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THE BEST OF  
2016

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- 10 REMOVING CYBERBREACH RISKS

## Your Guide to Succession Planning

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**4 | INFLUENCING AN INCLUSIVE CULTURE FOR WOMEN**



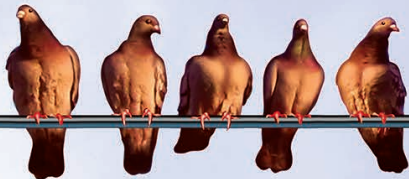
**10 | REMOVING CYBERBREACH RISKS**



**16 | YOUR GUIDE TO SUCCESSION PLANNING**

**CYBER CRIME ON THE RISE**

As of 2015, roughly one in four firms with 100 or more attorneys had been the victim of a data breach. Fifteen percent of all firms, regardless of size, reported a breach incident had occurred — compared to 10 percent three years before.



# Influencing an Inclusive Culture for Women

## Your role in reducing unconscious gender bias

*by Caroline Turner, Author, Principal of DifferenceWORKS and  
Stewart Hirsch, Managing Director of Strategic Relationships LLC*

### HAVE YOU OBSERVED SCENARIOS LIKE THESE?

- The trial attorney, admired by her partners as tough in the courtroom, fails to shift to a more feminine style internally — and is seen as “aggressive” and “bitchy.”
- A promising young associate with great writing skills doesn’t develop relationships in the firm; she is overlooked for good projects.
- The firm plans social activities to promote camaraderie; those activities are often golf and poker.
- A woman makes a point in a meeting. No one responds. A man repeats the same point. He is acknowledged for “his” great idea.
- Female associates request flexible work schedules. A woman partner replies, “They need to put on their big girl pants and quit whining.”
- Exiting, a bright female associate asks a partner, “Why are there no women partners?” He later asserts she is leaving because of “the woman issue.”

These were just a few paraphrased examples we heard from ALA members of situations that reflect the *absence* of inclusive culture for women. This article focuses on what legal management professionals can do to create inclusive cultures.

“Law practice is late coming to understand that both masculine and feminine behavior traits can and do equally

lead to success,” says Robert G. Stevens, MA, CLM, SPHR, Chief Operating Officer (COO) at Bennett, Bigelow & Leedom, and former Chair of the ALA Diversity and Inclusion Committee. “The notion that a lawyer can only succeed by using traditional male behavior traits just isn’t true. I don’t think it’s that the legal community does not want to embrace both, but rather that our paradigm hasn’t supported it. But we can help change that.”

We gathered ideas that fall into two categories: 1) creating awareness and appreciation of feminine and masculine styles of working and leading, and 2) revealing and uprooting the unconscious biases or mind-sets that turn these style differences into obstacles for women. Our focus here is on the second point. (See page 7 sidebar for ideas on the first point.)

““ The comfort principle arises from our natural preference to associate with people who look and think like we do and like what we like. This can make it harder for women lawyers to develop key business relationships, internally and externally, because those in leadership are still primarily male. ””



### MASCULINE AND FEMININE STRENGTHS

Caroline Turner's book, *Difference Works*, is intended to help leaders create workplace cultures that value and model both masculine and feminine strengths. The book describes differences in "masculine" and "feminine" ways of thinking, working and leading along a continuum and avoids stereotyping those differences. It shows the strengths of both styles and the importance for men and women to use both styles.

Examples of strengths of the feminine style include introducing ideas with a question, collaborating, seeking and gathering input in making a decision, and influencing through persuasion. Strengths of the masculine style include speaking with confidence, being decisive, displaying authority and handling conflict directly.

Appreciating both styles is foundational. But to create an inclusive culture, firms must understand how unconscious bias creates obstacles for women. Some ideas suggested at our session, "Decrease Unconscious Gender Bias in Your Firm: Increase the Bottom Line," at the ALA Annual Conference & Expo last May, focused on how to make people aware of, and change, those biases by:

- Offering awareness training and coaching on unconscious gender bias.
- Increasing awareness using the IAT Harvard Implicit Bias test.
- Addressing bias in the moment — have the courage to call it out in a professional way.

### UNCONSCIOUS GENDER BIAS

We shared five of many types of unconscious bias in our interviews and heard suggestions for dealing with them.

