

The Great Resignation

Text by Andrew Chan Chee Yin

Editor's Note: While this article was written by a lawyer for lawyers, it is telling that much of what Mr Andrew Chan has written can be applied to the relationship and power dynamic that senior doctors have with their juniors. It is no secret that the life of a junior doctor is tough. How can senior team members continue to encourage and nurture our juniors while balancing the clinical needs of our patients? This article does not have all the answers. Some of what is said may not be directly applicable. However, it is food for thought, and something that we somewhat jaded seniors may want to keep in mind as we listen to our juniors presenting in the next ward round.

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I have followed the recent discussions on the exodus (also known as "The Great Resignation"), particularly of younger lawyers. This has raised concerns. Is the attrition rate a sign of something direr?

Having practised law for close to 30 years, I hope that my perspective can help to shift the balance of the conversation, in that we can do much to facilitate the finding of fulfilment in legal practice. There are many of us who can facilitate and welcome those jaded by what they have experienced, to help open their eyes and show that there are fulfilling ways to practise law.

What qualifies me to share my perspectives? A bit of my background may lend credence to my views. I joined Allen & Gledhill as a pupil on Star Wars Day (May the Fourth for the uninitiated) in 1992 and I never left.

I made partner at the start of the new millennium, on 1 January 2000. I currently have a team of eight lawyers working with me. Save for two external lateral hires, each member has been with the firm since their pupillage/practice trainee days. The two lateral hires came in last year, and are the first external lateral hires I have had in my more than 20 years as a partner. My team's individual experience ranges from less than a year to more than 12 years. There is a good spread of experience, meaning that I do not have a top or bottom heavy team (I am not talking about physical attributes). I should add that my secretary has been with me for more than 22 years.

While I certainly have flaws, I do hope that this record qualifies me to say something on the exodus.

Seven Principles

I will share my perspectives using the acronym **S-O-C-I-E-T-Y**.

Stress or Safety (SoS)

Early practice can be stressful. There is pressure from partners, clients, seniors, opposing counsel; the list seems endless. Lacking experience or know-how, many in early practice at times feel incompetent or stupid. I did. Very early on, I tendered my resignation twice only to be persuaded to stay on. I am glad I did.

At that stage in practice, it is difficult to even think of staying on or growing when the stress is overwhelming.

We need a place where there is psychological safety, so that we can manage (not eliminate) stress.

My team recognises this. We have a broad range of experience, so juniors are not thrown in the deep end. Tasks are assigned according to levels of experience. Each team member is allocated work in accordance with their experience and competency. Then, as members of the team gain experience and new members join, there is growth and development. This range of

experience also means that team members can cover for each other when members are on leave. Thus, there is a constant stream of support, learning and teaching in the team.

I appreciate that this may not be possible in smaller teams. Whatever the size of the team, my firm belief is that those who are more senior can do much to help the younger ones, because that consideration pays forward. Do we treat our associates well? Many horror stories have been told about how some associates have been treated in some firms. For me, and for many others I know in practice, the most important factors in an employee's job satisfaction is the immediate boss. What kind of a boss should one be – one that adds to or is the main source of stress? Or one that understands that there is stress and actively works with the entire team to help manage it?

Sometimes, a senior lawyer who is successful in practice may not be able to maintain a consistent team. Some senior lawyers may be impatient or unreasonable. Young lawyers join their teams in the hope of emulating them one day, but end up stressed, burnt out and leave. Here is food for thought for these types of senior lawyers and those who work with them. This comes from my experience as a counsellor to recovering drug addicts and others.

"Anger is the symptom of blocked goals". Some successful lawyers are not known to be patient or nurturing. Their goal is to do well for the client, and this includes setting unreasonable targets that will inevitably have associates working weekends and overnight. Long working hours with just two to three hours of sleep become the norm. Associates who struggle to meet these targets then face the wrath and impatience of the boss. Some of these bosses add stress to themselves by setting difficult targets, because it is their own reputation and relationship with the client on the line. In turn, they become more temperamental – the anger at and treatment of the associates stem from their blocked goals. The associates then

feel as if they are treated as machines relentlessly grinding out deliverables.

On the flip side, some associates who underperform are quickly abandoned by their bosses. They are given the "cold storage" treatment and given minimal or less important responsibilities. It is stressful to be left out. Should senior lawyers be slower to give up on their juniors? Should they try to be more encouraging, remain hopeful, and help develop the associate? Associates need time to develop. I have seen associates whose morale was low in having been left out, but with encouragement and opportunities to develop under the caring guidance of mentors, they are now doing very well in practice.

