Succession Planning for Your Career: What Comes Next?

By Stephen E. Seckler

Note:

Since the original publication of this article, Stephen Seckler has left the recruiting business entirely to focus on what he considers to be his true calling: Coaching. He now operates under the business name Seckler Attorney Coaching.

In April 2020, both of my parents died of COVID-19. While it was very sad to lose my 95-year-old father and my 94-year-old mother in the same week, there were some mixed blessings. They lived long lives, enjoyed more than two decades of retirement, didn't suffer, and they had each other until the end. We had moved them up to the Boston area a decade earlier and saw them a lot.

Because we were in a pandemic, all three of our adult children were with us when they passed, and we were able to be together for the funeral. Following the funeral, we had two lovely Zoom memorials that were attended by friends and family from all over the country. And because my parents were early victims in the pandemic, we got some media attention, including a lovely tribute to them on WGBH radio.

Although the experience was not tragic, it did have a profound impact on me. It made me think long and hard about how I want to spend the next 20 years of my life and the legacy that I want to leave. It also sparked my interest in working with senior lawyers who are contemplating these existential questions.

HELPING SENIOR LAWYERS FIND MEANING IN THEIR WORK

For the past 25 years, I have been doing a mix of recruiting and coaching in the legal space. I enjoy recruiting, especially when I have candidates and clients who appreciate my counsel. For the foreseeable future, recruiting will be a significant part of my business. But losing my parents and living through the pandemic have given me a lot of clarity about what I want from my own career going forward.

My father's legacy is one of integrity. He taught me that there is nothing more important than honesty in life and in business. While there are ways to be a recruiter and operate with integrity, it is challenging when you are being rewarded for consummating deals. I feel like my authentic self is best expressed as a coach who is focused on helping other lawyers achieve their

insta_photos/iStock via Getty Images Plus

PUBLISHED IN GPSOLO, VOLUME 38, NUMBER 3, MAY/JUNE 2021 © 2021 BY THE AMERICAN BAR ASSOCIATION. REPRODUCED WITH PERMISSION. ALL RIGHTS RESERVED. THIS INFORMATION OR ANY PORTION THEREOF MAY NOT BE COPIED OR DISSEMINATED IN ANY FORM OR BY ANY MEANS OR STORED IN AN ELECTRONIC DATABASE OR RETRIEVAL SYSTEM WITHOUT THE EXPRESS WRITTEN CONSENT OF THE AMERICAN BAR ASSOCIATION.

goals. Coaching is my true passion, and that is where I plan to spend an increasing amount of time.

Whether I am helping lawyers grow their income, make a career transition, or find a meaningful way to exit practice, being a coach allows me to operate with complete integrity. My only goal as a coach is to help my clients define and achieve *their* goals.

While I have been thinking a lot about finding meaning in my own work (and life), I have also been talking to many lawyers about how they want to spend the final chapter of their careers. It has been a great journey and a wonderful experience hearing the stories of senior lawyers.

I have also spoken to managing partners and executive directors at firms that have aging partnerships. I have learned (and continue to learn a lot) about the opportunities that are available to senior lawyers and why the issue is so important for many law firms. Here are some of my observations.

SUCCESSION PLANNING IS A MAJOR ISSUE FOR LAW FIRMS

Aging baby boomers now fill the senior ranks of many law firms across the United States. Because of this, hundreds of partnerships will be facing succession planning issues in the next decade. How can firms make successful transitions and ensure the long-term viability of their practices? How will senior partners transition their clients to younger partners so the clients are well served in the future? How will the next generation assume responsibility for managing the firm of tomorrow?

Underpinning all this is a reality: Lawyers are living longer, lawyers have very strong professional identities, and many senior lawyers are not doing a good job of planning their own transitions. A lot of lawyers have worked hard for so long that it is difficult to imagine what might fill the void if they were to leave or cut back.

What will these attorneys do when they are no longer chairing a department or actively serving clients they have worked with for decades? What are some of the creative strategies that lawyers have used to figure out What Comes Next?

As the baby boomers reach retirement age, hundreds of firms will soon face succession planning issues.

Consultants can help partners create a great succession plan for the firm. But in order for the plan to work, senior lawyers need to have their own individual career succession plans.

In an effort to address this, last spring I created a program called *The Next Stage* (https://tinyurl.com/n9wypyrr) to help senior lawyers explore these issues. I have offered this as a group coaching program, and I also continue to offer this through one-on-one coaching. *The Next Stage* is designed to help senior lawyers develop a personal succession plan that works for them and satisfies the business needs of their firm. Now that they have achieved a high level of expertise, professional success, and financial independence, senior lawyers have options. But what do they want, and what are the barriers to making change?

