 16, 2006

by Karen M. Asner

While most of corporate America quickly embraced technology as a way to improve their business, law firms came a bit later to the party. Computers now may be ubiquitous at all major law firms, but many still struggle with larger technology issues, particularly when it comes to networking multiple offices.

For a global law firm like White & Case that boasts nearly 2,000 lawyers in 36 offices in 24 countries, establishing a seamless technology network that provides lawyers with the exact same access to documents, e-mail, phone messages and databases regardless of location is not only good business but central to our firm culture and identity.

Many clients select our firm specifically because of our ability to advise on complex, cross-border matters by drawing on lawyers with local law experience in multiple jurisdictions. It's not unusual for a Paris lawyer who drafted an agreement to be forwarding a redline version of it to a counsel in Moscow at the same time as a New York partner is reviewing the document en route to a client meeting in Beijing.

That's why it's so vital that regardless of where our lawyers are located, they have easy access to the

same document (and its related drafts) on a single system that can be called up immediately on a desktop, laptop or mobile device.

This is no small feat when you're talking about networking 2,300 PDAs, 6,000 computers, several hundred software programs and technical support for 16 languages. And while few firms have the geographic reach of a global law firm, those firms that still rely on a piecemeal approach to networking—cobbling together legacy systems that were used before a merger or trying to integrate customized systems with standard products—will likely spend more in the long run addressing lost productivity, lawyer and client frustration, and emergency fixes than if they had made a long-term investment in creating a seamless unified network.

In developing our network, we've learned a multitude of lessons, including:

Buy Out of the Box. It's far more cost-efficient to select quality, out-of-the-box products than to develop customized systems of your own. Whether for a client relationship management system or e-discovery and document retention needs, there are a multitude of

pre-designed programs out there to choose from, and we utilize a centralized server to deploy them across the network that allows for an international platform.

By using out-of-the-box products, the learning curve is minimal, as partners and staff are generally familiar with standard programs like MS Office or Outlook, and training costs are greatly reduced.

This approach also allows us to focus on best practices to optimize utilization of these products instead of spending a lot of time writing code or trying to ensure a custom database will work with our mainstream products.

Focus on Client Needs. A strategic and carefully developed technology network not only offers our lawyers great flexibility by enabling them to work remotely but also offers unique client benefits. We offer clients remote availability to their files, but with carefully constructed firewalls, so that only authorized people can download the information. This saves our clients considerable time and money because they can access the information themselves without having to call one of our lawyers and wait for them to locate and send them a particular document.

Provide A Helpdesk That Really Helps. Because we work around the clock and around the globe, we provide 24/7/365 coverage through our Global Service Desk, which is run through New York with satellite offices in Brussels, Singapore and Hamburg.

Yet when research revealed that 50 percent of all calls to our Service Desk are related to “how to” questions (i.e., how do I do a mail merge? Or how do I import my Outlook contacts into our MIS database?) rather than technology problems, we realized that we needed an additional solution. So we created various specialist desks for Microsoft Suite applications, where an expert on Excel, for example, will walk our lawyers or staff through a particular process. This frees the rest of our technology staff to focus on troubleshooting.

Say No to iTunes. Even with anti-spam software installed on all our computing devices, 77 percent of all e-mails we receive are spam.

Spam clogs our network, slowing down the speed at which information can be accessed and limiting our capacity to download legitimate messages and process documents. That’s why we limit what types of software or Internet programs can be installed on individual computers.

This doesn't always make us popular with some of our associates who want to know why they can't download iTunes on their desktop, but our main focus must be on keeping as much bandwidth available as possible and avoiding nonauthorized programs that can slow down our systems and place the firm at higher risk for viruses.

Ensure Data Security. It's all too easy for a lawyer to inadvertently leave his memory stick in a hotel room or her BlackBerry in a cab on the way to the airport.

If the information on those portable devices isn't password-protected and/or encrypted, we may be putting our firm's and our clients' sensitive information at risk.

