

The Former Associate Strikes Back

By Ary Rosenbaum, Esq.

I have lived a very fortunate life. I grew up at a difficult time during New York City's history in the 1970's and 1980's relatively unscathed. Through some tough times growing up through high school, I came into my own at college. While law school wasn't easy, I was able to survive and pass three different state bar exams while also netting an LLM degree at the school I always wanted to go to, Boston University. While my legal career was littered with multiple stops, I was able to start my own law firm dedicated to ERISA/retirement plans with a national footprint and a loyal following on JDSupra. Yet the most difficult and frustrating time in my life wasn't going to an inner city high school during the crack epidemic or being right of center in a very left leaning law school. My most frustrating time was working as an associate for a law firm in Long Island that is more interested in being a country club than being an actual business. I am not a braggart or full of myself, yet I always feel that my success is my own personal vindication and a way to rub my success into those people that didn't believe in me, the powers that be at that law firm. This story is about how an associate who was left for dead is now standing high.

The best laid plans

The best laid plans of mice and men often go astray. Whoever wrote that line might have also been an associate at the firm that I worked at. When I joined 5 years ago, it was a dream to work at a law firm that was highly visible and connected on Long Island. Since the firm was supposed to have a decent estate planning

and corporate practice, the idea was that I could build a single employer retirement plan practice using our existing clientele and that would help me springboard those existing client relationships into relationships with financial advisors and third party administration (TPA) firms around the country which would lead to my own client base. Since existing clients would net the originating partner 50 cents on the dollar of work I would generate, I just



thought it was a win-win. It wasn't.

Like talking to the wall

While the law firm was based in Garden City, most of the partners I had to talk to; to generate business were in Garden City. I sat in their offices and I introduced them to financial advisors looking for estate planning and corporate attorneys to meet. I even met the law firm's highest generating partners, a tax property guru who also lived in the same village I did because everyone said he was the guy to know. I gave away U.S. Open tickets, I got donations to

one of their charity events, I got them nice lunches and it was like talking to the wall. Maybe they were a bunch of Socialists, but nobody was interested in working with me to generate business that would net them money and me nothing except work to complete. I even tried to get a summer job for one of the bankruptcy partner's kids. My great grandmother always said that you should never run after the carriage if it's not going to pick you up. I ran after that carriage for 2 years.

The managing attorney

Until I met the managing attorney, Lois, I never met someone who didn't like me from day one. Usually I need time to offend someone, but I felt from the moment that I first met her, that Lois didn't like me. Three months in, I got a complaint from a former employer that I was soliciting their clients. They were a TPA and I was soliciting clients for a law firm. While I should have toned down my pitch, Lois was brutal in her critique of me. Somehow an innocent e-mail from me made me an embarrassment of the firm. I sat in her office and I had to

hear her name drop, how one partner's son was the Governor, how one partner's son was the Nassau County Executive, and how a partner was a former Deputy Chief of Staff under President Clinton. 5 years later, I can say that the Governor was the worst Governor in my generation and he replaced someone who used a prostitute, the Nassau County Executive lost re-election by 400 votes with \$2 million left in his coffers, and that former deputy chief of staff was once under congressional investigation for ethics violations. So yes, Lois, I didn't belong to that group of people.

The law firm administrator

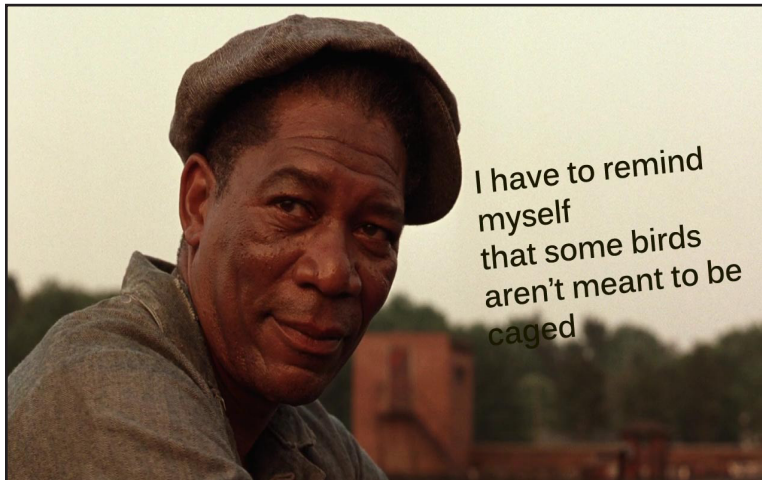
I understand the psychology of a person who is labeled a “rat” because a rat is someone who will turn on someone to save his or her own skin. But I don’t understand someone who will turn on someone for no reason. Lois’ “Man Friday” was the law firm’s administrator. Other than berating lawyers who didn’t submit their billable hours on a timely basis, no one really knew what he was supposed to do. When talking about using solicitation letters to get business, the law firm administrator suggested that I give him a draft and make corrections before I bother Lois with it. I