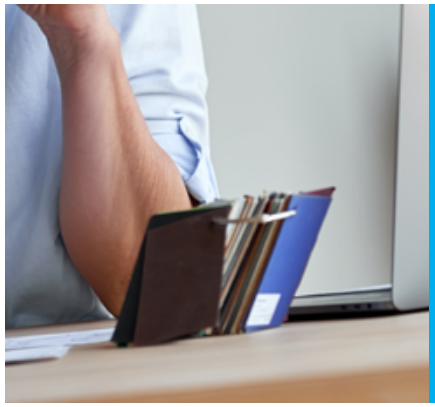
WHAT ARE THE OBSTACLES?

There are many reasons why senior lawyers have trouble contemplating the next phase of their careers. For starters, lawyers are risk-averse individuals. While it is not clear whether risk-averse people become lawyers or becoming a lawyer makes you more risk-averse, risk aversion is an occupational hazard for attorneys. Lawyers spend their days helping clients figure out what might go wrong. When they take a moment to reflect on their own lives and careers, lawyers are very good at identifying everything that can go wrong if they make a change. This mindset can undermine the creative process of thinking about possibilities for the future.

Lawyers also have particularly strong professional identities. After years of identifying as an attorney, it is difficult to contemplate being anything else. Like other professionals thinking about retirement, senior lawyers fear becoming a P.I.P. (previously important person). They worry what they will say

PUBLISHED IN GPSOLO, VOLUME 38, NUMBER 3, MAY/JUNE 2021 © 2021 BY THE AMERICAN BAR ASSOCIATION. REPRODUCED WITH PERMISSION. ALL RIGHTS RESERVED. THIS INFORMATION OR ANY PORTION THEREOF MAY NOT BE COPIED OR DISSEMINATED IN ANY FORM OR BY ANY MEANS OR STORED IN AN ELECTRONIC DATABASE OR RETRIEVAL SYSTEM WITHOUT THE EXPRESS WRITTEN CONSENT OF THE AMERICAN BAR ASSOCIATION.

when someone at a cocktail party asks, "What do you do?" ("Well, I used to be . . ."). Some ask: "Who is going to take care of my clients when I leave?" Their ego tells them: "No one will be able to do as good a job as me."



It is easy to find examples of attorneys who waited too long to move on.

There are many other dysfunctional thoughts that can get in the way of making a change. False beliefs about financial stability are common. Before he retired, one lawyer I spoke to went to see his financial planner on several occasions. Each time, the planner told him he had enough to retire. The lawyer (a partner in his firm) was concerned about supporting some of his extended family who might need help down the road. After a number of sessions, the financial planner finally told him that he did not need a financial planner. He needed a *therapist*!

Some senior lawyers have not cultivated other parts of their lives and other interests. Thinking about leaving the practice of law can create a potential loss of meaningful ways to spend time (i.e., they have nothing to fill the void).

In addition, going to work every day provides structure, which is very important to mental health. Work also provides a community that gives a sense of purpose, and, as many mental health professionals have pointed out during the pandemic, isolation is a bad indicator for good mental health outcomes.

SOME FAILURES

It is pretty easy to find examples of attorneys who have waited too long to move on (and see the negative consequences that failing to plan can have on a firm). A friend of mine recently found out that his 80-year-old partner had finally decided to retire. Unfortunately, the senior partner had done nothing to transition his high-net-worth clients, and the firm now risks losing a lot of business because younger family members of these clients have their own lawyers.

A client of mine recently left her firm to start up her own shop. The senior partner she worked for had been promising her for years that he would retire and that she would inherit the practice soon. For five years he had been telling her that her compensation reflects the fact that she would own the firm someday without having to buy in. But at the age of 75, the senior partner was showing no signs of leaving, and my client decided she was tired of being led on (and underpaid). When she left, many of the clients she was working with chose to follow her.

SOME SUCCESS STORIES

I have also spoken to many lawyers who have made a deliberate plan to transition their clients over time and have explored other interests along the way.

Bill Lahey, a partner who retired from the Boston law firm Anderson & Kreiger, is a great role model. Over a period of five years, Bill reduced his hours by 20 percent each year. During that time, he increased his pro bono work, explored graduate programs in two fields, and spent significant time transitioning his clients to younger partners. He completely retired from the firm at the end of 2019 and is actively involved in many pro bono and volunteer activities. He also has some new personal pursuits, including raising chickens. You can hear my interview with Bill on the *Counsel to Counsel* podcast (https://tinyurl.com/x3kmv8kw).

