One Size Doesn't Fit All—Two Laterals' Perspectives on Making the Move

The Legal Intelligencer

March 14, 2019

Jane Fearn-Zimmer & Daniel B. Markind

This article originally ran in the *Legal Intelligencer's* March 2019 Top Lateral Supplement.

Jane's Story

This time last year, when I was just about to transition my elder law, estate planning and special needs practice to Flaster Greenberg, my stress level was high—high enough that had you asked me if I had ever experienced anything like this before, in a weak moment, I might have quipped that my lateral transition was feeling a lot like childbirth! You start preparing months in advance, and then the moment arrives and, as the labor pains intensify, so does your fear and stress. The timing is never optimal, the effort consumes every ounce of stamina that you have, and when the birth (of a child or of a new phase of your career) has finally taken place, it is awesome and wonderful. And just like during childbirth, you are totally dependent on the help of other people, and will emerge transformed in ways you could never have previously imagined, both professionally and personally. And like having a baby, you had better really want one! But seriously, the best advice I ever received about making a lateral transition was to listen to your partners and to recognize that they are people just like you.

A lateral transition can be a positive transformation, if done for the right reasons and with realistic expectations. If it enables you and your team to elevate your existing practice to a higher level, and to offer additional resources and services to your clients, or to double or triple your existing book of business, then that is probably going to be a synergistic mix and will likely work out to everyone's benefit. Here at Flaster Greenberg, I am able to originate and keep within the firm matters outside my practice areas of elder and special needs planning, tax and estate planning. For instance, I am first and foremost an elder law and special needs attorney, but I also have some tax and estate planning clients. If a business planning client needs assistance with an intellectual property matter, my partners can now help the client and I can continue to serve my client through my partners. This is a wonderful thing and clients appreciate the seamless service and one-stop shopping a midsize to larger-size law practice offers. But whatever your motivation, it is important to be comfortable with yourself and with your new partners, and to go forward into the merger or acquisition or whatever your new structure is, focusing on the right reasons. Then, once you have set the ball in motion, keep moving forward.

Never underestimate the value of preparation and thoughtful inquiry. Know yourself and your clients and take the time to sort through whether the personalities and structures of your new firm will be the best fit for you, for your support staff and for your clients. Do you really like the people you will be joining? Because you will be spending a lot of time with them! Think about what you need for your practice (and your family) to thrive and negotiate that arrangement. Take plenty of time to meet with your new partners

and to talk about how they run their practices versus how you run yours and what you each bring to each other's practices. You will want to be sure that you have the same values and expectations. Talk about their rate structure and billing conventions (flat fee versus hourly) and how they will price a typical engagement. For instance, if the new firm requires two attorneys to review of every deed or contract, will that work for your existing and potential clients, or will you have to think about referring matters outside the firm? Make sure you understand the firm's approach to compensation and that there is sufficient transparency in the application of the firm's approach to compensation (in the case of Flaster Greenberg, a transparent and objective compensation formula).

You will want to set aside time to standardize your respective legal practice forms. Make sure you have access to the new forms, especially if you are expected to use those instead. Pay attention to what is said, and even more attention to what is left unsaid. Tactfully parse out whether there was anyone that moved to the firm that had difficulty with his transition to the new firm, what went wrong, and how to avoid that.

Having the support of a terrific administrative and technology team can really go a long way toward making the transition manageable. Technology allows for electronically porting files over from your old firm to your new one quickly. Throughout the process, you will have to be very organized, mindful and strategic about juggling the different demands on your time. Budget plenty of time for conflicts checks, as this will take longer than you think. Make every effort to meld your practice and your procedures to the new firm's existing framework. If the new firm has an employee handbook, take the time to study it because it will provide you with valuable insight into the firm's expectations and its culture. If you can, have an administrator who has been with the existing team for many years assigned to acclimate you to the new firm and to help you learn and follow the firm's procedures and how to manage the various personalities in the new firm gracefully. If your firm has multiple offices, make a point of working in each of them that you reasonably can to get to know all of your partners better, and make it a point to always be helpful to them.