do as asked and at that meeting where Lois chews me out, she brings up how unprofessional my solicitation letter was. Rather than trying to help me out as promised, the law firm administrator threw me under the bus. When the economy was tanking in 2009, the law firm administrator indicated that he would help me with growing my practice since it was something that could succeed in those down times. 4 years later, I’m still looking for his help. Lois’ Man Friday was busy writing articles and utilizing the law firm’s marketing department to publicize them, which was a misuse of law firm resources for articles that would never be able to draw business. When I brought this issue a few years back in a JDSupra article, the Man Friday’s literary output shriveled up like a stack of dimes.

You need to get permission to pee

In the Shawshank Redemption, Red is released from prison and working in a supermarket. The manager berates him for asking permission to use the restroom, but that is all that Red knows after being in prison for so long. At that firm, there was so much bureaucracy that the bureaucracy had its own bureaucracy. You needed permission to do anything. My idea was to generate business by drafting articles that other providers could use. It would have to go through 3 or 4 different levels of partners to get it approved including the advertising committee of one, staffed by the newest partner who generated very little business. It could take 6 months get an article approved and then the marketing department was also bogged down by articles by Lois’ Man Friday. Towards the

end of my run there, I stressed the needs of using social media. The advertising committee of one said that violated the legal advertising rules, I disagreed. Since Lois



wanted nothing to get accomplished, she decided to start a social media committee. Of course the two attorneys who had any background in the subject weren’t picked, the computer guru (who wasn’t a lawyer) and the advertising committee of one got picked for it.

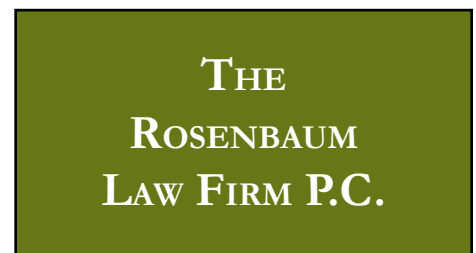
I don’t like to fail, but...

My experience at the firm was an absolute failure. I did not bring in the business I thought I could. Of course, I didn’t have the support I thought I would have. So I learned a lesson, if you getting business is dependent on someone doing something, but that person is incompetent or uncaring, you’re going to fail. One of the reasons I started my own law firm because I never wanted to work for someone like Lois again, who was nothing more than a female version of Judge Elihu Smails who made it clear that as the law firm version of Al Czervik, that I didn’t belong. When I told Lois that my networking with the other law firm partners was going nowhere, she claimed that I might be at fault. When you are surrounded by people who treat you like a leper; you can’t think you have leprosy. I knew I could succeed in developing a national practice because writing articles that financial advisors and TPAs around the country would use to get and keep clients will create enough goodwill in the industry that work would eventually be referred to me. Like Theodor Herzl said: “If you will it, is no dream.” Law firms are the producers of legal services to clients; they are not Judge Smails’ Bushwood Country Club. I knew that if on my own, I could succeed. Just

like I knew that the latest partner they had when I left, the advertising committee of one would fail. Despite being pushed by their top litigator (who lost a big case on fee because he couldn’t draft a flat fee retainer agreement), he didn’t have it in him to generate business. He had the look that Lois liked, they pushed him instead of another associate who showed them by going out on her own and being a big success that puts my success to shame. They threw events in his honor; he was a patron of the arts. Yet he had to leave because when it came to client origination, he couldn’t draw a dime.

3 years later, why do I bring it up?

People wonder why I always feel the need to bring this story up. They point out that this law firm really is nothing to me. They never helped me when I was there and they certainly don’t help me now. I bring it up because my allergist is in the same building, so I’m there every week and run into the partners (as well as Lois’ Man Friday) without either of us acknowledging the other. When you know you can succeed in the right environment and you were surrounded by people who thought you could fail; you like to rub your success in their face. It’s just human nature. I failed there, but I now know I could never succeed in a place and environment like that. Sorry, Lois.



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The Rosenbaum Law Firm P.C.
734 Franklin Avenue, Suite 302
Garden City, New York 11530
(516) 594-1557

<http://www.therosenbaumlawfirm.com>
Follow us on Twitter @rosenbaumlaw