For the younger lawyers reading this: what happens when your senior's goals are different from yours? For the senior lawyers: can you consider having an additional goal in your practice? I have found it helpful to set, as a goal, the development and well-being of team members. When I take time to help members of my team learn, develop, and grow in confidence, skill and maturity, in the long term, I meet my other goal of doing well for clients. This is how I have sustained a practice with a strong team that has members that grow and become partners, and then work with younger lawyers in the same way.

I should add that whatever the size of the team is, we should do what we can. One advantage of a smaller team is that seniors are able to give more attention to juniors. Many years ago, when I had a smaller team, I had an excellent intern. At the end of his internship, I told him that when he graduated, he should work with a senior counsel, let's call him "X". I said that while X may have less time for him, "half of X is better than all of me". The intern's response was, "All of you (ie, me) is better than all of X." The internship made an impact. One advantage of small teams then is that younger lawyers may benefit from the greater attention and guidance of more senior lawyers.

Another way to manage stress is that I encourage my team members to pursue interests more meaningful

than their work. It gives you alternative perspectives. For the first decade of my career, I conducted a chapel service and counselled recovering drug addicts. Once, after helping to conduct a Bible study session at a halfway house, a resident told me that he felt inspired and looked forward to reconciling with his father whom he had been at loggerheads with. The following week, however, I was told the resident had passed away. He had gone home high on drugs. His father told him that he had no such son. The resident agreed and leapt to his death from an HDB block.

In helping others, I have in a way learnt to see how blessed we are. How can I even begin to compare the life issues they face with the pressures and problems I encounter at work? It puts things into perspective.

Opportunities

Within a place of safety where stress is properly managed, we seniors can and should explore helping our younger lawyers develop by giving them opportunities. I often consider and discuss my members' strengths and interests, and if I can, I try to allocate work accordingly. When a lawyer works on an area of interest, there is greater passion, satisfaction and fulfilment. Having a mix of work also helps to lessen the burden of doing less interesting and engaging work. This is all a matter of growth and development. That said, there have been instances where I have encouraged team members who initially had no interest in a particular area to try their hand at it. I once told a new team member – "*give me six months*", when he told me he had no interest in Restructuring and Insolvency (R&I) work. Today, the team member in question is not only very passionate about R&I, but is also very successful in the area.

When it comes to opportunities to argue cases in court, I try to give the team members appropriate opportunities. This may mean persuading the clients to allow younger lawyers to conduct some hearings (eg, on the basis of costs management). While this also

means that I have fewer opportunities to do hearings myself, I accept that because my goals at this stage of my career are different.

I often give my team members the limelight and client-facing opportunities. For example, I curate speaking opportunities for team members, or include them as speakers on sessions that I anchor. Once, in a team contribution to an update of a book chapter, the publisher limited the number of recognised authors. I chose to omit my name as author so that the most junior associate who helped was recognised.

There is one exception to placing my team members at the forefront. Where one may have to face particularly difficult parties or tricky situations, I will place myself at the forefront. As seniors, our shoulders are broader and we should not just leave our juniors to face the situation. Remember, there is the need for a place of safety.

Communicate

It is important to communicate with team members. Sometimes, in practice, we have doubts and need guidance. We want to know where we stand and appreciate having someone more senior to talk to. Communication should go both ways. One strength of the team is that each member is free to tell me where I have gone wrong and give suggestions on how we can do better. They really do. I appreciate this input from my team members. There have been times when I have avoided mistakes or when we have done better because of their input. I have seen some teams where only one or two people give input. Those teams may only be as strong as their most vocal members.

Also, how we communicate with our team members is important. We should consider carefully our choice of language. I have seen how loud and colourful language can be hurtful and not helpful.

This is one way in which I encourage communication within the team. We have a team rule. If anyone tells me that

they have made a mistake, I promise that I will not get angry and that we will work together to solve the issue. One day, an associate told me that he had made a mistake. I cringed and was about to raise my voice. My associate saw me cringing, and he swiftly reminded me of my promise! We laughed. I calmed down and we got the issue resolved in a composed and considered manner. He was willing to admit his mistake and willing to remind me of my rule. That, to me, is a safe environment.

Impart knowledge and skills

It is important that we seniors facilitate the impartation of knowledge and skill. For one, I take the time to conduct personal teaching sessions for each team member. I often share that one of the most important things in early practice is to develop a trained mind: a mind that can properly analyse and solve issues.

