



THE NEW ELLIS GROUP

Monday Monday

Connecting the Dots with Karen Kaplowitz



*Helping you create and reinforce the habits of successful career building,
gleaned from my work as a business development strategist, trainer and coach*

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Fighting for Fair Allocation of Origination Credit: Speak Softly and Carry a Big Stick. We revisit the issue of unfair allocation of origination credit in light of Major, Lindsey & Africa's recent survey which found that male partners in big law firms make 44 percent more than women. MLA's Jeffrey Lowe attributed the disparity in pay to the disparity in originations by men over women. In 2010, an ABA survey highlighted unfair allocation of origination credit as a problem for women lawyers. The ABA Commission on Women in the Profession along with the Minority Corporate Counsel Association and Hastings College of Law surveyed 700 women lawyers. A majority reported they had been denied their fair share of origination credit. Two-thirds were uncomfortable about appealing compensation decisions. A third said they were subjected to intimidation, threats or bullying when they did express disagreement. Allocation—or misallocation—of origination credit clearly has major consequences. Abuse of power in law firms is not restricted to actions against women partners. Here are some strategies for women—and men—to avoid unfair allocation of origination credit in the first place:

- Be public in the firm, tastefully, on your role in originating or expanding clients.
- Model the behavior you expect by allocating credit fairly to others, particularly to your own subordinates, starting early in the process.
- Speak up if you see bullying or intimidation of others in the firm so the people you deal with will know your reputation for assertiveness.
- Urge your firm to adopt well-defined compensation and origination policies.
- Find allies if you have a problem with an abusive but powerful partner.

But do not forego potential business development opportunities out of fear that some abusive, non-collaborative partner will try to take credit for them away from you.

Example: After you courted a general counsel for a few years, she invites your firm to bid on a major matter. To enhance your odds on the bid, you need to include more senior lawyers. Several people have warned you not to invite a particular prominent partner who is notorious for not sharing origination credit. After weighing the risks and benefits, you decide to invite him to participate. But to protect yourself from a fight over origination credit, you send him an email explaining the opportunity and copy the practice group chair who is on the firm's executive committee. You note the lengthy courtship leading to the RFP and offer to share the origination credit with the whole team if your bid is successful. He agrees to be on the team. At the client meeting, the general counsel is clearly impressed by the prominent partner's experience, results, and stature.

When you win the bid, you ask the general counsel for her preference on who will handle billing from the firm. She suggests you. You then propose yourself as the billing partner to the team, again copying the practice group leader and sharing the general counsel's email that suggested you. You also acknowledge your prominent partner's role in winning the bid, thank him for having agreed to be on the team, and recommend that he receive a hefty share of the origination credit, perhaps equal to your own.

Are you shying away from good opportunities because you are not getting proper credit? If you have been held back by bullies in your firm, can you find ways to blunt their predictable behavior and still take advantage of their power and success?

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