Securing the Future: Law Firm Succession Planning and the Challenges of Managing a Multigenerational Workforce
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Daniella is a Senior Analyst at ALM Intelligence. Her experience includes advising law departments in relation to strategy, technology, market intelligence, and operations. Prior to joining ALM Legal Intelligence, Daniella was an Analyst with Huron Consulting Group’s Law Department Management practice in the firm’s New York office, and as a secondee in London, where she provided legal consulting services to Fortune 500 companies- including legal spend assessments, Outside Counsel consolidations, Contract Management implementations, and Matter Management implementations. Before attending law school, Daniella spent three years in Beijing, China, where she worked in market entry consulting. A member of the New York Bar Association, Daniella holds a Juris Doctor degree from The Benjamin N. Cardozo School of Law, and a Bachelors of Arts in International Affairs (magna cum laude) from The George Washington University’s Elliott School of International Affairs.
Introduction

Succession planning, the final and arguably most important piece in the employee lifecycle, is integral to the long-term success of any enterprise. Businesses are not immortal; their continued existence, once created, is far from guaranteed. In the current age of innovation and disruption, planning for the future in the present is more critical than ever.

This holds true particularly for the legal sector, an industry where individuals, in the form of equity partners, have outsized impacts on the fortunes of their firms. To ensure their organizations’ future, firm leaders must face a governance structure that traditionally incentivizes short-term profit maximization for individuals at the expense of long-term strategic planning and stability for the firm. Consequently, failure to plan the stewardship of the business and its passing to the next generation puts the future of the firm at great risk.

To complicate matters further, firms are now faced with increasing life spans and greater economic and business volatility. Firms without concrete succession plans in place face a waterfall of issues from an excess of Baby Boomer senior partners and a lack of junior and mid-level attorneys. Further, failure to plan not only causes tension internally in terms of securing firm continuity, but also externally by endangering client relationships and firm reputation.

In direct contrast with how they would advise their clients to approach the issue, many firms adopt a “this will all work itself out” attitude instead of planning strategically and formally.

Unprepared and underprepared firms often rationalize their ad-hoc approach with statements such as “succession planning is embedded in firm culture” or “succession planning is something everyone does even though it is not formalized.” Similar to lateral hiring and strategic planning, law firms that are not creating or sticking to formal succession plans, or reviewing them with any frequency, are putting themselves at risk in the long run.

Relying on industry research and interviews as well as ALM Intelligence’s proprietary data, this report is divided into four sections. The first reviews the state of law firm succession planning, and the second takes a closer look at the types of firms that struggle most with the issue. The third section places succession planning in its proper, broader context: The foundation for effective succession planning is laid long before a partner reaches retirement; and effective succession planning is the culmination of a comprehensive talent management program that recognizes the importance of hiring, retaining, and mentoring a diverse, multigenerational workforce. Finally, the fourth sections includes a list of best practices and practical strategies firms should employ to better prepare for their future and smooth the transition of their partnership from one generation to the next.

Time does not stand still, and as a result, the challenges presented cannot be avoided. The only question is: Is your firm ready?
The State of Law Firm Succession Planning

Succession planning can be an uncomfortable topic, touching on aging, relinquishing of professional identity, the uncertainty of the future, and mortality. If your top leadership, practice area leads, and heads of all of your client teams are all suddenly turned into zombies tomorrow (think The Walking Dead: Law Firms Edition), do you have a deep-enough bench that the firm will survive?

Many firms readily answer, “No.”

ALM Intelligence’s inaugural Law Firm Succession Planning Survey surveyed firm leaders on how effective they are at succession planning. As seen in Figure 1 below, a third of respondents noted that they do not have a succession plan for either firm leadership or client teams. Nearly 40 percent of those who said they did not have a plan in place for firm leadership reasoned that it is “not an immediate concern.” Forty-nine percent of those who said that they do not have a plan in place for client team leadership said that they had “difficulty identifying successors” and “faced resistance from senior partners.”