#### 1 THE DOUBLE BIND

The double bind is judging a woman negatively for behavior acceptable or admired in a man. Shari Tivy is the Director of Human Resources at Bowman and Brooke in Minneapolis and the former Chair of the ALA Committee on Diversity and Inclusion. Her firm does product liability defense exclusively, and she knows that women trial attorneys are admired for being confident and aggressive — even tough. Yet Tivy noticed male partners' uncomfortable body language in a partner meeting when a woman was strident. She observed that this style is less likely to win support for a woman's point in the office, even when she is right — although this same style works well for men, both in and out of the courtroom.

Tivy shared with us actions she has taken to deal with the double bind and other forms of unconscious bias. They can also work at your law firm or department.

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#### *What you can do:*

- Recommend leadership training programs that include work on gender differences, e.g., at Center for Creative Leadership.
  - When observing unconscious gender bias, call it out privately.
- 

*(continued on page 7)*



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“ To create an inclusive culture, firms must understand how unconscious bias creates obstacles for women. ”

## 2 UNCONSCIOUS IMAGES

Another unconscious mind-set arises from the pictures in our minds about partnership or leadership. These unconscious images pose challenges for women because our images of leadership are gendered — and masculine. Because of the historical role of men in business and the professions, leaders are expected to appear dominant, decisive, competitive and aggressive and to “lead from the front.” However, many people who don’t fit this picture, including those using feminine styles, get great results.

Jennifer Brown is Firm Administrator at Weiner, Millo, Morgan & Bonanno, LLC, in New York City. She also serves as Chair of ALA’s Diversity and Inclusion Committee. She’s worked with an associate similar to the one described in the second scenario above.

That young woman did not fit the image of a potential partner — she was introverted and did not even respond to lunch invitations. So Brown coached the associate to recognize the value of socializing in the firm. She also coached the staff to work harder to build relationships, pointing out differences in gender, age, firm position and style. As a result of Brown’s extra effort, the associate began to be seen as having potential, to get good assignments and to succeed.

### *What you can do:*

- Coach those who don’t “fit the picture” to demonstrate their value.
- Coach those who overlook excellence to recognize value in those who are different in appearance or style.

## 3 THE COMFORT PRINCIPLE

The comfort principle arises from our natural preference to associate with people who look and think like we do and like what we like. This can make it harder for women lawyers to develop key business relationships, internally and externally, because those in leadership are still primarily male. Without awareness of this bias, a male partner creating a pitch team or staffing for an important project may choose people like himself. Being unaware of this form of bias may mean social events in a male-led firm feature activities that are generally preferred more by men.

Stevens has worked in administration in five law firms more than 20 years. He recalls convincing male partners not to have typical male activities at a firm retreat and instead to plan diverse activities that everyone can enjoy. Because he is openly a member of the LGBT community, Stevens understands what it is like to be different and expend energy fitting in, as well as the importance of building social connections for all in the firm. He believes that his years of lived experience as a gay man — and the fact that he is also a part of the majority white culture in most law firms — enable him to speak frankly on such issues. This gives him influence in building an inclusive culture.

### *What you can do:*

- Use your position to influence partners.
- Train people on the importance of gender-diverse pitch teams.
- Advocate for social activities that most people enjoy.

*(continued on page 8)*

## Action Steps: Increasing Awareness of the Value of Feminine Approaches

- Engage experts to conduct awareness training, presenting programs on the masculine-feminine differences.
- Take gender awareness into consideration when determining promotions and partner compensation.
- Adapt hiring and retention models to the size and culture of the firm. For example, Jennifer Brown works at a small firm with limited resources for training and formal mentoring of newly graduated attorneys. To retain more women, she suggests that, rather than hire women likely to struggle without this support, the firm should hire experienced women, including those returning to work after having children.
- Create a “buddy system” so partners oversee assignments and provide informal mentoring.



**4 PRESUMED VS. EARNED CREDIBILITY**

When we raise the fourth scenario in workshops (a woman’s idea not being acknowledged until it is restated by a man), women’s heads nod with recognition. This occurs because, in our culture, the male voice carries more presumed credibility. Women are more likely to have to prove their competence. Men often are unaware of this unconscious bias until it is pointed out.

“Often, women’s ideas are not validated until they are stated by a man,” says Tivy. “Unfortunately, some men just don’t notice that.”

