

# How To Leave The Firm Holiday Party With Your Dignity Intact

By **Shayna Posses**

Law360, New York (December 11, 2015, 3:43 PM EST) -- While festive firm parties provide a fun way to wind down after a busy year, attorneys say an overabundance of eggnog can have bigger consequences than a stocking full of coal for employers and fledgling associates alike.

A cheery get-together is a great opportunity to get everyone mingling and give newer employees the chance to shine outside the office, but it can also open the door to legal nightmares for management and an unshakeable reputation for recent hires.

"The goal is to have fun but avoid a mistletoe mishap," said Joseph T. Clees, an Ogletree Deakins Nash Smoak & Stewart PC shareholder. "Holiday parties are up there with business travel as far as creating opportunities for lawsuits."

Attorneys say more and more employers have started taking the conservative approach to firm festivities in recent years following a surge in high-profile lawsuits such as former Faruqi & Faruqi LLP associate Alexandra Marchuk's **sexual harassment suit** against the firm earlier this year.

However, keeping everyone off the naughty list doesn't have to mean ditching the holiday cheer. Law360 talked to some veteran firm partygoers to find out how to navigate potential land mines with aplomb and keep festivities lawsuit-free.

## Keep Boozing Classy

What's more jolly than infinite drinks on the firm's tab? Open bars may be a traditional holiday party staple, but employers may want to consider alternatives to keep the festivities from getting out of control, Gunster shareholder Ed Suarez said.

Party planners should think carefully about how alcohol is handled to help reduce the likelihood of employees overindulging, he advised. Giving workers a fixed number of drink tickets or putting limits on an open bar can help avoid a legal headache later.

"Don't have an open bar that's open all night," Suarez said. "Shut it down during dinner."

However, Clees said, employers can't control everything.

If there is alcohol at the party, it's up to employees to control their intake, Suarez said. Just because you can get that fourth gin and tonic doesn't mean you should. Instead, keep a drink in hand for as long as possible and — if you're pouring your own drink — make it weak, he said.

For employers, excess boozing can lead to harassment or liability lawsuits, but for workers, one beer too many creates the potential for an irreparable reputation.

"The employee needs to recognize from the beginning that you can't erase someone's impression," Suarez said. "You're an agent of the company 24/7. You are always being evaluated."

## Invite — and Instruct — Dates

Allowing employees to bring spouses or dates can help keep them in line, attorneys say. Workers are likely to be on their best behavior in front of their significant others, helping prevent questionable conduct.

If workers are allowed to bring dates, they should introduce them to absolutely everyone — even if a co-worker should already know their name, Fisher & Phillips LLP partner Jennifer B. Sandberg said. It gives employees an excuse to say hi to that bigwig who normally seems out of reach and helps higher-ups get to know newbies on a personal level.

Building these sorts of connections outside the office setting can be key for young associates starting their careers and new hires looking to find their place at the firm. When partners are distributing tasks, they're more likely to call upon the people they know and already enjoy interacting with, Sandberg said.

"Mingle rather than give in to the temptation to hang out with your best buddies," she said.

Ford & Harrison LLP partner Edward B. Carlstedt said the holiday party is a great time for relationship-building: "You can actually find out the person behind the lawyer."

However, it's also important to tell a date what kind of function they're attending, Suarez added. Their behavior will reflect not only as you as a couple but also you as an employee.

"Let them know, let's have fun, but this is still a work function," he said. "We're all on still."

In addition to instructing dates to be careful of what they do and say, Clees said, it is wise to make sure they are aware of who is in the room.

Clees pointed to a memorable slip-up from a holiday party thrown by his old firm. One of the firm's employees was married to a Supreme Court justice. While chatting with the justice, another worker's date asked, "What do you do for a living?"

"A good host is wise to brief their guest," he said. "They can be a source of temperance but can themselves be a source of provocative behavior."

### **Timing Is Everything**

Careful scheduling is another way to help quell unseemly behavior, attorneys say. Some firms are switching to breakfast or luncheon celebrations as a less risky way to recognize a year of good work, Sandberg said.

If parting with the traditional evening affair is too drastic, making the party a midweek affair can also do wonders to discourage overindulgence. The fear of a deathly hungover workday makes employees far less likely to get wasted on a Wednesday.

Carlstedt also suggested ending the party at a more reasonable hour to diminish the likelihood of things getting out of hand. Cutting an open bar off the hour before the party ends and providing transportation options like taxis and Ubers will encourage everyone to get home in a safe and timely fashion.

In that vein, employees should also avoid staying until the wee hours, Carlstedt said. Alcohol and late nights are a recipe for danger.

If you want to keep the party going, go out with close friends or date after, he suggested.

"You don't want to be the person everyone is talking about on Monday," Carlstedt said. "You have to realize it's a work event, not a nightclub."

### **Watch Your Words**

Mingling is key to making a holiday party count, but attorneys say it is important to foster — and

respect — an inclusive atmosphere.

Not only should employers avoid billing end-of-the-year gatherings as Christmas parties or Hanukkah festivities, Carlstedt said, but also workers should keep holiday greetings generic to avoid making anyone feel uncomfortable.

Conversations should be kept to neutral topics like children or some types of current events, he said. Of course, gossiping or flirting are awful ideas, but even a seemingly mild political discussion can take a turn for the worse when everyone's a few glasses of wine in.

Talking about work is also a no-no, Suarez said. Attendees don't come to a party to talk about the things they talk about during the week.

"It's a nice opportunity to visit with someone socially and get to know them better," Sandberg said.

Beyond just boring your co-workers, chatting about ongoing cases at a less-than-private soiree can have legal implications, Carlstedt said. Spouses and dates overhearing confidential information could lead to attorney-client privilege concerns.

If all other conversational avenues fail, simply express your gratitude to the higher-ups and move on, Carlstedt said.

But before leaving, make it a point to interact with everyone from partners to associates to administrative staff, Suarez suggested.

"It takes everybody to make a firm work," he said. "Let them get to know the other side of you."

--Editing by Jeremy Barker and Patricia K. Cole.