Other responses included, “cold, dead hands haven’t loosened [their] grip yet,” and “it's being addressed on an individual basis” and “never had one since leaders change frequently.”

These answers indicate a perturbing complacency with the status quo.

Figure 1: Succession Planning for Firm and Client Leaders
Further, many of the interviews on this subject we held with firm leaders, industry heavyweights, and the next generation had a common theme: soon-to-be-outgoing partners are too often incentivized to hoard clients, knowledge and opportunities. The issue often distills to individual territorialism trumping the best interests of the business, making it difficult to tear down silos.

Finally, succession planning is a multi-faceted endeavor, making it a tough area to plan for, formalize, and get right.

**Key Takeaways: Law Firm Succession Planning**

**Five Major Components**

1. Firm Leadership Succession (including C-Suite and non-attorney leaders)
2. Practice Leadership Succession
3. Client Team Succession
4. Planning for Retirement of Senior Partners
5. Promotion of Junior Attorneys to be Able to Lead

Winners at succession planning have built a consistent and formalized plan that embeds succession planning in firm management and leverages an engaged and successful multi-generational workforce. These firms will plan for the short, medium, and long term, allowing firms to tag successors in case of an immediate leadership crisis, and build skills in the next generation of leaders.

Firms in this category do not focus on the oldest partners who may retire in the near future, but think more holistically about service continuity. One junior partner at an Am Law 200 firm conceded that her niche practice and book of business likely had no successor at the firm who possess those specialized skills.

Firms that do poorly at succession planning, by either not planning at all or planning reactively, face rising costs from increased attrition rates, possible reputational damage internally and externally by not ensuring firm continuity, and a poor work environment for their multigenerational workforce. These firms signal clients that they are not looking out for the clients’ best interests.

Junior attorneys certainly notice when firms are not planning effectively. Some write-in responses on ALM Intelligence’s 2017 New Partner Survey on ‘what worries respondents most’ include:

- “‘Old guard’ resisting change and not spreading the wealth downward until it is too late.”
- “Aging partnership/expertise.”
- “Succession planning and work being brought in house.”
- “A lack of vision for the future.”

This is not to say that finding time and effort for succession planning is easy – it requires firms and partners to add another non-billable item to their to do list. It also requires telling some of the most successful people at the firm that their time is up. In some instances, senior partners might be ready to leave earlier than the firm can afford, and creating tension about their retirement may speed up that process.

At the same time, succession planning is not optional.
Beyond the business use case, there is an argument that neglecting to succession plan, particularly for client accounts, may result in ethics violations.\(^1\) In certain states, such as Connecticut, the Rules of Professional Conduct indicate that attorneys who are not succession planning may prejudice their client by not acting with reasonable diligence and promptness in representation. While other team members may be able to onboard a case relatively quickly, if key information is not shared across party lines than there may be an ethical concern at hand.

Moreover, fifty-two percent of respondents to the Succession Planning Survey lost at least a quarter of a retiring partner’s book of business on average when they left the firm.

Our data indicates that firms that do poorly at succession planning will have a long road ahead to catch up to their peers.

**Firms Most at Risk**

The legal industry has entered an era of increased volatility – where many firms struggle to differentiate themselves and achieve success. Whereas before the great recession we saw Big Law generally rise and fall in tandem, we now see that divergence is a sustained trend. Over the past five years, approximately a third of firms did very well in terms of revenue growth, a third saw slow growth, and a third saw revenue decline, and these distinctions hold true across other financial metrics, including revenue growth and profits per partner.

In particular, the Am Law Second Hundred (Am Law 101-200) are far less successful than their larger peers. Compared to 4.6 percent revenue growth the Am Law 100 experienced in 2016, the Am Law Second Hundred grew by less than half a percent, indicating that the Second Hundred are struggling to compete.

