



Meeting the Midcareer Challenge Head-On

by Jack W. Burtch Jr.

If we have learned anything from the newer generations of lawyers joining our profession, it is that the question “What do I want to be when I grow up?” can be answered more than once in our adult lives. A partnership offer can be the catalyst for examining what we really want.

There are no lack of challenges in law practice. Lawyers, adept at addressing their clients' problems, often seem adrift when confronting their own. One of the biggest issues facing seasoned lawyers at midcareer is their own futures. What follows are ways to think about lawyers' midcareer challenges and strategies to make the best of them.

Midcareer has no precise boundaries. It can be that time when a private law firm considers a lawyer for partnership, or when an organization moves a lawyer into a supervisory position. It may be that time when a solo practitioner finally feels secure and competent. Although these events are indicators of success, midcareer can be one of the most difficult and stressful times in law practice. The general malaise of midcareer lawyers has become a popular topic in legal journals.

Our profession has become more competitive. Law schools continue to produce lawyers, perhaps faster than the economy can absorb them. Some young people, undecided about what to do after college, choose to go to law school without really

understanding what law practice entails. While many of these lawyers will have left the practice by the time their peers hit midcareer, those who remain will face an endurance test. Many lawyers are paying off school debt, buying homes, and raising their families at the same time they are working to establish their reputations and hone their expertise.

Decide about Partnership

Becoming a partner is a decision, not a reward. You—the potential partner—are the one who should make that decision. Becoming a partner in a law firm is like winning a pie-eating contest where the prize is more pie. There are constant pressures of billable hours and productivity.

For many lawyers, becoming a partner is not necessarily a desirable goal. The question for the lawyer considering the partnership offer is not “Is this what I want for the rest of my career?,” but rather “Is this what I want for now?” Career decisions can always be changed at any point in life. If partnership in a particular firm means we are bound to one organization for the rest of our careers and the essen-

tial decisions about our working lives are made by others, partnership might be something to avoid.

Law firms make partners when they have to. It's a business decision, not a reward for faithful service. You are offered a partnership when you have clients or legal abilities a firm doesn't want to lose. The firm's decision to make you a partner means the firm believes it will lose significant value if you leave. The offer of partnership is a recognition of your present value and a wager on your future.

The decision to stay or leave a law practice is significant at many different levels. Deciding to accept a partnership role involves weighing alternatives. Do I want to be identified with this firm, with these people? Is this a place where my practice will flourish? Or is there a better opportunity that's a better fit for me?

One of the characteristics of the law as a profession is its effect on our identities. When we went to law school, we learned to think like lawyers. One of the costs of success in this process is identifying ourselves too closely with what we do.

In considering a partnership offer, most lawyers will confront a deeper question, "Do I want to continue practicing law?" If we have learned anything from the newer generations of lawyers joining our profession, it is that the question "What do I want to be when I grow up?" can be answered more than once in our adult lives. A partnership offer can be the catalyst for examining what we really want.

Get Real

Partnership is essentially employment-at-will. This should come as no surprise. Articles on law firm downsizing and "partner de-equitization" are common topics in legal journals. Our profession seems to be following the trail blazed by accounting firms in that we are increasingly characterized by fewer large firms and more small

firms. The midsize firm is under extreme pressure to maintain profitability and retain talent. Whatever your firm size, the old expectation that every good lawyer will eventually become a partner is now a faint memory.

Partners won't remain partners unless they keep pace with their firms' expectations. At one time, partners were rarely forced out. Now, asking a partner to leave is a normal occurrence. It may happen when the firm changes its business model. It may occur when the profitability of the partner or the firm falls short of expectations. Or it can happen when the firm perceives that it has a better opportunity. The "insurance principle" that a firm will carry lawyers through its lean years—as the lawyers carried the firm through its profitable years—has largely evaporated.

Partnership or shareholder status is not tenure. What you may have thought of as *your* firm is really only your *employer*, and only for today. Your security is assured when you add value to the whole. When that perception ends, so does your job. Valuing lawyers is notoriously difficult. It is the subject of many books and has been the downfall of innumerable law firm retreats. Some firms measure lawyers' value solely in terms of dollars generated. Others add caseload, clients, community service, or general reputation. Since there is no perfect formula or standard, only the firm's perception of the lawyer's added value determines whether the lawyer stays or leaves.

For all these reasons, it should be obvious that the lawyer's interests and the firm's interests are different. Successfully addressing the midcareer challenge requires facing these realities and determining how they can work for your benefit.

Live Like the Self-Employed

We may be happy in our jobs, or we may be miserable. We have probably been both at different times. But the most effective

way to preserve our options and maintain our job satisfaction is to avoid the classic traps lawyers encounter at midcareer.

The chief trap is financial. We tend to live at the level of the salaries we are making now, fully expecting to make more next year when we get the raise and bonus we deserve. Self-employed lawyers have a different perspective. They are grateful for what they had last year, but have no expectation next year will be better. Decreasing crime and increasing marital harmony could threaten the incomes of many solo practitioners who specialize in these areas. Yet, unlike their colleagues employed by large law firms, most of them understand the ebb and flow of business. They succeed by living below their means. Having a financial buffer for lean times provides security and freedom of choice when assessing your career direction.

Many lawyers get caught in the security trap. If a partnership is, in fact, more like employment-at-will than tenure, then it is just another job. Some employers are more flexible than others. You may already belong to the perfect firm or organization. Yet most lawyers would like to see some changes in their work situations. Not making a change for fear of losing security is deceptive thinking. There is no security in law practice today. Stated more positively, you are your own security. If that is true, or even just partly true, then your real risk lies in doing nothing.