As we become more competent and skilled, we are better able to cope with circumstances, grow in confidence and generally feel good. In my experience, for many associates, the confidence and ability to run matters with less or minimal supervision comes in their third to fifth year of practice. **We need to give our associates time to grow and to develop and, in this respect, give them increasing ranges of discretion as they progress.** This means that in the earlier stages of practice, I adopt a more “hands-on” approach and may sometimes micro-manage. As the associates gradually progress and develop in skill, confidence and maturity, I will gradually ease off and take on a more macro role in management.

Often, I encourage my associates to share their reasoning with me on why a course of action needs to be taken. We have an open discussion, where I share my reasoning. I have been persuaded to follow their proposals, and when we do not, it is after much discussion. The result of having such discussions is that the way forward is an effort arrived at through reasoning, discourse and analysis. These open and honest discussions are also formative because they give associates the space to think

about how they can value-add, based on **their initiative**. Thus, by the time the associates make partner, they are ready to run!

This is how I inculcate in my team members ownership of the solutions we execute for clients. **The team members who feel that they have an active role in decision making are, if I may suggest, more likely to stay on longer in practice.** They see a hope for the future, and they have the skills to make that hope a reality.

Equitable

Fairness and equity is an important factor in job satisfaction. We cannot always get what we want. At times, when my team members do not get what they want or what they expected, I have taken time to explain. Not all explanations are satisfactory or fully accepted. However, in my experience, the fact that one is willing to have the discussion with them is often very much appreciated.

Also, if there is a client complaint, I will take time to understand the complaint and speak to the team member involved. I will hear from both sides, the client and my team member, without making a judgement call prematurely. This ensures I am not too quick to blame my team member. This is being equitable.

Transparency

Several years ago, one of my senior associates told me that I may lose members of the team because they did not know what I was thinking. It was a complex transaction and we needed to move very quickly. Team members felt pressured with the pace of work, which was made worse when they did not know what I was planning. I took a step back and realised that unless there was transparency and sufficient mutual understanding within the team, we would not be able to progress. We got that corrected.

When considering the point on transparency, it is more than just communication. Actions speak louder than words. Actions of bosses must match their words. A boss who says one thing but does another is not transparent. A classic example of this

is a boss who constantly says that everything is urgent, but when drafts are prepared, takes an inordinate amount of time to review them. How many times can a boss cry wolf?

Transparency lessens stress, increases efficiency and gives each member a role in contributing to the team effort.

Yoked

There are times when practice is especially challenging and there is a heavy burden or obstacle to overcome. Are we yoked together? Is each member pulling her or his own weight? Are there times when one team member is overwhelmed and the rest of the team should carry more of the weight? Are there times when we should allow our team members to bear most, if not all, of the burden so that they develop muscles or skills? Are there times, when we can say to our younger members, "Take my yoke upon you," so that they can develop, and more importantly, so that they know you trust them to do it?

How we are yoked together and how we manage this from time to time is, in my view, important to job satisfaction and happiness.

Conclusion

The third to sixth year of practice is a time when many associates will consider moving on. Should they stay or move on? This depends. On my part, I will not stand in the way of team members achieving "greater heights" and a "proper landing" in life. Two of my former associates have left the profession to become commercial pilots. One day, I was on a commercial flight and I heard the voice of the pilot addressing the passengers. It was one of my former associates. I was being brought to greater heights by and had a proper landing with someone I was associated with. The other pilot not only pursued his interest of being a pilot, but also captained a Singapore team to a Southeast Asian Games gold medal! I am proud of team members who have left us for greater things. I am also proud of those who are still with me.

We can each do our part. Hopefully the S-O-C-I-E-T-Y principles discussed here can help you find meaning within the legal profession, as I have.

One final word. One ministry in church that I undertake is to preach

at wake services in memory of those who have departed. When I prepare my messages, I often make only passing reference to the achievements of the departed. I have been told that what is far more meaningful and appreciated are the references and reminders of the personal moments of kindness, assistance and impact the dearly departed has had on the lives of those left behind.

What would *you* like to be remembered for? ♦

Andrew is a Partner at Allen & Gledhill LLP with over 30 years of experience in legal practice. He is a specialist in dispute resolution (especially arbitration), trusts, and insolvency (corporate and personal). Outside work, Andrew is a lay preacher at Faith Methodist Church and he helps out at FaithActs, a community service catering to youths, families and seniors.



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