Participants at our ALA workshop suggested pointing this phenomenon out when it happens and acknowledging the person who first suggested an idea.

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**What you can do:**

- Educate people about the phenomenon of women getting talked over.
  - Suggest tactics to ensure women (and others) are heard and get credit for their contributions.
- 

**5 STEREOTYPES ABOUT WOMEN**

Stevens is now a Chief Operating Officer at a firm that has an equal number of men and women partners and 60 percent women lawyers overall. He has seen unconscious bias influence the attitudes and behaviors of men and women. The fifth scenario involves women using derogatory language (wearing “big girl pants”) about other women. Stevens noted this is similar to saying that a male associate “needs to man up.” Such a statement reflects the (unconscious) thought that the feminine style is inferior.

He’s also heard that a partner in another firm used the phrase “the woman issue” — in other words, shorthand for the stereotype that women have babies, work less and want time off. Stevens believes that in 2016, we shouldn’t have male issues and female issues. People have human issues, balancing the demands of a time-consuming career and pressures of having a healthy life outside of work.

Interestingly, research shows that women rarely leave because of the “woman issue.” They leave because they don’t feel valued and heard. They leave because they don’t feel they can reach their potential. That’s about culture.

**YOUR ROLE**

As a legal management professional, you can play a crucial role helping others to see and eliminate unconscious gender bias, as shown by the experienced leaders cited in this article.

You can help management appreciate the business value of gender and other diversity and educate them on how to create inclusive workplaces.

Firm culture is an important leverage point. Legal management professionals can influence the creation and maintenance of a culture in which both men and women can thrive and reach their potential. 🗨️

“Because of the historical role of men in business and the professions, leaders are expected to appear dominant, decisive, competitive and aggressive and to “lead from the front.””

**ABOUT THE AUTHORS**



*Caroline Turner is the author of Difference Works: Improving Retention, Productivity and Profitability through Inclusion. She is the Principal of DifferenceWORKS, LLC, which provides consulting and training to help leaders achieve better business results by being inclusive. She is also the former Senior Vice President of General Counsel of Coors Brewing Company.*



*Stewart Hirsch is Managing Director of Strategic Relationships LLC and is a Business Development and Executive Coach for lawyers and other professionals. He has significant experience coaching diverse professionals. He’s also a former firm and in-house lawyer.*





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# Removing Cyberbreach Risks

Six issues that can position your firm  
for a major information meltdown.

*by Erin Brereton, Owner, Chicago Journalist Media*

**Reports earlier this year that a hacker** had accessed more than 50 law firms' networks may have initially seemed shocking, but it was hardly the first security snag the legal industry has experienced.

In reality, as of 2015, roughly one in four firms with 100 or more attorneys had been the victim of a data breach, according to an American Bar Association survey. Fifteen percent of all firms, regardless of size, reported a breach incident had occurred — compared to 10 percent three years before.

Yet many law firms — particularly smaller ones — often don't feel they need to worry, according to Neill Feather, President of website security solution provider SiteLock and an Online Trust Alliance advocacy group board member.


"High profile attacks can give smaller organizations a false sense of security — that they're not big enough to ward that happening to them," Feather says. "The reality is, the vast majority

of attacks happen to companies with less than 100 employees, and most law firms fall into that group."

The ABA Commission on Ethics 20/20's 2012 comments on technology — that attorneys need to take reasonable steps to protect confidential information that's shared electronically — was a bellwether change for the industry, according to Shari Claire Lewis, a Partner at New York regional law firm Rivkin Radler LLP.

However, Lewis, who has given presentations about law firm cybersecurity risks at legal conferences and other events, notes there's still room for improvement.

"Frankly, many lawyers don't understand or underappreciate the risk of improper redaction, transmission or interference," she says. "Or they're not as familiar as they could be with the technology that protects data when it's sent back and forth, as is required in communication with each other, clients and the court."



“Twenty years ago, everybody would use a desktop computer at work; now you’ve got multiple laptops, working from hotels, working from home, from coffee shops. There are just a lot more vulnerabilities in the system.”

### AN AMPLIFIED FOCUS ON FIRMS

In the past five years, attackers have increasingly targeted organizations — like law firms — that are part of large companies’ supply chains, according to Jacob Olcott, former Legal Adviser to the Senate Commerce Committee and current Vice President of Development at BitSight, a company that rates organizations’ cybersecurity effectiveness.