We therefore mandate that all devices are password protected and employ data encryption programs.

Incorporate Contingency Planning. Given the breadth of our network and the number of lawyers and clients who rely on it, it's also critical that we incorporate contingency planning into any technology program.

For example, when a lawsuit threatened to shut down all BlackBerry access in the United States earlier this

year, we had already test-piloted and had the right to acquire an adequate number of alternative PDA devices, so that if the worst happened, our lawyers could continue working without interruption.

And when the subway and bus strike in New York City occurred last December, forcing many of our staff and lawyers to work from home, we already had a system in place to handle increased capacity for remote access.

Conclusion

While the initial investment to build a seamless network is substantial, once it is developed, maintenance and support staff to keep operations running smoothly generally cost far less than those with poorly integrated systems. In fact, studies show that the average law firm dedicates six to seven percent of their gross revenue to technology spending—at White & Case we average just 2.9 percent. The bottom line is that a seamless integrated technology solution is not only crucial to the long-term success of a large law firm but in many ways it is the lifeblood of the firm itself—circulating the crucial information that our lawyers need to help clients succeed.



Where the Women Are

As seen on Law.com—July 15, 2006

by Karen M. Asner

While the number of women in law schools now roughly equals the number of men, the same unfortunately does not hold true when it comes to women partners in law firms. The National Association for Law Placement reports that about 17 percent of partners at major law firms are women, up from 13 percent ten years ago. While that's progress, the numbers are not increasing as quickly as most of us would like.

Most law firms these days recognize the importance of recruiting and retaining top talent, regardless of gender, particularly in an increasingly competitive job market. Thus, the problem isn't that law firms aren't willing or eager to make their women lawyers partners—it's that so many of the women leave before

such promotions can even take place. Studies show that the number of first-year associates at major law firms is generally split evenly between women and men. But beginning in the fourth or fifth year, women depart law firms in greater numbers than men, leaving less of them in the partnership pool.

Part of the problem stems from the fact that just about the time when an associate begins taking on increasing responsibility is also generally a woman's prime childbearing years. As a commercial litigator who also acts as our firm's global administrative partner and the mother of three, I know first-hand the challenges of trying to balance professional and personal obligations. And while most women lawyers would like to keep working once they become mothers,

the expectations placed on them at most major law firms sometimes can be overwhelming, so it's not surprising that some female lawyers make the decision to cut back on their hours if they can or leave a firm all together.

A female associate may be reluctant to voice concerns about juggling various commitments for fear she will be seen as not committed to the firm or her clients, and automatically be "mommy-tracked." Rather than ask for a temporary leave of absence or a more flexible schedule, she simply will overextend herself to the point of burnout, inevitably leaving the firm that much sooner. Firms therefore need to take a hard look at their flextime policies (assuming they even have one), as we have recently done at White & Case, to ensure that the policies are well-designed, well-understood and well-implemented.

Beyond that, however, key issues remain. A 2001 study of top law school graduates by think tank Catalyst revealed that while women clearly struggle with work-family obligations, the biggest reason women lawyers leave a firm is because they are dissatisfied with work itself or feel stalled in their careers.

Why do women feel dissatisfied? The Harvard Center for Work-Life Policy study found that only 20 percent of highly qualified female lawyers cited "a powerful position" as a very important career goal. Yet the percentage of women who said that "helping others" or "improving society" was one of the most important factors in picking a career was double that of men. Thus, if women feel the client work they are tackling is not advancing a "greater good," they may indeed be less satisfied with their jobs, prompting them to depart sooner.

Women also may be more apt to downplay their abilities and accomplishments than their male counterparts. A study done by Harvard Law School revealed that 33 percent of male students considered themselves in the top 20 percent of their class in legal reasoning, but only 15 percent of the women did. Note that this is not how the law students were actually ranked, but rather how women perceived themselves. Other studies have shown that women are more likely to share credit for a completed project than men, so supervising partners may erroneously perceive that a male associate is actually contributing more to a project's success, rewarding him with more responsibility.

