

The transcript below has been edited for clarity and length.

LAW WEEK: What do you all think the new normal is going to be for Colorado law firms in 2023?

SARKISSIAN: I guess that begs the question of what kind of firm are we talking about? What's dominated our operation in 2022 has been dealing with staff. And I think the experiences of smaller firms compared to larger firms [have] been different. From our perspective, we've been creative in trying to both recruit new people and replace people, and obviously do everything we can to keep our quality employees happy, and doing some things that we've never had to do before in order to do that.

WEBER: We have 1,100 attorneys, but I think that we have probably a lot of the same challenges that you have. We were recruiting for a litigation secretary and it took us months. I like to think our compensation and our benefits are pretty good. But it still took us forever. The philosophy, at least of our firm, is that you need to be in the office generally. And I definitely agree with that. Our staff gets one day a week they can work from home. I'd be curious to see what other people [are experiencing].

SARKISSIAN: We came back to work May of 2020. And working from home is the exception, not the rule. By far.

OSTROWSKI: I think for us it's more of a hybrid. We went back to work really quickly just like Ivan did. We were back by May because we found that you really need team collaboration; it's not the kind of job that you can [do] from home. People were spreading out their days. They're ending at seven because they're taking a walk at three and they're taking their kids to school. And it just didn't fit with the type of workday that we have. But I think they also found that there were a lot of upsides to having some time at home. So now we're a little more flexible. If it's a snow day, if it's a blah, blah, blah, day, it's okay if you're going to work from home. If you have disclosures due and you're just bombarded with work, and you want to take Tuesday and do them at home because it's less distracting, we'll be open to that.

HARDEN: We're probably at the other end of the spectrum. We continue to let people decide in large part whether or not they want to be in the office. I would say the exception to that is younger attorneys. Because I don't know how on earth you train as a new lawyer over Zoom. We just moved our main office for the first time in 20 years. The policy we put into place was if you are coming into the office four days a week, you're going to have an office, but otherwise, it's going to be a hoteling office. And we've gone from people saying "I want to work remote," to now everybody wants to be together and we're out of offices. But we have a fair amount of our staff who moved out of state during the pandemic. And thus far, we've allowed them to stay where they are and have done pretty well with that.

VISIOLI: From the smaller firm perspective, we've definitely tried to give a lot of autonomy to our attorneys in deciding if they want to work from home or work from the office. I think as you've

probably all experienced on a bigger level, that gets a little bit frustrating when there's a lot of working from home, then you have empty offices and you want to get that team feeling where everyone's talking strategy together. Now doing so requires a lot more [effort]. It's herding cats to make sure that someone's not on a walk at home at the same time you want to have a case meeting. We've also grown a lot in the past year. We've added four new attorneys — which is a lot for us. With our new staff, it's been tough because I think the younger generation of attorneys wants more than anything to be able to work from home. And it's very curmudgeon-y of me to say, “okay, yeah, but once you figure out what you're doing — until then, let's be in the office as much as possible.” But flexibility is super important because you know, even if people aren't sick, if there's been COVID exposures, if there's a snow day, if there's anything else, [but] trying to get the same work product from home you can get from the office has been a goal that it's been hit or miss for us, I'd say.

WEBER: We just had our all-attorney retreat in Orlando this past week. And they had [a] panel and it was three clients or GCs of big companies. And at the very end — this was not a planted answer, I should say — they said, “What would you tell the young attorneys if you could tell them one thing?” And granted, this was for the junior attorneys. But two of the three said, “One thing I'd say is, it's a mistake to work remotely in your junior years.” And that was the greatest gift we ever got. Because it didn't come from us.

SARKISSIAN: I think, especially when you're trying to find the right people to hire, that becomes more of a challenge. Being able to train younger attorneys is crucial. Certainly, for our practice, which is so focused on litigation. I don't know how you try and explain to somebody how to be a litigation attorney over a computer screen.

OSTROWSKI: How do you find that balance though — I haven't figured this out yet. I do think young attorneys need to be in the office, they need to be trained, they need to see how to deal with the phone calls, how to deal with the court appearances, motions, writing. But they have a new concept or narrative they're telling themselves and their peers that they want to have quality of life, that they want to practice in a different way. And I don't know how to get the two generations to be on the same page — to give [the younger attorneys] some of their autonomy of this lifestyle they envision for the practice of law. We don't all have to work 80-hour workweeks; we can have a better balance. But they also can't be completely absentee attorneys. I don't know how to bridge the two worlds yet.