The data law firms acquire during deals can, in particular, seem valuable to outside parties.

“When someone is interested in understanding the results of a [fiscal] quarter that are about to be announced, or who is filing for patents or trademarks, firms’ business information makes them a hot target,” Olcott says.

If employees can also access and share the information, firms’ potential internal security issues, coupled with the possibility of outside attacks, make it virtually impossible to completely safeguard against all cyberrisk. But that doesn’t mean they shouldn’t try to.

“Nothing is 100 percent,” Feather says. “Just like any other kind of risk management, you need to put steps in place to reduce the amount of risk — and make sure you’re doing everything you can to protect yourself.”

Proactively addressing six of the most common cyberthreats law firms face can be a good place to start.

### RISK #1

#### HACKERS HIT YOU WITH MALWARE

If hackers succeed in getting a firm member to download malicious software — also known as malware — and if it infects existing files and spreads a virus, then the result can range from spam being sent out from the firm, or passwords and other sensitive information being stolen.

Some industry members say ransomware, often sent as an email attachment, seemingly from a partner or client, appears to be on the rise. If opened, the ransomware can attach itself to the place all files are stored in the system and encrypt them, according to Patrick Wiley, Chief Executive Officer (CEO) of technology management, consulting and outsourcing company Aldrige.

“To get them unencrypted, you have to pay, generally in bitcoins,” Wiley says. “Very recently, a potential client had to pay more than \$7,000 to unencrypt its files.”

Most times, the hackers will follow through and unencrypt the files once paid, according to Lewis. Yet, damage may already have been done.

“Firms of all sizes are being hit with ransomware,” she says. “A law firm can only imagine the professional and public relations nightmare if it has to say, ‘We’re locked out of our files; we don’t know when due dates are.’”

**To Boost Protection:** Invest in security software with malware prevention capabilities.

“Working with tools like web application firewalls are very important to make sure you’re blocking attacks,” Feather says.

Frequently remind firm members to watch for suspicious attachments and URLs; and to avoid ransomware woes, make sure your back-up method is effective.

One of Lewis’ clients was recently able to avoid paying an unencryption fee because it had been duplicating its system daily.

“You need to have foresight and the investment in a truly independently cloned system, so when they take out one, they don’t take out the other,” she says. “You can just say ‘Never mind, we’ll go with this data.’”

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**RISK #2****BECAUSE OF EXTERNAL SYSTEM ACCESS, DATA PROTECTION BECOMES A PROBLEM**

Remote working options have become popular in recent years. In fact, in a recent Robert Half Legal survey, 69 percent of U.S. and Canadian lawyers identified flex hours and telecommuting as firms' most important retention perks.

However, home computers may not be shielded against attacks, and on-the-go attorneys are likely logging on to possibly unsecured networks.

"Twenty years ago, everybody would use a desktop computer at work; now you've got multiple laptops, working from hotels, working from home, from coffee shops," Olcott says. "There are just a lot more vulnerabilities in the system."

Portable devices, ranging from smartphones to unencrypted thumb drives, can also compromise firm-related information, if lost.

**To Boost Protection:** Establish a policy to protect information if a portable device is stolen, left in a cab or otherwise misplaced — such as adding a program on devices that will allow you to remotely remove key information.

"One of the best practices for bring-your-own-device [arrangements] is that all devices need to be able to be wipeable when lost," Lewis says.

Preventing information from leaving the office can also help.

"A significant amount of firms simply lock it down," Wiley says. "If you're on a firm computer, and you put a thumb drive in, it doesn't even acknowledge it."

**RISK #3****USERS CAN ACCESS MORE INFORMATION THAN THEY SHOULD**

Firms often intend to limit file viewing to the attorneys involved in a matter. But additional admin and other firm members may request — and receive — access, or just find the items are available on the network.

"Unauthorized access to documents is one of the big [risks]," Wiley says. "Internal firewalls — who should see what — [aren't always] tech-driven in smaller firms."

**To Boost Protection:** The best way to prevent issues, according to Wiley, is to keep the IT department closely involved in any internal group changes so document security mirrors the groups' structure.

"Usually, you see a firm and IT department get of sync when they're moving so fast no formal process exists," Wiley says. "[People] just send a quick email to an IT administrator to say someone has moved from one department or practice area to another, and you add them to the new one, but don't remove them from the old one."

