

Looking For Mr. (Or Ms.) Right: How To Choose A Law Partner

By Linda J. Ravdin

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*The art of life lies in a
constant readjustment
to our surroundings*

[Okakura Kakuzo](#)

The selection of a law partner is a momentous decision. A law partnership that works well can enhance the professional lives of the partners in ways that one lawyer working alone may not be able to accomplish. A partner who has a high level of professional competence and a good reputation adds value to the firm and to his or her individual partners. A poor choice of partner can mean professional and financial disaster. A partner's ethical troubles or personal misbehavior can tarnish the firm as a whole. A partner's inattention to business development and collection of fees can erode the financial stability of the firm and hurt all partners. What are the essential qualities your partner should have? And what qualities should a prospective partner look for in you?

Ethics and Character

Your partner should be someone who strives to meet the highest standards of ethical conduct in all aspects of his or her professional life. Operating at the borderline is not good enough. Nor is having simply memorized a number of rules sufficient. Your partner should be someone you can trust to have signature authority on your attorney trust account. Your partner should be someone who conducts him- or herself in an ethical manner at all times without being pushed. He or she should have enough appreciation for ethical issues to recognize one when it presents itself. Unfortunately, not all lawyers do. It would be a mistake to take for granted that your potential partner operates as ethically as you do.

A firm can establish procedures to reduce the chances that one partner will be able to commit certain unethical acts, such as misappropriation of funds, but other acts, such as neglect of client matters, cannot effectively be policed by the remaining partners, who will necessarily be concerned primarily with the delivery of services to their own clients. This means your partner should be someone you can trust completely to do the right thing where the conduct of client matters is concerned.

Equally important is the candidate's ethics in dealing with other partners. Partners in a law firm have a fiduciary responsibility to each other and to the firm. Your potential partner should understand that in a firm, partners must be able to act for the greater good of the firm. A lawyer too shortsighted or controlling to act as part of a team will probably be an unsuitable partner. Partners must feel confident that other partners will handle financial matters in a fair and respectful manner, for example that issues about proper credit for

originations will be resolved in the open. Members of a firm should also be committed to disclose errors of any kind that could affect the firm, including possible malpractice or ethical claims, as soon as the issue surfaces. Doing so will give the firm's partners the opportunity to solve a problem before it grows too big to handle.

Finally, your partner must be someone who deals ethically with employees—both associate attorneys and staff. It should go without saying that a partner who cannot be trusted to avoid behavior that could result in an employment discrimination claim is a partner who cannot be trusted. A partner who takes unfair advantage of staff—for example demanding that a staff member perform personal services or lie to clients or others—is a partner who puts the entire firm at risk.

Expertise and Quality of Legal Work

Every firm should be committed to maximizing the quality of legal work it delivers to its clients. If you are a young lawyer out of law school only a few years and are considering going into partnership with another young lawyer, you should both be prepared to invest the time and energy to attain a high level of expertise in the practice areas in which you plan to develop business. If you are considering going into practice with an experienced lawyer, that lawyer should already be tops in his or her practice area. In all cases, your partner, and you, should be committed to keeping up with developments in the field, regularly attending or teaching continuing legal education, and continually working to improve skills and expertise.

If the person I was considering going into partnership with practiced in my specialty, I would want that person to have the skills and competence to step in and handle a case of mine if that ever became necessary. I would also want to know that he or she maintains such good files that I could step in for him or her on a case if that became necessary. But I would want to know that my partner will not take advantage of my ability to step in on a case at the last minute by taking off on a trip and leaving me with a lot of emergencies that could have been avoided if he or she had adequately planned. And I would want him or her to know that I conduct my client business so as to minimize the risk that others will be left holding the bag while I am away from the office.

Practice Management

A law partnership is a business arrangement. Thus, the ability of partners to contribute to managing the business of the firm is essential to the success of the firm. If your potential partner is in a firm now, he or she should have had some exposure to practice management issues that confront firms and may have had some management responsibility. Even a potential partner who has never been in practice may have had some experience managing the delivery of services to clients, dealing with personnel issues, managing resources, or budgeting. Your potential partner should either have enough interest and talent in practice management to make a direct contribution to management or he or she should be willing to let those who are interested and good at it take primary responsibility for overall management of the firm.



*When deeds speak,
words are nothing*

African Proverb

Even in a firm where significant management responsibility is delegated to a managing partner, each partner must be able to assume responsibility for managing his or her individual practice. This includes things like work flow management, client development, time management, and setting and collecting fees. Some tasks within these categories can be delegated, of course, but overall responsibility cannot. Your partner candidate must be willing and able to assume responsibility for these important elements of practicing law. He or she should have a strategy for intake of new clients, conflict checking, meeting deadlines, and setting and collecting fees. A potential partner who has a low rate of realization of fees billed may be a lawyer with poor management skills. Moreover, a low realization rate can be a sign of deeper problems, such as poor-quality work and dissatisfied clients.



Be not afraid of going slowly; be only afraid of standing still

Chinese Proverb

Business Development

It may be that in large firms all partners do not need to be rainmakers. However, few small firms are sustainable unless all partners are able to bring in enough work to feed themselves and those they are responsible for. If your potential partner is an experienced lawyer in an existing practice, he or she should already have a self-sustaining client base. If your partner candidate does not have a self-sustaining practice, is he or she expecting to get overflow work from you? If so, you need to know that before you decide whether to go into practice together. Your partner candidate should be committed to putting in the time and money required to market your firm and should have some ideas about how you can combine forces to market yourselves more effectively than either of you is doing alone.

