



ATTORNEY SEARCH

By Jamie Bailey

### **"If You Come to a Fork in the Road, Take It": Yogi-ism's for Tough Times**

Most of us remember that famous Yogi Berra quote: "If you come to a fork in the road, take it!" Earlier this week, I spoke with a non-equity partner at an AmLaw 100 firm who realized he had come to a fork in the road. He had been a service partner for over 20 years and was recently let go. His words were painful to hear, but insightful: "No one cares what law school I went to. No one cares about the quality of the work I have done. No one cares that I have been working hard at the top of my game servicing clients for over 20 years." With the recent economic downturn, more and more non-equity partners who do not have business of their own are being forced out of firms. Having serviced other equity partners' clients for so long, many non-equity partners have had little or no time to build their own books of business and now find themselves at a fork in the road. If you are a non-equity partner who is at your "fork in the road," Yogi's unique insights might prove helpful.

***Yogi-ism: "I just want to thank everyone who made this day necessary."***

At some point in your legal career, you may get the dreaded call that you are not being moved into equity partnership and asked to leave your firm. There may be a variety of reasons for this, and the firm's decision may have little to do with the quality of your work. Here are just a few I've heard over the past six months:

- I was promised equity partnership, but because of the economic downturn, my practice group disbanded, and as a result I was laid off.
- My particular practice group is not expanding or bringing in new clients, so no one in my group is going to make equity partner.
- My firm is going through financial difficulty because of the economic downturn and is actually laying off a number of its non-equity partners.
- I have been a service partner my entire career and do not have the necessary business to make equity partner.
- I am practicing in a "satellite" office of my firm in which attorneys don't get much visibility and, as a result, few attorneys, if any, make equity partner in this office.
- I am in a "service" practice area in which the firm rarely moves people into equity partnership.
- My firm's billing rate structures are too high and that has really prevented me from bringing in my own clients.
- I have been faced with so many conflicts that I have been unable to bring new matters into my firm.

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- My practice group is partner heavy and my firm doesn't have room in the roster for another equity partner in my practice area.
- My practice area is not considered a "profitable" practice area in the firm, so attorneys in my group rarely, if ever, make equity partner.

Getting let go from a law firm can stir up a number of emotions. (Some attorneys I speak with are actually relieved to have been released from the nightmare from which they did not ever think they would awaken.) But getting let go may actually be just the thing to get your career jump started and force you to investigate opportunities you might have not otherwise considered. It may also better position you for success in the long term.

Instead of getting discouraged, Yogi might actually advise you to thank those who "made the day necessary!"

***Yogi-ism: "I never blame myself when I'm not hitting, I just blame the bat, and if it keeps up, I change bats. After all, if I know it isn't my fault that I'm not hitting, how can I get mad at myself?"***

As a non-equity partner in a law firm, being let go can be devastating for a variety of reasons. Blaming yourself only adds salt to that wound. So why not blame someone or something else - or better yet - completely ignore the factors for which you are responsible that may have contributed to your being let go or not being moved into an equity partner position. The key to moving forward and ultimately succeeding is getting past the blame game (whether you are placing it on you or on the firm that let you go) and identifying objectively things that you could have done differently and will do differently going forward. A few of the bullets mentioned above are great examples:

"I have been a service partner my entire career and do not have the necessary business to move to equity partner."

Whose fault is this: Yours or the firm's? If you're honest with yourself, you will probably conclude that both you and your firm are to blame. What will you do differently going forward?

- Treat your own practice like a business and put together a business plan.
- Execute tasks which will bring about client relationships that will lead to new business.
- Join a firm that will support your business development efforts and allow you to not only service work but build your own practice.
- Develop an expertise that will distinguish you from other non-equity partners in your practice area.

"My firm's billing rate structures are too high and that has really prevented me from bringing in my own clients."

How will you make sure you are never put in this position again?

- Join an alternative firm that has a reasonable billing rate structure.
- Consider firms that are servicing a different client base (i.e., middle-market companies).
- Consider taking a short-term hit on compensation at a firm where you can continue to build your book for the long term.

Are you blaming the bat?

***Yogi-ism: "This is like deja vu all over again."***

Evaluating what you need to change in terms of the environment in which you are practicing and your approach to your practice, keeping an open mind, and aggressively seeking out other opportunities will be essential to your sur-

vival if you are a non-equity partner who has been thrust into this tough lateral market. If you are at a fork in the road and are seeking an alternative environment, it is essential that you make sure you don't end up in a duplicate firm. If you are practicing at an AmLaw 100 firm which services only Fortune 500 clients, has off-the-charts billing rates, and has a roster of non-equity partners in your group that spans the globe, it will do you no good to lateral to another similarly situated firm. It is important to keep an open mind about alternative firm environments that may actually enable you to bring in clients and service matters at billing rates that are lower than those at your current firm. In-house opportunities may also provide you the means to continue to develop your legal skills and business contacts, and to ultimately transition back into a law firm at a later date with a portfolio of new business prospects and potential clients.

***Yogi-ism: "You've got to be very careful if you don't know where you are going, because you might not get there."***

Once you have found a new home, be sure you are ready to make all the necessary changes to enable you to become a business generator. Non-equity partners who have been lulled into practicing in a service capacity and have not hustled to develop their own books of business are now finding out that the rules have changed and expertise, specialization, and loyalty/years of exceptional service are no longer the primary factors firms use to evaluate a non-equity partner's value. Business and contribution to the bottom line are now at the top of the list.

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It is not too late to change your bad habits, but it may take some time to tap into your business generator energy. Consider putting together a simple, task-oriented business plan which will allow you to execute one to two business development tasks (lunches, speeches, dinners) per month. By the end of the year, you will have executed 24 development tasks which will hopefully blossom into new business opportunities for you. Be sure to aggressively pursue cross-selling opportunities at your new firm through educating your new colleagues about your areas of specialization and how you can help them, through your practice expertise, bring in additional business from their clients. And don't forget to reconnect with your colleagues from your former firm who may be able to send you referral work from time to time. The key is to initiate and continue to build your network at every juncture and to continue to provide excellent service to your clients and to other partners' clients so that they continue to refer new matters to you. By developing a plan, you will know where you are going and how you are going to get there.

If you are a non-equity partner at the fork in the road, think like Yogi. It may be the best thing that happens to your legal career!