



# PLACING PEOPLE OVER PROFITS

Recruiting and Retaining Talented Right of Way Professionals

BY YASMIN L. STUMP, ESQ.



The Great Resignation has affected us at many levels. We wait patiently, and sometimes agonizingly, to be served at our favorite restaurant or café. The wait for an appointment for a doctor, hairstylist or to have your car repaired is weeks and sometimes even months. If you order a product online, it may be on backorder or unavailable for an unspecified period. The pandemic has caused many in the work force to re-evaluate their priorities and choose to work from home, part time or even leave the work force altogether.

All industries, including right of way, have been impacted. The good news is that, recently, the right of way industry has enjoyed an infusion of work, and with the Infrastructure Investment and Jobs Act for public improvement project funding, this trend will continue. Like many industries, although work is increasing, the number of talented professionals is dwindling, and those



in both the public and private sectors struggle to recruit and retain talented professionals. The effect on our industry of increased public and capital improvement projects and a decreased number of professionals is that we are working harder and doing more with less, leading to job dissatisfaction and burn out among team members.

Business leaders' reaction to this situation has been knee-jerk. In my profession of law, in medium-sized markets, large law firms are poaching associates and partners from smaller firms, and in large markets, big law firms are poaching attorneys from sizeable law firms in medium-sized markets. Legal professionals are lured to leave their current positions through astronomical salaries and starting bonuses. According to an article published in the April 2022 issue of the American Bar Association ("ABA") Journal, big law first-year associate salaries are reported to be over \$200,000, with starting bonuses as high as \$50,000, and generous benefit packages. Firms previously concerned about losing clients are now equally, if not more so, concerned about losing their talented professionals.

Another ABA Journal article, published on its website in May, 2022 notes that despite attractive financial incentives, attorneys are leaving their new positions in droves. The transition of legal professionals from one job to another create significant costs for firms and negative optics. Obviously, merely throwing money at professionals is not sustainable because the desired result is not being achieved and increased salary and benefits costs are passed along to clients. At some point, clients will no longer be willing to continue to pay increased fees for legal services.

The generous salaries, starting bonuses and benefit packages create extremely high expectations by new employers. Younger professionals are expected to handle heavy workloads and complex matters beyond their experience and skill levels, along with generating profits for their employers. Over the past

couple of years, I have seen associate attorneys assigned to challenging cases, serving as the primary and sometimes even the only counsel. It has been painful to observe these inexperienced opposing counsel struggle with their complicated matters in addition to their congested schedules.

One young attorney recently told me that she left a lucratively paid position with a large national law firm because, despite the impressive salary, she was unhappy and felt completely unsupported. The several partners to whom she reported failed to serve as mentors, much less provide any direction on how to handle her cases. She was forced to perform clerical responsibilities in her cases because the administrative staff assigned to assist her was stretched beyond her limits. She appeared alone at client meetings, and clients asked her questions that she did not know how to answer due to her lack of her experience. She said that she felt sorry for the clients because she knew that her lack of experience in addressing their issues failed to provide them with the best legal services. The lack of guidance and support, coupled with the pressure to meet the high billable hours requirement, created an unbearable situation, and she felt that she had no alternative other than to leave.





The impact of unhappy and unsupported professionals on clients in the right of way industry cannot be underestimated. Dissatisfied and overworked employees are distracted and can overlook critical assignment details. They can become defensive about their shortfalls and blame other co-workers and colleagues, thereby exacerbating an already stressful professional environment and ultimately negatively impacting work for clients. Overworked employees often fail to return critical email messages and phone calls. Lack of communication and responsiveness also adversely affects work product for clients and undermines client confidence in the firm and the individuals to whom their matters are assigned.

This alarming phenomenon is neither limited to the legal profession nor to the private sector. In my recent conversations with other right of way industry leaders, all professions in the right of way industry have been affected, including engineering, surveying and land acquisition, and in both the private and public sectors, although public sector positions do not have the same profit generating expectations. In the private sector, billable hours and utilization rates are top priority, and the bottom line is paramount. One high-powered manager at an engineering firm, with whom I spoke about this situation just a couple of weeks ago, grew weary due to these pressures and unanticipatedly left not only his position, but the right of way industry altogether. His potential replacement within the company departed only a few weeks earlier because he became disillusioned and bitter about the incredible, and perhaps unrealistic, expectations imposed on him.

### Gaps in Expectations and Bridges that Need to be Built

Speaking of expectations, in any relationship, when the expectations of one are different than the other, dissatisfaction and conflict results. My observations of industry leaders' reactions to the current employment situation supports this conclusion. The old ways of doing things and existing business models do not address the needs and desires of all vital team members. Baby boomers who "live to work" and subscribe to the philosophy that they had to make critical sacrifices to be professionally successful are met with resistance by the younger generation and other professionals who have re-evaluated their priorities.

While lavish salaries, bonuses and benefits are alluring, the talent who right of way industry leaders strive to recruit and retain are not satisfied with only substantial compensation and benefits. Millennials and more experienced professionals who have re-evaluated their priorities want more. Younger members of our industry crave mentorship and meaningful interaction with their superiors. The pandemic spurred and upgraded technological advancements for working remotely, such as virtual conferencing and tools and apps like Slack and Microsoft Teams. Working remotely significantly negates the need for wearing business attire during the work week and driving to and from a brick-and-mortar office. Perhaps most importantly, millennials and other professionals value their personal lives and seek work-life balance. They reject working the long hours that previous generations have, and expect to be, worked. Recently, a baby boomer and right of way business co-owner expressed his frustration to me about a new hire's refusal to work past 5 p.m. His daughter and co-owner confirmed the expectations of younger professionals in the new world. These new professionals also want to know that their employers care about them personally and not just as profit-generators.

### Taking Advantage of Opportunities Created in the New World

There is a quote by author Marsha Sinetar to which I have subscribed as a professional and business owner in the right of way industry, "Do what you love, and the money will follow." That same philosophy needs to be applied to recruiting and retaining talented professionals. The right of way industry needs to make changes to address the needs of talented professionals to not only recruit, but retain, them.

Changes need to be made and implemented promptly to address talented recruits and employees' needs. They need to know that they are valued and not just contributing to the bottom line. Work-life balance, meaningful mentoring, investment in employee training and flexibility to work remotely are part of these changes. Although in my profession, mentorship and working remotely are not always congruent or compatible because an important part of the mentoring process is the "open door policy," whereby a less-experienced attorney can talk with a veteran attorney in person. So, to address these two desires, a reasonable balance between the two needs to be achieved.

A significant silver lining exists for professional organizations, including IRWA. The Association can fill the gaps of right of way professionals' cravings for training and mentorship, which is not being met at the office. IRWA at the International, Regional and Chapter levels can play a vital role in addressing these critical needs through its designations, professional development programs and other educational and training opportunities, relationship building with industry colleagues and formal and informal mentorships. ✪



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