The issues surrounding retention of top female associates are admittedly complex but it seems apparent that these factors help shape how women associates interact in the law firm environment. If they are less likely to view themselves as top performers or take full credit for their work, they are less likely to be singled out for exciting, cutting edge assignments. And it's the cutting edge, high-profile work that gets the attention of firm management and leads to partnership promotions.

These issues are at the heart of why some firms, including White & Case, have embraced women's networks as well as other retention and development tools geared specifically for women.

White & Case has a strong model that includes business development, alumni relations, peer support, networking and career development. Our program consists of a national steering committee with a mandate from top management to address the main underlying issues or barriers to women's success as well as a women's network that facilitates individual offices bringing together female associates, partners, alums and clients in a supportive environment to network, to talk about issues of common concerns and to offer speakers and seminars on topics that

assist in the development and advancement of women associates.

Last fall, we held a national retreat for all of our senior female associates. The two-day event held in New York brought together female associates from all our US offices, allowing our women lawyers to strengthen current relationships and forge new ones. In addition to roundtable discussions, workshop panels, and networking opportunities, there was a reception and dinner attended by our entire worldwide Management Board to reinforce the importance of this initiative to our organization and to provide our women associates the opportunity to interact with the Firm's top leaders.

Just as there's rarely one simple solution for a complex legal problem, there's no easy answer on how to increase the number of women partners. What we do know, though, is that simply hiring an entering class that is half women isn't getting us where we need to be. We need to continue to find solutions that meaningfully increase the number of women who stay in the running for partnership. Fifty percent of the talent pool—and by definition the future of law firms—depends on it.



Commentary: Let Lawyers Be Lawyers

As seen on Law.com—May 24, 2006

by Karen M. Asner

Less than 15 years ago, partners at most major law firms were responsible for running all aspects of a firm. One partner assumed responsibility for accounting and billing, while another oversaw human resources and recruiting and yet another marketing and communications. Partners often rotated these duties, depending on the level of client work and interest, and it was expected that partners ultimately would take on an administrative role, regardless of whether or not they were particularly suited to a specific task.

Then consolidation of the industry began, and firms grew larger in size. These market factors, compounded by the fact that more and more clients are demanding more service for less money, have made handling day-to-day firm operations particularly onerous for lawyers.

Lawyers are trained to be lawyers—not marketers, human resource managers or IT specialists. And the constant juggling of significant administrative responsibilities and the pressure to maintain a practice

(what *Harvard Business Review* calls the “producing manager dilemma”¹) can be one of the most stressful aspects of the job. That’s why large law firms are increasingly professionalizing staff to handle firm operations and help partners make strategic decisions about their business.

Indeed, many major law firms now employ C-level executives to oversee the main business functions. At White & Case, we have a chief knowledge officer, chief administrative officer, chief financial officer and chief marketing officer. We also have a chief operating officer, who focuses on revenue generation and overall firm management.

C-level executives function at law firms the same way they do in more traditional corporations. At White & Case, reporting directly to the managing partner, they have full oversight for the various “units” of the firm and are responsible not only for ensuring that those units run effectively but also for determining

how the firm should operate to maximize profitability, spur innovation and yet maintain the congenial environment that our lawyers and staff prize.

These executives may have law degrees, but more importantly, all are seasoned business professionals with advanced training, a strong understanding of how professional services entities operate and a deep knowledge of their particular specialties. While the compensation package for C-levels may initially give some firms sticker shock, it becomes much more palatable when measured against the opportunity cost of partners doing these jobs instead of focusing on billable work.