Especially in midsize to larger firms, it can be really helpful to have several mentors. Mentors are a bridge.They can serve different roles, they can open doors, help you perceive your blind spots, and even encourage you when all of the many changes seem overwhelming. They can help you refine your business plan (and you absolutely need to have a business plan) to fit your new practice model, can help you pitch to clients, especially those you are connected to that happen to have desirable work outside your practice area, and can help you acclimate to the new firm faster. Finally, keeping all of these balls in the air can be very stressful, so be sure to practice mindfulness and self-care so that you can enjoy the journey.

Dan's Story

Law practices come in all shapes and sizes. Finding one that suits you often is a complicated task. Some people honestly never find the right fit. Complicating things is that your needs from a firm change over time. At this point in my legal career, I was able to quantify exactly what I needed in a law firm, and write down how I would seek attaining my remaining goals with the firm's assistance.

I didn't plan on changing firms. I was approached by a legal recruiter who I knew and gave him the same brush off I'd given to so many over the years. But when he asked just to have breakfast near where we both live, I accepted. Just that act alone told me something. Deep down within me I wondered if the firm in which I was a partner still fit my needs at that particular time. It was good to bounce my issues off of someone, knowing that in the end I controlled my own destiny.

Choosing a law firm begins with assessing the firm's size and practice areas. Some people find they work best in large organizations, while some do better in smaller organizations or by themselves. I've worked in all of these settings, and determined that while I generally flourished in places with more personal contact rather than less, there were specific practice areas that I needed expertise in order to grow my practice.

And my needs were all about growth. I realized that for my particular practice, there were needs that my prior association was not providing. If I could get those filled and feel comfortable with my new partners, making a move at this stage of my career made sense.

I was not interested in finding a place where my current practice could be serviced. I was looking for a firm that would help me double or triple my book of business in a short period of time. The notion of new synergies that would be advantageous to my practice piqued my interest. Firm culture and a mutual respect between my new partners and me served as the final ingredients to cementing this new match.

At the most basic level, I am a real estate lawyer. If you scratch me deep enough, I'll always be a dirt lawyer. Over the decades however, I've been general counsel to Philadelphia International Airport and parlayed that into being outside counsel to numerous airports both in the Northeast and around the country. I also developed a specialty in energy, both in the renewable area and in oil and gas. Given that eclectic mix, I needed a firm with a mindset toward growth and a top-flight marketing department; top quality people in trusts and estates, tax and environmental law; and a willingness to consider taking on—as a lateral—my top associate who works with me on airport matters.

Once I determined that Flaster Greenberg provided an excellent opportunity, the final obstacle to overcome was inertia. It's tough leaving a place where you feel comfortable. Simple tasks like learning a new computer system, how documents are stored and other administrative matters can be a time consuming and a difficult undertaking. Imagining having to get conflict checks done for all of my clients, moving boxes around and spending months in a state of partly here and partly there all led me to delay making the ultimate decision.

Finally, at a lunch with a law school classmate, he asked me what would be my reasons for going. I gave him all of the advantages of moving to Flaster. He asked me what would be my reasons for staying. I told him simply comfort and inertia. He said, "that's not a good enough reason to stay." He was right.

As difficult as it can be to make a move, sometimes the benefits just overwhelm the difficulties. A year ago, I never anticipated I'd be somewhere different than where I was. Now I'm at Flaster Greenberg, and proud to be here.

Jane Fearn-Zimmer *joined Flaster Greenberg as a shareholder in February 2018. She dedicates her practice to serving clients in the areas of elder and disability law, special needs planning, asset protection, tax and estate planning and estate administration.*

Daniel B. Markind *joined Flaster Greenberg as a shareholder in September 2018 and is a real estate and corporate transactional attorney. He has represented individuals and companies in the energy industry for over 20 years. He can be reached at daniel.markind@flastergreenberg.com or 215-279-9906.*

ATTORNEYS MENTIONED

Daniel Markind