SARKISSIAN: What I try and stress is the importance of representing the client and what the client's needs are. That, as a professional, you can want to have work-life balance, and you can want to have quality of life. But if you're a litigation attorney assigned to represent a client, the needs of the case and the needs of the clients have to take priority. They can't be shoved aside because of quality of life. I just don't think that works in our firm. Quality of life is a balance. And the nice thing about litigation is if a case settles or if a case gets bumped and you have all the time on your calendar, take advantage of it, use it, but trying to stress quality life when cases are in dire need of attention doesn't really work out.

HARDEN: My kids were school-aged when I finished law school and I was a sports mom and was able to have that work-life balance 20 years ago or close to it. I think a lot of that has to do with teaching [younger attorneys] to put things on calendars and plan ahead of time. We're allowing people to work more flexible hours and fewer hours. And the one piece of it that has been interesting to me is that they're not as concerned about the compensation as they are about work-life balance. They'd rather work fewer hours [and] get paid less.

SARKISSIAN: That's the other challenge — smaller firms competing with bigger firms. If you don't pay the associates, even if they come in talking about [how] they want work-life balance, pretty soon they're going to want money. And Emily will come along with a big checkbook and offer your associate that you've trained for three years a significant increase in salary. And then you've got a very difficult decision to make.

WEBER: I think that's a good point about the compensation — because these associate salaries keep going off based off of New York billable hours, [it's] not sustainable in Colorado. That is a struggle that is not just Denver, but a lot of our non-coastal offices are having in terms of this work-life balance. You want to get paid this certain amount, but then are you working that amount? I do find it's been interesting in the work-life balance, especially with the attorneys versus the staff, because let's face it, partners have been able to flex with their schedule for a long time. They go in and out. They're doing all sorts of stuff. Our litigators, we won't see them for weeks at a time because they'll be often [at] trial. Our transactional people are a little bit more in the office every day. I do think there is a degree of being able to manage your life, and in beautiful Colorado, there's a million things to do other than work. And I think that only comes out with time for the associates and the partners that they work with, if their partners are cool about things or not.

VISIOLI: I think to Ivan's point, whether or not partners are cool with things a lot of times depends on whether or not the clients are cool with things. Especially when you're litigating. You've got people with their money and emotion tied into whatever you're litigating about. It's been a separate challenge than keeping associates happy with either money or flexibility. To get them to really take ownership of cases where you might not see your client in person during the entire representation.

OSTROWSKI: I think that's a really good point, Steven. It's really important for our clients to feel like they're heard or [that] their attorney's paying attention to them — it's just their first time they're in a litigation-type setting [and] they're not a business client. But we're also starting to make sure we make in-person appointments because we realized that there are some clients we signed up during COVID that I've never even met in person. And it helps your staff, and the lawyers be more present once you've met the family or whomever your client might be.

LAW WEEK: Are any of you currently developing succession plans or larger strategic plans at your firms, and if so, what is your advice for others who are looking to start similar plans for themselves?

HARDEN: We're just coming out on the other end of doing some of the succession planning. And of course, it'll have to be an ongoing process. But one of the two founding members who was still with us, essentially stepped out a couple of years ago, and we brought in this three-person managing partner [structure]. We've transitioned through that. The year or two even leading up to that, we had a lot of meetings where we would [go] through the different analytics and things and trying to train the folks who are coming into these roles — what they ought to be thinking about and how to be thinking about the management of the firm, both financially and from a people perspective. I think we're just starting to come to the end of at least that first round of transitioning.

SARKISSIAN: To me, succession planning is kind of a mysterious topic. I don't know how you try and plan to transfer value of the firm, when the value of the firm is inherently connected with the lawyers doing the work. We've had conversations with people about how to do it, what it means what it doesn't mean. I still come back to the chairs, the desks, the computers — all of that has value. Sure. But not anything significant. What's the value of the firm? How do you plan for succession other than hoping people want to carry on the name of the firm or people want to carry on the good relationships you have with the clients? And what does that mean?

OSTROWSKI: I'm part of what I would consider a legacy firm. So we keep the name of our original partners that started [the firm] in the '70s — one of which is still practicing with us today. They were three men who really just loved practicing law, but didn't love the business of running a law firm. So things were just very loose in the universe. Once younger lawyers became partners, myself and some others, we really wanted to have more structure. And one of the most important conversations we had, because it seemed to be a taboo subject, was when are people retiring? What is your long-term goal? Where do we want to be in five years? And where do we want to be in 10 years? And those became really important conversations, because it was eye-opening that someone's like, "Oh, I'm actually retiring in five years." Well, thanks for mentioning that, now we can plan for it. Do we want to get an associate that you can start training [to] take over some of your practice? Do we want to get smaller? Are we hoping to get bigger? And the answers would always be different. And we really did have to work through getting on the same page. Now we're much more mindful of every year having that sit down. Not having those conversations can be a real detriment.