Issues with managing the employee lifecycle may certainly be a root cause. The data shows that the Second Hundred struggle to transition retiring partners out of practice, are increasingly reliant on the income partner tier, and face chronic low leverage.

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\(^1\) A study of the world’s top 2,500 largest public companies shows that companies that scramble to find replacements for leadership lose an average of close to $2 billion dollars in shareholder value. The same HBR study found that estimates indicate that up to 40 percent of new CEOs fail to meet performance expectations in the first 18 months. https://hbr.org/2016/12/succession-planning-what-the-research-says
Surprisingly, although these firms face the least amount of bureaucracy and arguably the greatest risk in not replacing key management, as seen in Figure 2, the data suggests that the Second Hundred are struggling to transition retiring partners out of the firm. While Am Law 1-10’s average law school graduation year is 2003, Am Law 151-200’s average law school graduation year is 1996, a massive separation of seven years.

By partner type, the Second Hundred are struggling even more. The Am Law 151-200 partnership is nearly half Baby Boomer and only 3 percent millennial. By contrast, Am Law 1-10 partnership is only a third Baby Boomer and already 6 percent millennial.

In addition, the data shows that these firms face the most difficulty in managing overcapacity in their non-equity partner ranks. As seen in Figure 3 below, both the Am Law 100 and Second Hundred have been expanding their non-equity partner tiers. However, the Second Hundred have grown their non-equity partner ranks at an alarming rate. In 2000, headcount at the Second Hundred was 10 percent income partner. In the last fiscal year, it was 22 percent.

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**Figure 2: Attorney Generations by Am Law Tier**

<table>
<thead>
<tr>
<th></th>
<th>Baby Boomer</th>
<th>Generation X</th>
<th>Millennials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Am Law 1-10</td>
<td>47%</td>
<td>37%</td>
<td>16%</td>
</tr>
<tr>
<td>Am Law 11-50</td>
<td>46%</td>
<td>35%</td>
<td>19%</td>
</tr>
<tr>
<td>Am Law 51-100</td>
<td>35%</td>
<td>39%</td>
<td>26%</td>
</tr>
<tr>
<td>Am Law 101-150</td>
<td>33%</td>
<td>38%</td>
<td>29%</td>
</tr>
<tr>
<td>Am Law 151-200</td>
<td>28%</td>
<td>38%</td>
<td>34%</td>
</tr>
<tr>
<td>Non Am Law</td>
<td>33%</td>
<td>40%</td>
<td>27%</td>
</tr>
</tbody>
</table>

*Note: For purposes of analysis, Baby Boomers include law school graduates from 1990 or earlier, Gen X includes graduates from 2007 and earlier and Millennials include graduates after 2007
Source: ALM Intelligence*
The Second Hundred also have lower leverage. Leverage is the ration of associates to partners (both equity and non-equity). While chronic low leverage may come with less of a strain in paying high associate salaries and an easier road for managers in overseeing less associates, it also means having fewer associates to do the work. Some negative consequences low leverage include: more billable hour write-offs for partners doing an excess of client work; there is less time for partners to develop a book of business; there are fewer prospects for succession planning and fewer senior associates to help train the next generation; and firms will be forced to rely heavily on lateral hiring, often an unsuccessful venture for law firms.²

² According to ALM Intelligence research on lateral hiring, less than 30 percent of hires bring in the expected book of business and the majority fail within the first year. Minimizing Risk in Lateral Partner Hiring: Effective Due Diligence
As seen in Figures 4 and 5 above, the Second Hundred face ongoing issues with low leverage – with leverage dropping to as low as 2-to-1 in some years.

In sum, for these firms that can least afford to mismanage their workforce and plan for the future, the data indicates that they are most at risk.
Managing a Multi-Generational Workforce

While succession planning is a critical endeavor, by definition it must go hand-in-hand with creating a hiring and retention strategy that leverages the diverse perspectives and viewpoints of a multi-generational workforce. For most firms, it is a struggle to ensure that the firm is not weighed down by too many senior partners or too many new associates.