Below the C-level, directors and senior managers are responsible for solving complex problems and developing and implementing the goals and plans of their units. Problems include:

- How do we recruit the most talented lawyers and staff to our firm?
- How can we maximize our buying power to negotiate better deals for everything from health-care coverage to printing and copying costs?
- What technologies are out there that will allow our lawyers to communicate more effectively with clients and each other?
- How do we build our brand or advance our goals through marketing and public relations?
- What factors drive a client to select us over another firm, and what do we have to do to retain and grow that client on an ongoing basis?

These are not easy challenges, but when you hire experienced staff who are fluent in the language of finance, procurement or marketing, for example, it's amazing how often they do identify a relatively straightforward solution that most lawyers will readily embrace.

Professionalization of staff also means not only hiring the most talented and experienced people available but giving them the tools to help achieve our goals. For example, recognizing that law firms have somewhat different needs from traditional corporations, White & Case recently helped launch an executive MBA program for law firm managers at Stony Brook University's College of Business. The

program is designed for senior law firm managers, “functional” managers and those who are being groomed for senior management positions and lawyers with management responsibility.

We also recently revamped our employee compensation and performance management program to ensure staff compensation is both highly competitive in the marketplace and is driven primarily by performance incentives.

Of course, professionalizing staff only works if management trusts the experience and acumen of the executives they employ. There is little point in hiring an experienced CMO, for example, if the partnership isn’t then willing to grant that person the power to make changes—particularly painful ones—if they are needed. Too often law firms make the decision to hire C-level executives, promising them relatively free rein, only to find out later that many of the partners are just paying the concept lip service, hampering real movement.

As a partnership, it’s incumbent upon every partner to make sure that he or she is contributing to the long-term growth and success of a law firm. But by drawing on the experience, talent and innovations of C-level

executives and their highly adept staff, lawyers will have more time to get back to doing what they do best: being lawyers.

¹ Harvard Law School Dean Elena Kagan mentioned several of the studies referenced in this article in her Leslie H. Arps Memorial Lecture at the Association of the Bar of the City of New York. November 18, 2005. www.law.harvard.edu/news/abnyspeech.



What Makes a Global Firm?

As seen on Law.com—April 12, 2006

by Karen M. Asner

Recently, Vault.com eliminated its rankings for International Firms because, its editors told us, the staff couldn't agree on what an "international law firm" really was. American Lawyer has similarly struggled with the definition in its rankings. Frankly, we can understand the confusion—these days, nearly every major firm says it's "international." But establishing an overseas office or two, or having multinational clients, is far from being truly global.

What then makes for a successful global law firm model? From our perspective, it's providing clients with local, US and English law capabilities in the jurisdictions where we work; having a strong presence in the world's major financial centers; moving into emerging markets early; and ensuring constant collaboration and a steady work flow among offices. It's not only regularly helping clients negotiate cross-border rules, but utilizing such laws to find better solutions.

Local Capabilities, Worldwide Reach

Being global means having partners who are trained and licensed to practice in the jurisdiction in which

they are located as permitted, as well as having lawyers trained in US or English law as cross-border transactions and litigation increasingly drawn on those rules. And it means having an in-depth understanding of those markets that is not only better than that of your competitors, but as good or better than homegrown firms in that locale.

Being global also means have a significant presence in major financial centers such as New York and London, as that is where the world comes to do business, and why US and English law capabilities are so important. By building strong anchor offices in New York, London, Tokyo and Frankfurt, we can stay ahead of market trends and weather fluctuations.

Arrive Early

Being international is also defined by how you approach new markets. Experience has taught us to enter new markets even before they have matured to forge lasting relationships and capitalize on emerging opportunities. For example, after the fall of the Iron Curtain, we responded to Eastern Europe's pressing

need for diversified legal services by opening offices in the Czech Republic, Hungary, Poland and Russia in 1990. These emerging nations needed to privatize many state-owned entities, such as airports and utilities. Sixteen years later, Eastern European states have joined the larger EU community, and those markets regularly keep us busy with everything from M&A transactions and IPOs to negotiating outsourcing contracts to litigation and arbitration matters.