VISIOLI: We used to have four attorneys. And with that many, it's kind of okay to have sort of a loosey-goosey attitude about what everyone's doing, where everyone's going. And even things like working remote versus working in the office you can kind of deal with on a one-on-one basis. Attempting to grow has really shined a light on the fact that there's no structure here is going to be a problem for all of us if we don't figure it out. I'm not really to the point yet where I'm thinking about succession planning, but I definitely in hiring associates have been trying to put an emphasis on, "Is this somebody who's going to be able to take ownership of the role that I have at the firm, and not just treat this like a job." And I think for small firms, that's really the only succession planning you can do is train attorneys so that they're going to impress your clients the same as you impress your clients. And then how do you how get that same attorney to care about the name of the firm, rather than just themselves as an attorney, and [become] attached

to a million other little decisions to make like what's the level of marketing you want to do for the firm name versus individual attorneys, and things like that.

WEBER: On the flip side, for a large firm, I've been in this role for about three years [and] I don't think there is succession planning for me right now. Where we have lots of offices, the people that should get the OMP role should be those that don't want it so that you're doing it for the right reasons. Meaning not for your own book. You really need to put the firm before yourself in this role. And I think I think it's probably very different in a smaller firm but in a really large firm, the people who are vying for the role should not get the role, because I think they generally want it for the wrong purpose. I do think though, the succession planning, when it happens, really needs to be someone who feels very passionately about their office about their people, who's the best advocate for their people in their office — attorneys and staff alike.

HARDEN: I think that's how we've identified people — it's the people who really care about the practice of law, but the people who are doing the practice and how to bring them along. When I started at the firm, we had 18 attorneys, and now we're at 150. And so I used to know everyone's name — it's a little harder now. And especially after having folks come on in the middle of a pandemic, and not being able to be out and be with them in person like I would have historically done. But I do think you can't be selfish and be doing it just so that you're building your own boat because you're in that role.

LAW WEEK: How would you describe your current leadership philosophy as an individual at your firm and what's informed that philosophy?

SARKISSIAN: I don't think [my] current philosophy has changed from what my philosophy has always been. I was lucky enough to start out working for someone who taught me how to litigate cases. We really emphasize providing attorneys the opportunity to learn how to litigate and how to be effective at litigating. I think that that's always been the philosophy of the firm — good teaching. I don't think that's going to ever change for our firm.

WEBER: I would say mine is to be very direct but to not be a jerk. I was lucky in the sense that the worst boss I ever had was my first boss. And I learned a lot from him, in terms of what not to do, and how not to treat people. My husband may say I fight mean, but I think other than that, I think you really need to save that for very unusual situations. Michelle and I [work] together [often] — especially in Denver, the community is just way too small to be a jerk. And the people who are, especially those that I work with in healthcare, are known. I really trust Michelle, and that's just an example of creating those connections with people.

HARDEN: That's exactly right. For our firm, as a young lawyer comes in, we talk a lot about professionalism, both how they're going to treat their colleagues and how they're going to treat their staff as well as opposing counsel. Ivan, as you said, you've got to train folks to be able to litigate and train them how to be good attorneys. I had an attorney who said, "I'll fire an attorney before I'll fire staff." So make sure that that's where the good of your behavior starts and build from there.

OSTROWSKI: I'm a little different only because most of the attorneys in our firm have been there for quite some time. I'm not managing a lot of associates, it's mostly partner level anyway. So a lot of management, more of the bigger picture and staff and whatnot. I think our philosophy has always been [what we call the] "best and brightest," which is we're always open to hiring, to doing whatever we need to to get people who are just the best and the brightest, who are motivated. They may not be someone who has a history and working in a law firm. We're always just looking for smart people. So when we come across them, [we] figure out where they might be a good fit if they're interested in this little world of ours. And then once you've got them in, it's team, team, team, team. That's really important for us to set that culture and tone with the way we manage and the way we've built the firm.

VISIOLI: For our firm, we're small enough that I think highlighting more than anything just leading by example. We litigate, and as Ivan mentioned, half of having a firm like this is the educational aspect. I think the struggle with that has been incentivizing attorneys to take ownership of their cases. But to the extent possible, when attorneys see partners at their firm really taking ownership, not standing for things falling behind on cases, that's proven successful. That's proven to have really good results for younger attorneys learning how to manage their own team below the team that the partner's putting together.