The most critical aspect of this is to establish a process to transition senior partners out of the firm, and junior attorneys rise in the ranks. More often than not, firms fail at one or both of these efforts.

On the most senior end, as the first part of this report described, firms struggle with how to prevent a few senior partners from controlling firm work and management. According to Altman Weil’s 2015 Law Firms in Transition Survey, in 63 percent of law firms, partners 60 years old or older control at least 25 percent of the total firm revenue. Respondents to ALM Intelligence’s 2016 Law Firm Leaders Survey noted that these issues are a reality. A third of respondents said that they are worried that partners are hoarding work (keeping work they might have passed to others), and over 60 percent of respondents expressed concern that some partners are staying on too long.

On the other end, firms must be developing junior attorneys’ skills to ensure they are equipped to succeed. As seen in the section above, many firms are struggling to create an effective plan for transitioning retiring partners and building up potential successors.

Retiring Baby Boomers

More than 60 percent of respondents to the ALM Intelligence Succession Planning survey noted that over 50 percent of their firm and client leadership was over age 55. However, respondents also highlighted a promising alternative trend: they halved that number when asked what percentage of potential firm and client leadership successors was over the age of 55.

The question many firms struggle with is: how they can transition retiring partners out of firm and client leadership? For many firms, succession planning is as simple as establishing a mandatory retirement policy. Thirty-four percent of respondents to the Succession Planning Survey said that their firm had a mandatory retirement age, with the majority saying between the ages of 66-70. However, the data indicates that firms may be overly reliant on these policies, as 71 percent make exceptions to the mandatory retirement age for reasons including “ad hoc” and “retirement is only from equity and management.” The attorneys can stay at the firm as practicing attorneys and they can remain as practice group leaders.

It is clear that many of those partners continue to stay at the firm long past their retirement in a counselor advisory role, without succession planning to the next generation of leaders. This strategy may work for certain firms, but it is not effective for most.

On the other hand, firms appear to have had more success from other aspects of mandatory retirement, such as mandatory adjusted compensation and removal or ramp-down of sole origination credit.

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3 Law Firms in Transition
One firm interviewed had a financial formula that ratchets up as partners age. When partners turn 66 they take 10 percent decrease, at 67 a 20 percent cut, at 69 forty percent and so on. Another removed the ability for senior partners to be the sole originators of credit, requiring them to share credit with others after a certain age.

Another strategy is formalizing retirement, through sit-downs with senior partners at a pre-determined age and at a defined juncture, annually or biannually, after the initial discussion. Many also have senior partners create business plans regarding the transition.

However, interviewees also noted that many of the partners at their firm worry about disclosing retirement plans as that may signal a move sooner than they are ready. Some interviewees agreed that senior partners at their firm hide their ages so as not to be forced out too soon.

**Mentoring Gen X and Millennials**

Junior attorneys require mentoring, sponsorship and guidance to elevate themselves to a place where they can serve as a solution to succession planning challenges. They also need clear and measurable performance objectives, which most do not have.\(^4\)

Unfortunately, law firm structure provides little incentive for the senior generation of attorneys to invest in the firm’s future, or build up the skillset of junior attorneys. Instead of providing a reason to mentor, these activities often fall into non-billable time. Senior partners may also rightfully think that they may be training themselves out of a job. These are tasks that the senior generation has no time or inclination to pursue these activities. Forty-three percent of respondents to the Succession Planning Survey do not plan to establish mentoring relationships with junior partners.\(^5\)

**Key Takeaways: Developing Junior Partners**

### Four Areas Firms Struggle

1) **Lack of training**
   - “We should have business development training way sooner (i.e. midlevel associates and that there should be mandatory in-house CLE requirements to shore up associates’ knowledge of business basics.”
   - “Formal training on non legal issues such as finance, budget, project management etc. would be helpful in the transition to leadership role.”
   - “My firm provided virtually no business development training and had not involved me in any pitches or other business development activities as an associate.”
   - “No training in the new skills required, e.g., budgeting, billing.”

