About This Book

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This book is dedicated to all of those lawyers, and particularly solo and small firm lawyers, who have reached (or are approaching) the realization that they’ve got fewer years ahead of them than behind. Many have practiced law longer than they’ve done anything else in their lives. And for some, the tenure of their practice may only seem like a life sentence.

Today’s senior lawyers remember where they were when Kennedy was shot and what they were doing when the Challenger exploded, and they recognize that Haldeman, Ehrlichman, Mitchell, and Dean was not a District of Columbia law firm.

The 1970s were marked by greater numbers than ever attending law school, eventually passing the bar, and embarking upon legal careers. In 1980, the number of lawyers with active bar licenses increased a whopping 15.4 percent over the year before. Now 574,810 lawyers were available to serve a country populated by 226,545,805 souls; 0.25 percent of the population were lawyers. By 2018, the ranks of actively practicing lawyers would swell to 1,338,678, or 0.41 percent of the population (https://www.americanbar.org/news/abanews/aba-news-archives/2018/05/new_aba_data_reveals/). The need for legal services didn’t grow accordingly, and solo and small firm lawyers’ incomes dropped after being adjusted for inflation. A lot more lawyers were demanding a slice of the pie.

Let’s go back to that great mass of lawyers who started out in 1980. Those who were age 25 then are on the brink of eligibility for Medicare. Some are still plying the profession, some are already receiving Social Security benefits, and some are contemplating what their next move should be.
More lawyers than ever are at retirement age, and, at the same
time, retirement takes on hues not envisioned by our fathers’ gen-
erations. Lawyers may leave the practice, but their skills, attitudes,
and approaches bring different perspectives to lives beyond the
law office.

How do you know when it’s time to leave? How do you pare
down a practice to part-time? How does a small firm move a part-
ner who can no longer perform out of the practice? What are the
options for a lawyer who’s just hit his or her late 50s or early 60s
and who wants out? What employment options exist for those who
don’t have comfortable retirement plans but who really want, and
possibly need, to get out of the practice? And, what does a lawyer
do after leaving the practice?

Second acts are more frequent. It’s not all about shuffleboard,
mahjong, and golf. It’s not about grandchildren and moving to
The Villages. Some second acts are for the money, because there’s
not enough money to go around. Sometimes the money is neces-
sary to maintain a lifestyle, to supplement a pension and Social
Security. Sometimes it’s just to pay for the better things in life, and
sometimes the money generated from a second career is just gravy.
Some second acts are natural extensions of hobbies developed
while in practice. Some second acts aren’t learned until the law
practice is closed up for good. And some second acts are nothing
more than doing something just for the fun of it. And some really
are related to the practice of law, leveraging those skills built up
over the years, putting those talents to different uses.

The idea for this book came out of conversations over the past
decade with a friend I’ll call Brad, even though that’s not his real
name. Unless you count that summer as a camp counselor, Brad,
now 64, has never done anything but practice law. After his almost
four decades as a lawyer, he is very well respected, rated one of
the Best Lawyers in America, decked with all of those badges of
honor heaped upon the most successful in his area of practice,
writing and speaking on serious topics of substantive law, and
consulted on pending legislation, but he’s no longer the star he once was. He has the money to comfortably provide for himself, but he doesn’t know what he’d do if he weren’t practicing law. An appointment to the bench could lead to exiting the practice, but after being turned down three times, that’s not likely to happen. His tenure may mean that he can practice more efficiently, but he’s no longer as quick on his feet as he once was, he’s been the target of a complaint from the bar disciplinary folks, there was that hint of a malpractice claim, and he was even assaulted at the courthouse by some crazy person. Asked when he’s going to retire, he’ll readily come back with the desire to take a case to the U.S. Supreme Court. Just once, and he thinks he has something that’s headed that way. Maybe in another decade. It’s not going to happen.

“I could be one of those lawyers who’s still practicing at the age of 95,” he insists, never mind that octogenarians didn’t run in his family. His service dog and handicapped license plate don’t create a picture of health.

“You’re a solo, practicing with one secretary, and no spouse or progeny waiting in the wings to lend succor,” I tell him. That’s not exactly the kind of team most still-practicing, outlier 95-year-old lawyers might have. Brad admits that keeling over while writing a brief on a Sunday night might not be a bad way to go.

You’re still a lawyer, even if you’re no longer practicing, I remind him. He could still go to bar association meetings, serve on bar association committees, and speak at continuing legal education programs. He could become an adjunct professor, and he could volunteer at legal aid if he wanted.

Or he could do none of the above, and just enjoy his dog, the never-ending hunt for gourmet foods and fine wine, and his boat. And if he really needed to legitimize his departure from practicing law, he could call all of that his second act.

“But I like driving up to my office and seeing my name on that shingle.”
There are some battles you just can’t win. Brad, this book is for you. Please read it and start on your second act.

The lawyers who contributed to this book come from a broad range of practice settings and styles in big cities and small towns. Some are just barely 60, and some have already celebrated their 70th birthdays and beyond. Some have already left the practice of law, some are only recently retired, some teach and consult, and some are still toiling in the grassy pastures. Each has had hands-on, practical experience owning and operating a solo or small law firm, and each has shared his or her expertise generously in the development of this book.

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