Your decision whether to practice together should take account of each partner's practice specialty, how the different specialties can support each other, and opportunities for cross-selling. It is important to know what type of clients your potential partner is seeking and how he or she is going about it. Is your partner candidate relying almost entirely on word of mouth to bring in a few high-end clients with large-fee matters? Are you handling a large volume of low-end matters that you bring in through Yellow Pages advertising? If so, your practices may not be compatible. On the other hand, if you and your potential partner have similar strategies for developing business and you each have clients who could benefit from the services of the other, you may have the makings of a successful joint venture.

Commitment to Client Service

Your partner candidate should be committed to the highest standards of client service. Many commentators have observed that, contrary to what many of us thought when we graduated from law school, clients do not equate good service solely with winning in court. Rather, they care about being heard, about promises kept, about attention to their legal problem, about returned phone calls and responses to letters and electronic mail, about being kept informed. They care about whether their lawyer cares and shows it in everything he or she does. They also care about results. If your partner candidate is an experienced lawyer, he or she should already have a track record of delivering excellent client service. This is true even if your partner candidate has never been in private practice. A lawyer coming from government, a legal services

organization, a general counsel's office, or another legal environment still had to deliver services. Did that lawyer do a good job of delivering those services? If you are inexperienced or are considering going into a partnership with an inexperienced lawyer, you both should be committed to educating yourselves about how to deliver excellent client service: Attend programs devoted to the subject, read, talk to more experienced lawyers, and listen to clients. Make changes in your practice as you learn more about what clients expect.

Questions to Ask

Before making a decision to go into a partnership, there are a number of questions you could ask that will give the partner candidate an opportunity to reveal some of the things that matter in a law partnership. Ask questions even if the person you are considering is a close friend. The things you tolerate in a friend may be intolerable in a law partner. Here are some suggested questions:

- How do you see our combined practice developing during the next five years? The next ten years?
- What do you think are the biggest challenges in building a successful practice in your specialty?
- What are your most significant business development activities at the present time? How has your business development strategy changed over time? What are your ideas for how we can combine our marketing efforts?
- In your current practice, do you have a marketing budget? What percentage of your gross receipts do you commit to the marketing budget?
- What do you see as the most significant benefit to you of our joining forces?
- How do you keep up with developments in your specialty? What professional publications do you read regularly?
- How many hours per year of CLE do you either attend or teach?
- Do you routinely use written engagement agreements?
- What is your typical required fee advance for the types of matters you handle most frequently?
- Do you escrow all your unearned fee advances?
- What strategies have you developed to maximize your fee collections?
- What percentage of your billed fees do you collect?
- What are the amounts of the five largest receivables you currently have? What are you doing to collect these fees? Looking back, what would you do differently to avoid this situation in the future?
- How frequently do you send out bills?
- Do you use a time and billing program? Which one? Do you record your time contemporaneously?
- Do you sue clients for outstanding fees?
- What are your strategies for time management? For not missing deadlines? For getting client work out in a timely fashion?
- Do you take vacations? How frequently and for how long?
- When you take vacations, how do you plan for making sure your work is done before you go? How far ahead do you schedule your time out of the office and how far ahead of a trip do you start planning so that your work is up to date?
- How do you plan for making sure you are covered for emergencies, such as a death in the family or a serious illness, in your absence?
- What are your strategies for avoiding malpractice and protecting yourself from malpractice claims?



The quieter you become, the more you can hear

Baba Ramdass



*Don't stumble over
something behind you*

Seneca

- What are your procedures for intake of potential new clients and for checking conflicts of interest?
- Do you have disability insurance, health insurance, and life insurance? Is your estate planning up to date? Do you have a health care directive?
- Have you taken any continuing legal education on practice management issues? Do you read any publications devoted to practice management issues?
- What do you see as the key practice management issues that we will confront as a firm?
- What do you consider to be the practice management responsibilities that you are best at?
- If you could choose specific practice management issues that you would have primary responsibility for in our firm, what would they be?
- Based on your experience and observations in your current firm, are there things that you would like to do differently with regard to practice management?
- What are the areas of practice management that you feel you need to know more about in order to be more effective in the running of our firm? How do you propose to acquire the knowledge you need?
- What do you consider to be the most appropriate compensation formula for our firm? Do you believe the formula should be totally objective, or should there be subjective elements? How would you see us resolving disputes about compensation?
- What do you like to do when you are not practicing law?
- Have you had any mentors since you became a lawyer? How did they help you to become a better lawyer?
- Have you been a mentor to any younger or less experienced lawyers? Was that a rewarding experience for you?
- What is your view about whether we should hire associates and when?
- Do you want to grow or stay small? What number of partners do you consider optimal?

In addition to asking questions of the prospective partner, you should talk to others—judges, opposing counsel, other lawyers—with whom the partner candidate has worked and hear what they have to say. Some of the questions posed to the partner candidate can also be posed to third parties. You might also exchange with the partner candidate some materials that will give you each a chance to further assess some of the information gleaned through your discussions. For example, request a sample engagement agreement, a sample client invoice, and examples of some internal case management forms, such as a checklist for a type of matter handled frequently, a template for a document created frequently, and a new-client intake checklist. These will give you a sense of how well organized this person is. And, if he or she has been in practice a number of years and does not have any internal forms, ask why.

Conclusion

Practicing law with partners can be a professionally and personally rewarding experience—if you practice with the right partners. Before going into a partnership, do the necessary investigation and ask the right questions. Find out whether the lawyer you are considering is right for you before, not after, you join forces.