**RISK #4****INSIDERS POSE A THREAT TO INTERNAL INFORMATION**

It would be a mistake to think law firms aren't ever the target of overseas hackers.

"They are," Lewis says. "But a lot of the time, disgruntled ex-employees are the bridge to that."

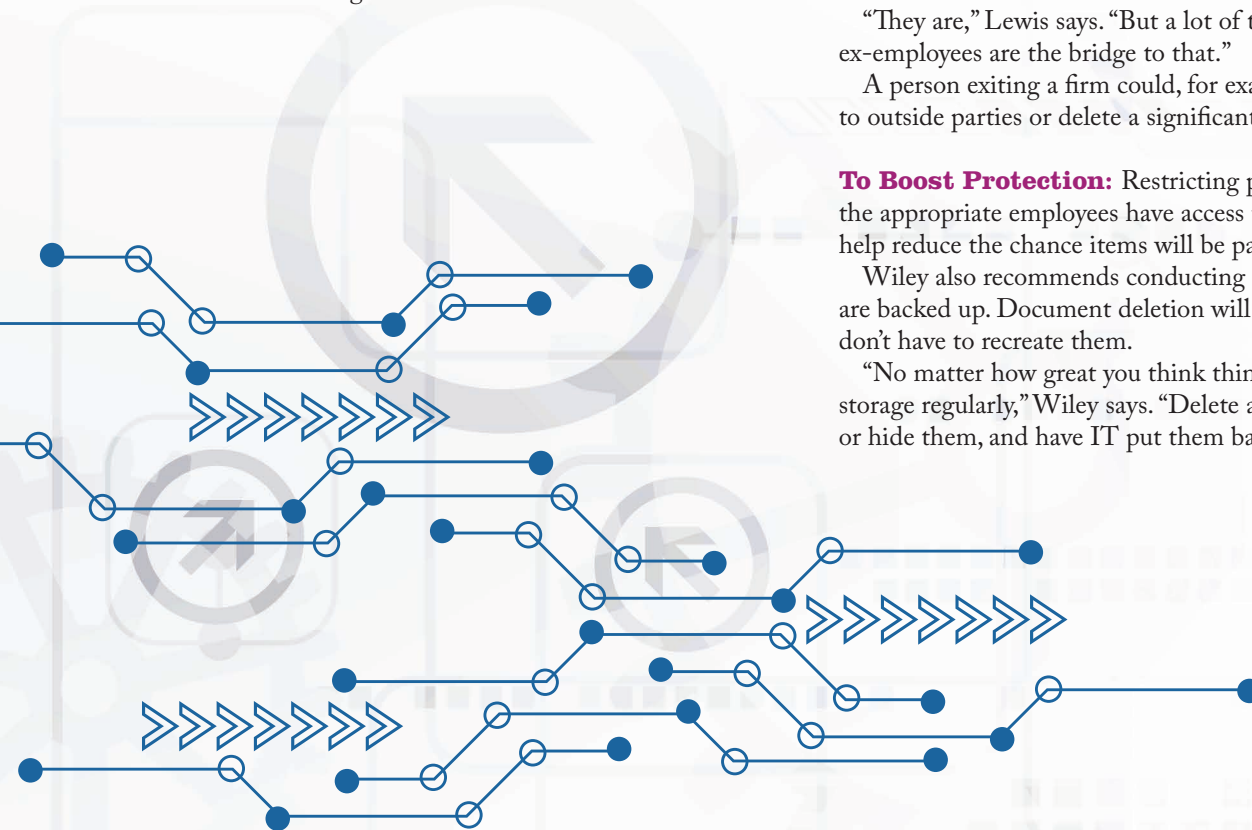
A person exiting a firm could, for example, send documents to outside parties or delete a significant amount of data.

**To Boost Protection:** Restricting permission to ensure only the appropriate employees have access to certain documents can help reduce the chance items will be passed on.

Wiley also recommends conducting a drill to ensure your files are backed up. Document deletion will be less of a problem if you don't have to recreate them.

"No matter how great you think things are backed up, test your storage regularly," Wiley says. "Delete a series of folders and move or hide them, and have IT put them back to make sure it can."

