

Value is in the Eyes of the Employer

By Shelley Dunstone



Since 1983, the Salaried Lawyers Award has regulated the wages and conditions of employed lawyers in South Australia for their first five years of practice. However, from the end of this year, the Award will cease operation and salaries will then be shaped by market forces and the general minimum wage legislation. This means that your salary will be determined by your value to the firm. Lawyers need to understand what employers regard as “value” in an employee – and learn how to create it.

There is very little meaningful salary survey data for South Australia. Around salary review time, lawyers often call me asking “What is the going rate for a lawyer at my level?”. The answer is always “it depends”. After the first four or five years, lawyers’ salaries diverge widely. Some increase steeply, whereas others never go much above the fifth-year Award rate. Salaries can depend on size of the firm where they are working, type of practise area and geographic area. The main determinant is the lawyer’s value to the firm.

When negotiating their salary review, lawyers often arm themselves with information about what other firms are paying and what their friends earn. Apart from the confidentiality issues, your employer might say “Go and work there instead”. The better approach is to learn what your employer values, demonstrate that you understand that and show what you are doing to deliver it.

When you think about it, why should you be paid the same as another lawyer at your level? Are you interchangeable with that person? What you are paid should be determined by the value you bring.

Many lawyers think that their value resides in their technical skills. Of course, without technical competence, you don’t have a job. But if this is all you’ve got, you will be vulnerable to redundancy in an economic downturn and will not command the same salary as a lawyer who has the technical skills plus a solid client base. Your job could disappear, or you might be replaced with a younger lawyer whose salary is lower than yours, but who knows how to do the same work you do.

The attributes that increase your value include:

1. Ability to be productive, to get the work done and invoices sent out;

2. Ability to work well in a team, to keep the staff happy and the office productive;
3. Ability to mentor other lawyers, to build the skill base of the firm;
4. Ability to develop rapport with clients, inspire their confidence and deal with sensitive issues. If a client does not want to deal with you and keeps reverting to the partner who assigned the client to you, you are not providing value;
5. Ability to keep clients happy and to deal with all manner of complex and sensitive issues;
6. Ability to attract clients by marketing yourself and your services.

If you don’t rate well on some of these requirements, all is not lost: just work on filling the gaps. Build on your strengths too, to make yourself indispensable. There is plenty of help available, through books, seminars and podcasts and via mentoring, whether it is formal or informal, for free or for a fee.

How willing are you to put in the effort to acquire the extra skills you need? Some people have a “fixed mindset” whereas others have a “growth mindset”. A person with a fixed mindset would subscribe to the view “you’ve either got it or you haven’t”. They avoid challenges because they might make a mistake and this will embarrass them and dent their self-confidence. Conversely, a person with a growth mindset would believe that people can change and grow, even if the skills don’t come naturally to them. They seek out opportunities to learn and develop and see themselves as “a work in progress”.

You may have observed this in school children. Some sail through primary school relying on their innate ability, without having to do much work. However, when the work gets more difficult and they actually have to study, the game changes. As they encounter setbacks and see other children (who have learned how to work) beginning to excel, they can lose confidence and start to rationalise their diminishing success by thinking they are “not that smart”.

Studies have shown that praising children for their intelligence (“you must be smart”) tends to build a fixed mindset, whereas being praised for effort (“you must have worked really hard”) builds a growth mindset.¹

Attributing poor performance to lack of ability diminishes motivation, whereas blaming a lack of effort increases motivation, because you recognise that it is within your power to address the problem.² Persistence pays.

Saying to yourself “I’m no good at marketing” demonstrates a fixed mindset. You will come to believe what you tell yourself. Instead, say “I need to learn more about marketing”. You can change your mindset by making gradual progress and setting goals to achieve some small wins. Prove to yourself that you can do it. Get some help and learn the skills you need. These days, not many people can build a substantial client base simply by doing good work. People who are good at marketing may have natural talent. However, it is more

likely that they have at some stage received some mentoring, or they may have been exposed to it, for example, through a family business, so they have absorbed some of the knowledge they need. There are many different ways to “do marketing” – find one that suits you.

Identify the extra knowledge and skills you need in each of the six areas and find ways to acquire them. Don’t limit yourself to what is available through your employer. Invest in yourself. If you pay for books and courses, you’re making yourself more valuable and will reap the rewards.

Keep records of what you have done to create value for the firm and how you are working on yourself to make yourself more valuable. Start now, so that when

salary review time arrives you will have some meaningful information available to discuss with your employer and you will both be speaking the same language. Most employers are happy to reward employees who make them money and create value for the firm and its clients, but you will need to prove the value you have created. Like the good lawyer you are, assemble your evidence.

Shelley Dunstone is the principal of Legal Circles, a specialist consultancy practice that helps lawyers have better businesses and more satisfying careers. Visit www.legalcircles.com

(Endnotes)

- 1 The Secret to Raising Smart Kids, Scientific American Mind, Dec 2007/Jan 2008, p. 37, at 42
- 2 Ibid, at 39

Council Profile

President-elect a role model for young female lawyers

By Lindy McNamara



When she was asked to nominate for the Council of the Law Society in 2002, Jane Schammer was one of the youngest female members on the Council.

Now, eight years later as President-Elect of the Executive, she hopes her involvement with the Law Society will act as an incentive for other young practitioners.

“The profession is changing and there are more opportunities for women now. Despite this, many women are still reluctant to put themselves forward, whether it be for a promotion at work or for a leadership position. I hope my presidency next year will influence and inspire younger female lawyers.”

Jane admits that when she was asked to stand for Council by Deej Eszenyi - the second of the Society’s three female presidents - she

was attracted by the chance to meet other members of the profession.

“I had more time back then and it seemed the right thing to do to give some of that time back to the profession” she explains. A move onto the Executive in 2007 meant she became more closely involved in the dealings with the government and Jane says she now has a much greater appreciation of the influence the Society has in legislative and policy changes.

In addition to her Executive commitments, Jane is also a member of the Council’s Complaints and Disciplinary Committee and Audit and Risk Management Committee and on several sub-committees addressing the National Legal Profession Reform. And if that didn’t provide enough extra workload, she is the Law Council Director for South Australia.

“Through this role I have been fortunate to meet many lawyers from around Australia, who all face the same issues as we do, despite our geographic differences.”

A graduate from the Adelaide University Law School, Jane was admitted in 1990, with

her first job being in insurance law with Ross McCarthy. This proved a good fit for her and in the ensuing 20 years she has continued to practise in the area of insurance with Ward & Partners, Griffin Hilditch, Minter Ellison and now as a partner at Gilchrist Connell. There she specialises in personal indemnity cases and multi-party civil litigation.

“What I enjoy about being an insurance lawyer is learning about their professions – whether they are engineers, accountants or doctors. You can immerse yourself in their world,” she explains.

Between work, Law Society and Law Council commitments, Jane also is mother to four-year-old Elizabeth and married to barrister Chris Allen. She admits her time management skills are often stretched to the limit!

However, when spare time does arise she loves to read and catch up with friends and she is an avid supporter of the Crows and Sturt football teams, sadly admitting it wasn’t the best year. While she no longer plays competitive netball or tennis, she keeps fit by walking – and running from one business commitment to the next!