

Planning a Lateral Move as a Partner

Question

Can you provide me with guidance as to how a partner should proceed when moving his or her practice to another firm? What is the procedure for giving notice, contacting clients, and duties to my existing firm?

Answer

Moving your practice to another firm is a daunting task that requires your undivided attention to detail, your ability to identify and navigate around potential minefields, your capability to resolve issues expeditiously, your interpersonal skills to temper hurt feelings and egos, your access to the resources of your new firm, and the assistance you receive from key individuals within your current firm as well as others outside of your firm, such as your recruiter.

You should start preparing your exit from the instant you decide to look for greener pastures. It is essential for you to anticipate potential pitfalls so that you can devise contingency plans well in advance to avoid embarrassments and confusion.

It helps to always focus on your clients, who are the most important element in making a move successful. Everything you do should directly or indirectly relate to your clients. Obviously, you have both an ethical and legal duty to continue to provide the necessary service to your clients during your move. The second most important element is to act expeditiously. Remember that time is your enemy; the longer it takes you to resolve issues to complete your move, the more likely additional problems arise. Below is a checklist to consider in contemplating your move:

Before you talk to any firms, the first thing you must do is determine whether or not your clients would move with you. Because of your long-term relationship you may believe a certain client would move with you and that you may feel it is unnecessary to confidentially inform your client of your intentions. This is fine, but be prepared in case the client does not feel the same way you do. If you have any doubt, you should have confidential discussions with each of your clients and you should get a firm verbal commitment that they would follow you to your future firm.

Another reason you would want to inform your clients beforehand is to avoid a situation where a client may have personal or legal conflict that cannot be waived or resolved with a potential firm's lawyers or clients. You should prepare a list of firms you must avoid based on your discussions with your clients.

One way to head off potential problems with continuing to provide services to your clients while preparing your transition to your new firm is to determine ahead of time whether a service partner or other key personnel, such as associates, paralegals or secretaries, are interested in moving with you. Be careful not to disclose your intentions indiscriminately throughout your current firm. You should first target those individuals without whom you cannot adequately service your clients. Then obtain from each individual a verbal commitment that they would keep your intentions confidential and whether they will move with you to the new firm.

After you have met with your potential new firm, and there is a mutual attraction toward one another, the next step should be to have a conflicts check done. Because you already know which firms to avoid, you should not encounter too many problems. Any red flags should be resolved at this stage.

Once you receive a written offer from the new firm and you are ready to sign it, you should give a written resignation to your current firm. You should inform all the key people in your firm, including the managing partner, the executive committee members, and the head of your particular practice group, of your decision. In your conversations with these key individuals, try to avoid any negative criticism of the firm. It is now too late to be critical of the firm since you have made up your mind to leave and any negative criticism will be viewed as a final departing insult. Remember that this firm still has to cooperate for you to have a smooth

transition to your new firm.

You should request that your new firm have business cards prepared as soon as possible.

At this stage, you should already know exactly which clients would move with you. You should have your new firm prepare notices informing courts, adversaries and opposing counsel that the new firm is replacing your old one. For litigation matters, Substitution of Attorneys should be prepared, executed and filed with the court. For transactional matters, letters to all parties involved in the transactions should be adequate.

Because it is important for you to prevent major disruptions in servicing your clients, these notices should be done swiftly to avoid missing important court imposed deadlines in a litigation case, or neglecting contractual obligations in transactional matters. Given that you have already held discussions with your clients informing them of your intentions and that they have agreed to move with you to your new firm, there should not be any surprises during this step.

For all pending matters, inform all of your clients by letter of the name, address, telephone number and other pertinent contact information of your new firm. Include your new business card.

Make the necessary arrangements, and document it through a confirming letter, with your old firm so that you will receive all incoming correspondences and letters the same day or hour they arrive.

Inform the postal service and other mail carriers regarding your new address.

Your new firm should assist you in making the necessary arrangement for the physical transfer of your clients' files

Likewise, your new firm should assist you transporting your personal items, files and furniture.

Your new firm should prepare and send out a press release announcing your joining the firm.

Your new firm should consider publishing a notice in various [legal journals](#) announcing your joining the firm.

Your new firm should also send out announcements to your and the firm's clients, potential clients, professional acquaintances, associations with whom you have a membership, and anyone else in your Rolodex.

In the event the press interviews you, you should never say bad things about the firm you are leaving. Stay positive! Also, get assurances from your new firm that no disparaging comments about your old firm will be made to the press as it relates to you departure.

Obviously, this is not an exhaustive list and you may need to add to it depending on you particular circumstances. In our experience assisting partners and practice groups in making a successful and smooth transition to a new firm, preparing ahead of time is vital. In making your preparation, your focus should be on your clients and proceeding expeditiously. Assume that you will encounter surprises and difficulties, but preparing in advance will make the process less daunting.

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