2) **Lack of support**
   - “We need more support from staff and consultants to help us build our brand and business.”

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\(^4\) Seventy-one percent of respondents to the 2017 New Partner Survey said that they do not have clear and measurable performance objectives.

\(^5\) 2017 Succession Planning Survey and 2017 New Partners Survey
b. “Firm/team leadership infighting, lack of resources dedicated to effective associate training (i.e., individualized trainings for associates lacking certain substantive skills), lack of resources dedicated to knowledge management/administrative organization (for client work and business development purposes).”

c. “While there have been efforts to remove silos, a lot of more senior partners still operate under their own silos. This is compounded by a consistent decrease in associate headcount since 2008.”

d. “Higher ranking partners demand associate attention; not enough associates to assist with matters.”

3) Lack of transparency
   a. “Lack of clear leadership goals and executive vision in the firm.”
   b. “Lack of communication about firm business as between the management team and the partnership.”

4) Firm politics
   a. “Firm politics and the necessity to deal with intrigues by an established partner.”
   b. “Internal politics and (sometimes) the egoisms of some partners to protect their own book of business. Some partners clearly look out more for their own than for the firm; lack of cross-collaboration, lack of leadership.”
   c. “No succession planning. Was not brought into existing firm/client relationships.”

Given the lack of training, support, transparency, and the intricacies of firm politics, it is no surprise that only 20 percent of new partners said that they could see themselves becoming a firm leader in the future.

In contrast, firms that foster the success of junior attorneys and their abilities to develop business will certainly have a more engaged and successful workforce.

Transitioning retiring partners out and elevating junior partners up are key aspects of succession planning – ensuring that the firm is balancing its workforce and planning for the future. If firms do not transition retiring partners out, they will be stuck with an increasingly lopsided senior partnership that will not represent the rest of the firm, or the majority of clients. Similarly, if they are not elevating and training the next generation of attorneys they will be left with voids, losing valuable time and money to re-training junior attorneys or engage in lateral hiring to fills the gaps.

“I would not be where I am without the support of my firm. My firm gave me room to develop business even as a younger attorney. In one instance, I brought in a very small matter that would have been turned away at most firms. That small matter grew to become a much bigger client – worth nearly a million dollars a year. The firm fostered both my abilities, and clients both small and large.”

-New Partner, Am Law 100 Firm
Where to Start – Best Practices

The following are a number of best practices firms can use to help start the succession planning discussion. Each firm should tailor their approach to the needs of their individual firm. Firms should consider establishing internal teams for both succession planning and multi-generational work.

In other research, best practices are often split between categories: firm leadership (including the C-Suite), practice leads, and client team leads. This report posits that the best practices are similar at their core and may vary only slightly by category.

1) Measure the Problem

It is impossible to understand how to prioritize elements of succession planning and leveraging a multi-generational workforce without first measuring the extent of the problem using internal and external benchmarks. Firms need to be asking: What clients and how much revenue is at risk? Which partners control key relationships and how can those relationships be diversified to new partners? Which junior partners represent the next tier of management and what leadership development activities are required to secure existing relationships?

2) Tailor a Plan

Once firms understand their data, they can better understand its planning needs. Despite being a key step firms often assist clients with, firms themselves appear to be stuck when it comes to formalizing their own succession strategies. Some firms struggle with succession planning because they are too focused on who will succeed rather than what the firm is trying to accomplish. It is critical for firms to first consider what is best for the firm before considering who. In many instances, tapping a successor first results in cronyism and can exacerbate existing diversity issues. If an outgoing leader is tasked with choosing their replacement, the firm should consider implementing some oversight to ensure that the leader is not playing favorites.