The same model can be applied to China. Dozens of firms are now clamoring to break into the China market, but those who are just arriving may find it difficult since the buzz has become a swarm. Why should a client hire a firm new to the marketplace when the early arrivals already know how business is done? We opened our Hong Kong office in 1978, long before the Crown Colony reverted to Chinese control, and just as the economic reforms on the mainland were beginning to hatch. Working patiently from that base, we were poised to open in Shanghai in 2001 and in Beijing three years later. This organic approach allowed us not only to take advantage of foreign investment coming into the country but also to respond to what our Chinese clients told us that they needed—counsel on making investments abroad, particularly

elsewhere in Asia. This approach clearly works—we just advised on China's first LBO.

International Exchange

International work at many large firms is primarily generated at the firm's home office and then trickles down to the various local offices. At global firms, business development opportunities flow in all directions, where, say, a local M&A matter being handled in Hamburg may turn into a wider opportunity for financing work in London or arbitration lawyers in Paris or Washington. Or if a large UK bank needs assistance with a capital markets matter in Turkey, we draw on both our London and Istanbul lawyers to seamlessly handle all aspects of the deal. Indeed, roughly three quarters of our major clients rely on ten or more of our offices to handle their global legal needs.

More important than where client work originates is the ability to transfer successful models to new jurisdictions. We drew on our past work developing toll road projects in Latin America, where public-private partnerships have been used successfully for decades, to help a Spanish client undertake an innovative refinancing of the Chicago Skyway toll road. This was

not only one of the US's first privatized toll roads, but also one of the first to employ a combination of insured bonds and derivative instruments.

Solving Cross-Border Conflicts

Increasingly, clients require assistance with matters that no longer neatly fall within a single jurisdiction. Ten years ago, only one agency—the US Department of Justice's Antitrust Division—hunted for global cartels. Now that agency is joined in its efforts by enforcement authorities in more than 20 nations and, of course, the European Union. Twenty-five years ago, only the US and a few European countries had any merger clearance regulations; in recent years that number has grown to nearly 70.

Understanding such cross-border issues really came into play when a client of ours in the liquor business wanted to sell its highly successful vodka brand to a large spirits corporation for more than \$2 billion. The deal closed in New York and Paris simultaneously and was structured as an asset deal with two main sellers with assets spread across a dozen countries. Completing it successfully required that the various contractual relationships simultaneously clear all the

legal hurdles in multiple jurisdictions and that none of the acquisition terms conflicted with rules in any of those jurisdictions.

Deep knowledge of cross-border rules also helps clients resolve matters more efficiently. In advising a large paper company in Mexico on its \$800 million restructuring, we successfully tested the strengths of Mexico-US insolvency rules by filing an ancillary proceeding in the United States Bankruptcy Court for the Southern District of New York, resulting in the Court permanently enjoining creditors from challenging the Mexican company's restructuring in the United States. This marked the first time that a US bankruptcy court has recognized and extended comity to a Mexican court order confirming a reorganization plan under Mexico's Business Reorganization Act.

For law firms really seeking to impart value to clients from a global model, it takes far more than a label of "international" or a few overseas offices. Done right, the benefit to clients is unparalleled and offers firms myriad opportunities to constantly renew themselves.

About Karen M. Asner



Karen Asner is a commercial litigator who focuses on contractual disputes, class-action litigation, domestic and international arbitration, litigation involving foreign sovereigns and their state-owned entities, litigation involving the Alien Tort Statute and other issues of public international law and securities litigation. She has trial and appellate experience in US federal and state courts and before arbitral tribunals.

She is a member of White & Case's Women's Initiative Steering Committee and Women's Network Committee, in which she plays a pivotal role in initiating and guiding many of Firm's innovative programs and events geared for the advancement and support of women lawyers, alumni and clients.

Ms. Asner lives in Manhattan with her husband and three sons.