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## How to Handle a Breach

If, despite all your training and technology preparation, your network is compromised, the required time period to notify clients varies on a state-by-state basis, according to Shari Claire Lewis, a partner at Rivkin Radler LLP.

“What triggers it for some may be within 48 hours you have to give notice, if certain criteria applies,” Lewis says. “Others say you have to give prompt notice and can wait until a criminal investigation is completed.”

The type of breach and its scope will likely determine if you decide to tell clients sooner.

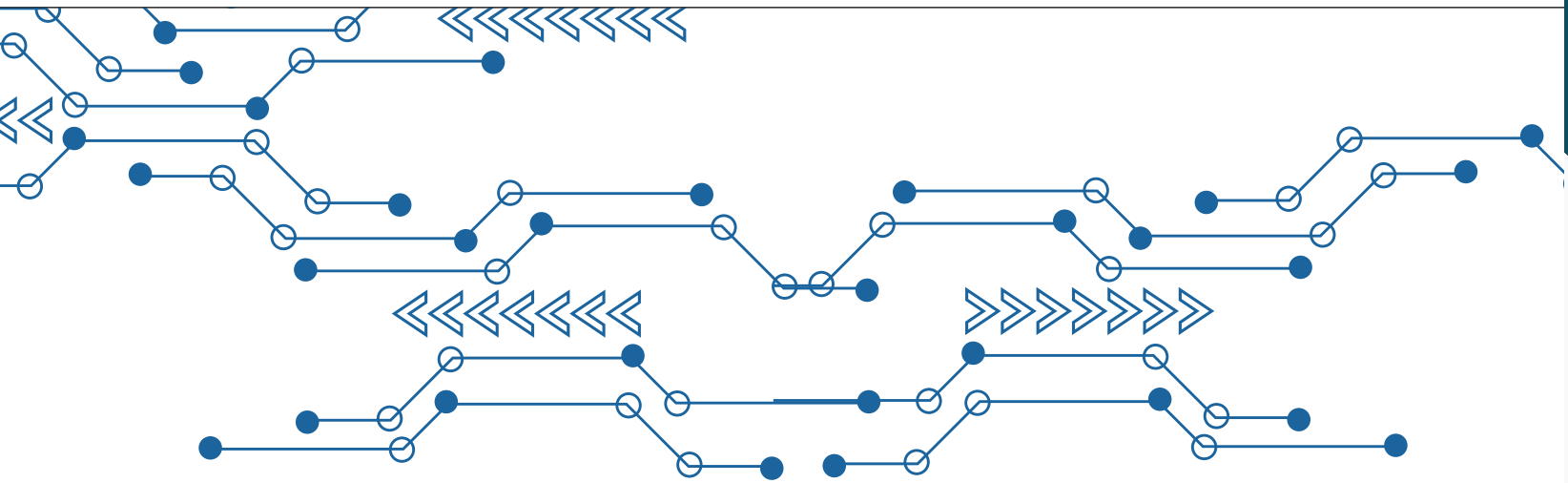
“If there’s any risk their information got out, certainly the prudent thing to do is to let them know,” says Patrick Wiley, CEO

of technology management, consulting and outsourcing company Aldrige.

For additional protection, Lewis says firms may want to consider adding cyber-related insurance.

“It may be a circumstance where the firm’s malpractice policy could provide coverage, but cyber insurance was designed to pay for the first 24-hours of investigation into what happened — the forensic analysis into your systems, shutting down your vulnerability and providing a response,” she says.





## RISK #5

### EMPLOYEE CREDENTIALS MIGHT NOT BE CONFIDENTIAL

Sixty-three percent of confirmed data breaches involved weak, default or stolen passwords, according to Verizon's 2016 data breach report.

Some leaks are accidental — the result of an associate creating a password that's extremely easy to guess, or a partner storing their password on a note under their keyboard.

In other instances, cybercriminals may contact firm members to try to obtain access.

"They'll tell a compelling story of why an email address should be changed on an account," Feather says. "Well-intentioned people could end up providing information that leads to a breach, without meaning to."

Firm members may also innocently give out personal information to individuals they know without realizing it's not a good idea.

"Sometimes it's somebody who used to work at the firm who just needed a document or two, and a friend who's a legal secretary shared her credentials," Wiley says. "[But] that's information management wouldn't want to leave the firm."