Another trap some lawyers face at midcareer is not having their own clients. Lawyers who work in large organizations and some smaller ones may find that more-senior lawyers want to restrict client contact in order to "own" business relationships. So even by midcareer, it's not unusual that some lawyers have no clients they can call their own. Self-employed lawyers know they need clients to survive. Even the lawyer who hasn't risen high enough on the ladder to control business has a whole network of friends and con-

tacts. Savvy lawyers keep in touch with friends at the bar who have observed their work over the years. Tending a network of relationships is long-term client development. It may not bring in business tomorrow, but it is the foundation of an active law practice. Living as if you were self-employed means always developing and expanding the group of people who think of you as their lawyer.

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A strong financial base and a developing list of clients ensure choices for the mid-career lawyer. Whether the decision is to stay where you are, to head out to a new firm, or to start one of your own, you can act in confidence that your fundamental career choices can be made *by* you—not *for* you.

Distinguish Yourself

Lawyers are not fungible billing units. They are individuals with their own talents and peculiarities. A good friend of mine used to say, “To make a difference in this world, you have to be different. And to be different, you have to be yourself.” One of the glories of law practice is the vast range of abilities that contribute to your being an effective lawyer. One individual doesn’t have to master the whole range. We only have to excel in a few.

A lawyer will not reach maximum potential trying to be like everyone else. Having learned the fundamentals of law practice, midcareer lawyers can then practice in a way that highlights their personal talents. These talents are what will move them up in their own firms and make them attractive to other firms and new clients.

Lawyers are known as problem-solvers. If you are known for solving a particular kind of problem, you will have your own portable legal career. Your career is you.

Reinvent Yourself

Recently, a partner in a large law firm told me that one of the firm’s greatest challenges in keeping good lawyers motivated was to find ways they could recharge their

careers. Firms invest significant resources in teaching new lawyers how to practice law and develop their practice niches. Just at the point when these lawyers, now at midcareer, are becoming more profitable, the firm becomes more reluctant to let them try anything different. Ironically, this may be the same point at which lawyers, having worked for years to establish competence and financial security, are starting to feel burned out. Their need to get out of a rut suddenly runs up against the firm’s need to keep them in it.

I don’t think there are many firms out there with a Department of Lawyer Reinvention, but it might not be a bad idea. It would enable firms to keep the income from the investment they made in lawyers’ careers for a longer period of time. Today, many firms address this problem by adapting their lawyers’ skills to changing client needs. Their approach, however, is entirely reactive. It responds to external pressure: the market defines the service to be delivered. But from the individual’s perspective, the problem looks different. A lawyer on the verge of exhaustion is more interested in relieving personal pressure than in serving market needs.

It may be time for midcareer lawyers to rethink the fundamentals. Why did you become a lawyer in the first place? What made law seem like the right path for you? What was the passion that kept you going through the most mind-numbing hours of law school? Fortunate lawyers may realize they are doing exactly what they want; they may just want to do it differently or do a little less of it. Unfortunate lawyers may find their practices are far removed from their legal passions. Some midcareer lawyers find these fundamental questions lead to the discovery that they are not happy being lawyers after all.

Don’t ignore the questions. Discovering your core values, asking what you want to achieve during your working life, and remembering why you became a lawyer in the first place may give you the energy to reshape your career. Counselors or legal career coaches can certainly help. But the first step is admitting that something is amiss and your career is not what you want it to be. If you want to continue practicing law, then you owe it to yourself to be the lawyer you always wanted to be, or at least the lawyer you want to be now.

First, be sure your support systems are in place. Let family and friends participate in the conversation about your career. They may see unexpected strengths. Talk with trusted colleagues. Read the lawyer blogs. Scan professional journals or the Web to find out how other lawyers are making changes and restarting their careers. Help other lawyers who may be confused about their choice of career, because those conversations will help clarify your own goals. There are plenty of people who have opinions on your career, but you are the one who will have to live in it. Ten or twenty years from now, you don’t want to say to yourself, “If I’d only made a change then, I wouldn’t be stuck now.” Treat yourself like a client. What’s the best advice you can give yourself today?

Revisit Your Defeats

Midcareer lawyers have practiced law long enough to have had some defeats. When I was a younger lawyer, my son asked me how many cases I'd lost. "None," I told him. "I made the most of every case; the results were what they were." I lied. I have been defeated; I have lost cases. What I have learned at this stage of my career is that my defeats provided me with my greatest opportunities to grow and improve as a lawyer. Sometimes they highlighted ways I needed to prepare better. Sometimes they forced me to look at things I did not want to see. It's embarrassing to expose personal flaws, but it's even more embarrassing to know they are there and not do anything about them. Don't be afraid to take a hard look at your defeats. They may hold the secret to future success.



Jack W. Burtch Jr. was admitted to the Virginia State Bar in 1973. He received his undergraduate degree in 1969 from Wesleyan University in Middletown, Connecticut, and his law degree in 1972 from Vanderbilt University, where he served as an editor of the *Vanderbilt Journal of Transnational Law*. After serving as an associate in the labor law section of Hunton & Williams from 1973 to 1980, Burtch became a principal of the firm that became McSweeney, Burtch & Crump. In January 2001, he joined the firm that became Macaulay & Burtch PC, where he represents businesses, executives, and professionals in employment law and labor relations. Burtch is an adjunct professor of law at the University of Richmond School of Law, where he teaches negotiations, interviewing, and counseling.

Relax

Sometimes we take ourselves too seriously. Many of the lawyers who came before us found personal fulfillment, financial security, and civic usefulness in the practice of law. We can too, if we understand that even our best decisions will be imperfect. But deciding to take

control of our own careers and becoming the lawyers we wanted to be in the first place is the best way I know to address the pressures and challenges every lawyer encounters in midcareer. ☺