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What to Do When an Associate Attorney Leaves Your Firm

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If you run your own law practice and have ever had to hire an associate attorney, one of the biggest concerns and risks you take is that one day that associate attorney may decide to leave your firm. Unfortunately, this is a business where a trained employee can easily set up his or her own shop and there is little you can do to restrict it from happening. It can be one of the most disruptive and chaotic things your practice may go through, but knowing what steps to take immediately following the departure of an associate attorney can make a huge difference.

Given that I have been in practice for over 34 years now and my law practice has had anywhere from one to seven associate attorneys on staff, it is safe to say that I have had my fair share of associate attorneys leave my firm, whether as a result of my decision to let them go or their own decision to leave. Despite these departures, my law firm has still thrived and is going strong.

Below are the seven steps I've learned that you should immediately take if an associate attorney leaves your firm, to ensure the least amount of disruption and to help you, your firm, and your clients deal with the change and transition.

STEP #1: Get Them Out ASAP!
Depending on the circumstances of the departure of an associate attorney, whenever possible it is usually best to get him or her out of the office. This can be done professionally and cautiously, as you will see. Otherwise, it is inevitable that morale in the office will begin to suffer, as will productivity and the level of everyone's efficiency. Additionally, you may have concerns about the security and confidentiality of the files, computer software, and other proprietary information the departing attorney may have access to.

Come up with a plan of action, with the assistance of appropriate staff members, to do what you can to reschedule any and all client appointments currently on the departing associate's calendar. If, at all possible, it is best to keep any appointments with new prospects as is and reschedule existing client meetings. They will be a bit more lenient and forgiving about having to be rescheduled.

STEP #2: Conduct an Exit Interview.
An often overlooked step in the process of saying goodbye to an employee is the exit interview. However, the concept of conducting an exit interview is when you, as a business-owner (or your office manager conducting the interview), might get some of the most open, candid and honest feedback about things going on in your firm. Many employees hold back from providing you this kind of candid feedback while they are employed, out of fear of any backlash or hostility they may receive, and possibly risking the security of their position within the company.

During an exit interview, this is your opportunity to hopefully get this kind of feedback from the departing associate attorney. An exit interview is also helpful so that you can get important information from them regarding any current client matters and work in process that may be pending and may require your immediate attention. You may even work out an amicable agreement with the departing attorney regarding handling his or her open cases until completion. Regardless of how you decide to handle the associate's client matters, it is imperative that you communicate with him or her in order to allow for the least amount of disruption to your clients.

STEP #3: Secure Your Firm's Proprietary Information.
Once an attorney leaves your firm, it's imperative that you protect your law firm's proprietary information from that attorney's continued access. This involves securing your firm's computers and any other software, subscriptions, or other online access to your firm's network. It also involves making sure that someone is always present with the attorney to ensure that he or she does not do anything malicious or inappropriate (whether intentional or not) with your firm's equipment and property.

In an effort to keep your offices and client information secure, you may also wish to notify building management and security, so that they can be made aware of this change in personnel in your office. You may also wish to re-key your office.

STEP #4: Determine Your Next Course of Action for Replacement.
Once the departing attorney has left the premises (or even before), it's important for you to decide what your next course of action is going to be with respect to hiring a replacement associate attorney or just scaling back and absorbing the work.

If you do decide to hire another associate attorney, it would be good to determine what (if anything) you might want to do differently in the hiring process. There may be skills, experience, and personality traits that you might want to make sure that the new associate hire has. Additionally, you may want to reconsider the training, management and compensation structure for that new associate attorney. (See "How to Successfully Utilize Associate Attorneys in Your Practice" – 2-Part Series for additional training information that might be helpful in this process.)

STEP #5: Determine the Next Course of Action with the Leaving Associate's Clients.
If the departing attorney is leaving to open up a law firm of his or her own or join a local competitor firm, a very key step may be to send out a letter to any clients that may have met this associate so that they hear from your firm first about this departure.

Depending on your state bar rules, this notice may not be required (if your firm can still service the clients); if this notice is required, you may have to provide forwarding contact information to those clients.

Either way, it is best for your clients to hear from you (their estate planning law firm) first and be reassured that (assuming your firm can continue to assist these clients with their estate planning matters and that this attorney did not do a specified type of planning that you will no longer be able to service), that your firm is there to continue to service them and that you are available to meet with them and provide them with a complimentary review of their estate plan if they wish. It's also a great way to reconnect with those clients and solidify your firm's client relationship with them.

In our firm, since we regularly contact our clients for a plan review meeting every 3 years, we may wait until that meeting to contact the leaving associate's clients. Only if the clients call in asking for the associate are the clients explained the transition. However, as noted, should the departing attorney threaten to aggressively contact his or her clients, an immediate letter from your firm may be better.

STEP #6: Hold a Firm Meeting ASAP.
The first 5 steps should be done quickly so you can next immediately hold a firm meeting with all of the employees in your firm. It is best that they hear the news from you and, even more so, reassurance about what this change means to the stability of the firm and what course of action you intend to take with respect to hiring a replacement, handling any outstanding client matters, and responding to any client inquiries about the departure. You will want to communicate clear instructions for the latter so employees know exactly what they should and should not say.

Obviously, it's also wise to make sure that you make it clear to employees that you do not want this attorney's departure to interfere with work productivity and that if anyone has any questions they should direct those questions to either you or another appropriate point person (such as an office or HR manager).

STEP #7: Stay Connected and Do Some Team and Morale-Boosting Activities.
It's extremely important to try and stay connected during this period of change and to try and do some different team and morale-boosting activities. The more that you can help keep everyone calm and make the employees not stress out and worry about this change, the better. That's really something

for you, as the business owner, to concern yourself with. This may mean just being present at the office more than usual or being more social when you are. You want to provide some reassurance to those still on board and to let people see that you're with them, you're not overly worried about it, and that everything is going to be okay.

As for some morale-boosting and team-building activities, here is an article for some different types of morale-boosting activities and things that you might be able to do. See: "Ten Tips for Boosting Office Morale". Anything from some impromptu firm lunches to possibly even a fun, social excursion (like lunch and a movie) on a Friday afternoon, that's a fun and affordable way to help bring some more camaraderie to your team.

In conclusion, an associate leaving your firm doesn't have to be as devastating as it might appear to be on its face. Your mindset and how you choose to approach this situation will make all of the difference in how this will affect you, your firm, your other staff, your clients, and your bottom line. Taking the above steps when it does happen will hopefully be helpful to off-set some of the temporary, immediate changes that come whenever a company may lose a key team member, but I assure you - - you will be okay!

ABOUT THE AUTHOR:

Attorney Philip J. Kavesh is the principal of one of the largest

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