**To Boost Protection:** The U.S. Computer Emergency Readiness Team suggests using the first letter of each word in a sentence for a more difficult to guess password. Encouraging users to change passwords frequently can offer increased protection.

Wiley suggests conducting regular breach exercises.

"Call a random person and say, 'Hey, this is Joe from the IT department, I need your password to be able to proceed with this issue,'" he says.

Public shaming aside, employee tests can be turned into educational opportunities.

"Send an email with a [fake file named as a] known, infected virus and say, 'Would you open this attachment?'" Wiley says. "Share the story with the rest of the firm."

“Unauthorized access to documents is one of the big [risks]. Internal firewalls — who should see what — [aren't always] tech-driven in smaller firms.”

## RISK #6

### VENDORS MAY LEAVE YOU VULNERABLE TO ATTACKS

In Target's highly publicized late 2012/early 2013 breach, attackers first gained access to the retail chain's network, according to a U.S. Senate report, by obtaining credentials from an HVAC and refrigeration company Target worked with, which was able to access Target's system remotely.

Law firms may confront a similar threat.

"Firms outsource a lot of their functions," Olcott says. "If a firm uses a third-party cloud service to store data, for instance, the firm would be subject to third-party cyberrisk, as well, if the service experiences an incident."

**To Boost Protection:** Don't just assume companies you work with are taking all the necessary precautions.

"You're ethically required to vet your vendors," Lewis says. "If I'm hiring you to host my data, how are you going to protect my information? How do you guard your servers? How do you use encryption? It's very important to look at how the vendors are helping you do it." 🧐



#### ABOUT THE AUTHOR

*Erin Brereton is a legal industry marketing consultant who has written about the legal industry, finance, business and other topics for more than 50 legal associations, magazines, websites and other publications.*

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# Your Guide to Succession Planning

Some forethought for your firm's future  
can ensure its continued success.

by *Kylie Ora Lobell, Freelance Writer*

**The thought of succession planning can be anxiety-inducing.** Current partners might struggle to let go of the practice they built, and it is equally overwhelming for the successor who is taking the reins. Meanwhile, the changes a new leader brings to the office culture can make for nervous staff members who aren't sure what to expect.

Such a daunting task can be easy for law firms to put off. But succession planning is a crucial necessity. Many senior partners have no plan of action for what will happen to their practices after they retire.

According to the 2015 Altman Weil, Inc., "Law Firms in Transition" survey, in 63 percent of law firms, partners who are 60 or older manage at least one quarter of the total revenue generated by their firms. However, only 31 percent of law firms do formal succession planning.



“The biggest problem with succession planning is that most firms don’t do it at all. A lot of lawyers want to work forever. But once they’re done, they need to put the right person in charge.”

In terms of size, 26.5 percent of firms with less than 250 lawyers go through a proper succession planning process, while less than half of big firms with more than 250 lawyers — 44.9 percent — have a process in place.

“The biggest problem with succession planning is that most firms don’t do it at all,” says John Olmstead, author of *The Lawyer’s Guide to Succession Planning* and a Certified Management Consultant at Olmstead & Associates. “A lot of lawyers want to work forever. But once they’re done, they need to put the right person in charge.”

If your partners have retirement on the brain, or if you haven’t yet planned for succession, you need to begin the process. The following are tips from consultants on how to successfully make the transition.

#### **PLAN YEARS AHEAD OF TIME**

According to Arthur G. Greene, Owner of Arthur G. Greene Consulting, LLC, senior partners need to start planning 10 years ahead of their retirement. “It’s a process, not an event,” he says. “It takes time. The longer you have, the better. A lot of firms end up scrambling at the very end, and that doesn’t go as well.”

In small firms, partners need to recruit or have a young associate in the firm who can be the successor. Greene says partners must “groom successors by teaching them how to manage the firm and get clients. They should try and develop them into lawyers who can eventually be owners of firms. They bring them in as partners, and then the other more senior people retire out and the younger people take over.”

Even if older partners are not actively thinking about retirement, they have to be conscious of the fact that they will have to stop working at some point.

“It is wise for the firm to have discussions with senior members as they approach their 60s,” says Gerry Riskin, Founding Principal and Chairman of consulting company Edge International. “There are no hard and fast rules. Some firms approach individuals when they’re in their late 50s, while others wait until early 60s.”