3) Find the Who

The who is the best person for the job, not just someone with the right title or a clone of the incumbent transitioning partner. Often there is an overemphasis on rainmaking skills or popularity when choosing leaders at law firms, and not enough of an emphasis on other skills needed for a leadership role.
Train and test the potential successor so that they are well prepared for the role. Senior partners may even remain in an advisory role for a set period to assist in developing their successor after they take the position.

4) Involve the client

Firms often neglect to involve the client in conversations regarding succession planning, either because they are too busy, they believe that the conversation is too awkward, or they think that the client has no time for firm problems. However, establishing a true partnership with clients is an important step towards establishing the type of relationship that ensures the client stays at the firm past when their relationship partner departs. It is important that the client knows and approves of potential successors.

5) Transition Out and Elevate Up

Transitioning attorneys out and elevating others up is critical to succession planning. Some firms utilize a compensation formula that decreases partner compensation by a set amount year-over-year after a certain age. Others invest in retirement and career coaching for partners to help them better plan for their next steps. As seen in figure 6 below, most rely on identifying junior partners and giving them facetime with the client. However, only half planned on mentoring the junior partner.

![Figure 6: Plans to Transition Retiring Partners' Books of Business](image)

<table>
<thead>
<tr>
<th>Plan to Transition Retiring Partners' Books of Business</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offer monetary incentives to the retiring partner</td>
<td>26%</td>
</tr>
<tr>
<td>Establish a mentoring relationship with younger partner</td>
<td>57%</td>
</tr>
<tr>
<td>Giving those identified younger partners facetime with the client</td>
<td>86%</td>
</tr>
<tr>
<td>Identifying younger partners capable of taking over particular clients</td>
<td>96%</td>
</tr>
<tr>
<td>Other, please describe</td>
<td>9%</td>
</tr>
</tbody>
</table>

*Other includes: communicating with junior partners regarding both our vision for firm’s evolving practice areas and these partners’ role in the evolution, lateral hiring when necessary, and discussions with clients.*

*Source: Succession Planning Survey. Multiple responses allowed.*

6) Repeat

Firms should avoid being reactionary – and instead establish continuous and recurring succession planning process.

Most respondents to the Succession Planning Survey reported a planning cycle of between one and five years. In contrast, leading firms confront succession planning at least annually.
Critically, succession planning is not a snapshot in time activity. It requires constantly evaluating whether the firm has the necessary levels and types of expertise, skills and ambition on its bench to transition firm leadership and client work. If the answer is no, firms will not only struggle with succession planning, but also the firm’s overall hiring and retention strategy.

Conclusion

Law firms are operating in an age of disruption and innovation, facing a growing number of threats including a surge in client insourcing, the rise of the alternative service provider, and a growing threat from artificial intelligence and emerging technology. While the number of risks increases year-over-year, the most critical risk area over time remains the same - talent management. Poor administration of the employee lifecycle and succession planning top the list of dangers to the longevity of a firm.

Firms cannot survive unless they are constantly planning for the future. Many are still relying on firm culture and individual partners to complete the process informally. In particular, the Am Law Second Hundred have not been as successful as their peers in balancing the generations of their workforce.

It is critical that firms implement a comprehensive talent management program that focuses on transitioning retiring partners out of the firm, and training and developing junior attorneys to succeed them. Firms that do well at succession planning create an environment for success and are better able to face challenges outside the four walls of the firm.
Appendix I: Research Methodology

This report relied on a number of research sources, including results of the inaugural ALM Intelligence Succession Planning Survey; interviews with law firm leaders, new partners, consultants, and industry experts; ALM Intelligence’s proprietary data sources, and the author’s analysis of the body of research conducted by others on the topic.

The survey represents primarily law firm leaders from large firms. The survey had 119 respondents. Slightly less than 10 percent of respondents were from the United Kingdom and the rest were based in the United States. Sixty percent of respondents were either managing partner of their firm or involved in firm management.
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