Martha Koster is a member of the law firm Mintz Levin. Martha describes herself as "semi-retired," but if you look at how she is spending her time, it is hard to say that she is in any way "retired." In 2012, along with her partner Sue Finegan, Martha co-founded the Access to Justice Fellows Program, which provides senior attorneys and retired judges meaningful opportunities to serve nonprofits, legal services organizations, and the courts. Martha does continue to do some paid client work. In addition to her active role in the Fellows program, she also is an adjunct faculty member at New England School of Law and serves on the board of Greater Boston Legal Services. As an Access to Justice Fellow herself, she handles cases for the Political Asylum/Immigration

PUBLISHED IN GPSOLO, VOLUME 38, NUMBER 3, MAY/JUNE 2021 © 2021 BY THE AMERICAN BAR ASSOCIATION. REPRODUCED WITH PERMISSION. ALL RIGHTS RESERVED. THIS INFORMATION OR ANY PORTION THEREOF MAY NOT BE COPIED OR DISSEMINATED IN ANY FORM OR BY ANY MEANS OR STORED IN AN ELECTRONIC DATABASE OR RETRIEVAL SYSTEM WITHOUT THE EXPRESS WRITTEN CONSENT OF THE AMERICAN BAR ASSOCIATION.

Representation Project (PAIR). (Sue Finegan speaks about the program on *Counsel to Counsel*, https://tinyurl.com/3vchu4yh).

Rich Johnston is chief legal counsel to Massachusetts Attorney General Maura Healey. He joined the Attorney General in 2015 after a long and successful career as a litigator at Wilmer-Hale. In my interview with Rich (https://tinyurl.com/66rne733), he talks about how he has found meaning in public service and giving back.

One of my clients wants to exit his large firm entirely in three years. But during that time, he plans to scale back on making appearances in his cases. His plan is that his next-generation partners will assume more day-to-day case responsibility. He owns condos in Florida and Italy and plans to spend more time working remotely during this transition.

Another client wants to transition out of litigation altogether and serve as a mediator in intellectual property cases. He also wants to spend more time mentoring younger associates.

A corporate lawyer I am working with wants to serve on some for-profit boards (and also spend more time on the golf course and hanging out with grandchildren).

HELPING LAWYERS EMBRACE CHANGE

In my program *The Next Stage*, I get lawyers to think in a more entrepreneurial way about their lives and careers. My work is inspired by the work of Dave Evans, co-director of the Stanford Design Lab, and Bill Burnett, executive director of the Stanford Design Program.

In their book *Designing Your Life: How to Build a Well-Lived, Joyful Life* (Knopf, 2016), Bill and Dave describe a process for coming up with next career steps at any stage. They advise the students they work with to employ five different behaviors. I work with attorneys at all stages of their career using this framework:

Lawyers need to think in a more entrepreneurial way about their lives and careers.

- **Curiosity.** Be open to exploring the world.
- **Bias to action.** Test things out and create prototype after prototype until you find what works. Don't be wedded to any particular outcome; focus on what happens next, not what the final outcome will be—this is not the way most lawyers think.
- **Reframing.** Reframe dysfunctional beliefs like "I need to earn enough to support every adult member of my extended family."
- **Awareness.** Recognize that it is a process—mistakes will be made, prototypes will be thrown away. Be willing to let go of your first idea, which may be good but not great.
- **Radical collaboration.** Get input from others.

RÉSUMÉ VIRTUES AND EULOGY VIRTUES

New York Times columnist David Brooks had an awakening several years ago and wrote about two sets of virtues: résumé virtues and eulogy virtues. "The résumé virtues are the skills you bring to the marketplace. The eulogy virtues are the ones that are talked about at your funeral—whether you were kind, brave, honest or faithful. Were you capable of deep love?" ("The Moral Bucket List," *New York Times*, Apr. 11, 2015).

Senior lawyers who have achieved résumé success and financial independence have the luxury of being able to focus on eulogy virtues.

In the future, I hope to spend more time coaching lawyers from underrepresented communities on a pro bono basis. When I have achieved certain financial goals, I will stop recruiting entirely and focus on coaching and a number of personal interests. Helping lawyers build more satisfying careers and fulfilling lives is what I want my legacy to be. For me, that's What Comes Next.

What Comes Next for you? ■

Stephen E. Seckler, Esq. (stephen.seckler@counseltocounsel.com), is president of Seckler Legal Recruiting and Coaching. For 25 years, he has advised attorneys on how to make their "best" next career decision. He has coached hundreds of attorneys on how to grow their income in comfortable ways. *Counsel to Counsel* (http://www.counseltocounsel.com) is his website and podcast. His program *The Next Stage* (https://tinyurl.com/n9wypyrr) is for senior attorneys thinking about "What Comes Next."

PUBLISHED IN GPSOLO, VOLUME 38, NUMBER 3, MAY/JUNE 2021 © 2021 BY THE AMERICAN BAR ASSOCIATION. REPRODUCED WITH PERMISSION. ALL RIGHTS RESERVED. THIS INFORMATION OR ANY PORTION THEREOF MAY NOT BE COPIED OR DISSEMINATED IN ANY FORM OR BY ANY MEANS OR STORED IN AN ELECTRONIC DATABASE OR RETRIEVAL SYSTEM WITHOUT THE EXPRESS WRITTEN CONSENT OF THE AMERICAN BAR ASSOCIATION.