Plus, it’s always wise to have succession planning on everyone’s mind “even if a succession event is not anticipated,” says Andrew E. Jillson, Attorney and Director of Hayse LLC. “Untimely death,

departure or incapacity can force a firm to address succession when least expected.”

#### **START YOUR SEARCH FROM WITHIN**

The best person to take over your firm is someone who is already familiar with it. He or she has been working there for years and has relationships with your clients.

“We advocate looking internally first, and then searching for laterals,” says Alan R. Olson, Principal of Altman Weil, Inc., in their Midwest office. “This is another reason to get started soon, and to have an objective analysis regarding the projected before and after.”

Though internal hires are usually best, they may not be the right fit for your firm.

“In many cases I’ve seen firms that look around and have six or seven attorneys,” says Olmstead. “The ones they hired just wanted nine-to-five jobs and have no interest in ownership.”

If you’ve shopped the idea of ownership around to a few internal candidates and nobody seems like a good successor, you’re going to have to begin the lateral search as soon as possible.

#### **INFORM THE CLIENTS**

If you want your small firm to keep going after you retire, or your big firm to stay profitable, thorough planning is important.

“Firms that don’t plan well will simply implode,” says Riskin. “Clients will leave to find younger lawyers, and the drop in revenue will foster infighting, leading to the collapse of the firm.”

Olmstead says that successors should be working with clients ahead of a retirement to cultivate solid relationships with them. Ideally, they should even become involved overtime in client projects and face-to-face meetings. “Make sure those relationships are intact several years before the actual retirement, because sometimes these clients go elsewhere,” he says.

#### **BE MINDFUL OF EVERYONE’S NEEDS AND CONCERNS**

Succession planning is not an easy process on a logistical or human level. Attorneys may be worried about retirement and the future of their firms. Successors can feel overwhelmed and like they have to live up to a lot. When coming up with a course of action, everybody involved needs to keep these issues in mind.

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“It’s a process, not an event. It takes time. The longer you have, the better. A lot of firms end up scrambling at the very end, and that doesn’t go as well.”

“Succession discussions are sensitive,” says Riskin. “Senior firm members derive their self-esteem and sense of self-worth from their value as a practicing lawyer and their ability to attract and maintain work. The thought of letting go, and the possibility of a younger lawyer taking over their relationship, can create a great deal of anxiety. The situations have to be dealt with in an open and transparent way.”

Jillson says that when you’re preparing to talk with a senior lawyer about succession planning, understand his or her needs and expectations.

“In advance of the conversation with the senior lawyer, plan the message carefully, select the right messenger and pick an appropriate time to begin the discussion.”

He also says it’s important to treat the succession discussions as collaborative, and not to deal in ultimatums or ignore a succession plan’s impact on the firm’s culture.

“Succession planning is best if it is a part of the firm’s culture. When succession is a part of a firm’s culture, senior lawyers understand the rationale for succession, they know it is coming in the future, and they have an opportunity to participate in the planning for its implementation,” Jillson says.

#### BEGIN PLANNING NOW

Maintaining attorney and client loyalty to your firm is difficult as it is. But if you rush your succession planning, or you don’t pay any attention to it, you risk losing everything. If you do it correctly, you’re going to sustain your firm for years to come.

“For a firm to be prepared for retirement or other form of succession, its succession planning must be started sooner rather than later,” adds Jillson. “It must be pursued with discipline, and it should be considered a building block for preserving the firm’s legacy.”

## IGNORING THE ISSUE

## PLANNING AHEAD

### The Consultant Factor: Should You Bring One in to Help?

Your firm may not have experience with succession planning, which is why you are hesitant to pursue it. In this case, you should look for a law firm consulting company that has experience with this issue and can help you effectively deal with it.

Seek out consultants who are attorneys or who have worked with them for a number of years. Your consultants should have experience with firms of your size as well. They can show you best practices for handling retiring attorneys and successors’ feelings and fears, as well as how to tell your clients and prepare them for the transition — and why planning is ultimately the best move for your firm.



#### ABOUT THE AUTHOR

*Kylie Ora Lobell is a freelance writer living in Los Angeles. She covers legal issues, blogs about content marketing, and reports on Jewish topics. She’s been published in Tablet Magazine, NewsCred, The Jewish Journal of Los Angeles and CMO.com.*

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