



# Ch-ch-ch-Changes

## *How to effect a successful PI practice transition*



Cooper

**BY MILES B. COOPER**

At some point, you'll realize it is time. Time for a change in your practice. The reasons can be varied – bigger firm, smaller firm, crossing the v, perhaps even leaving the law entirely. People change jobs several times during a career. There's no stigma associated with it. The reasons don't matter. What does is how you approach it.

### **Know when to hold them, know when to fold them...**

Trust your instincts. They speak to you all the time – many people just tune them out. Career changes require careful analysis. Beyond the pros and cons balance sheet is something more – listen to it.

That voice is what will ultimately move you in the right direction. Change is hard but rewarding. Change affords the opportunity to grow, to swing for the fences. But it is not always the right thing for every circumstance. Your inner voice may tell you, after consideration, to stay put. Don't confuse momentary restlessness with something broader. You need to know what condition your condition is in. (Second, and final, Kenny Rogers reference. Not a tremendous fan but in my reticular activator of late.)

### **Implementing change**

Once you've decided to make a work change, there are a variety of ways to approach the transition. The analysis here is for those who are transitioning from one firm to another, not out of the legal practice entirely.

*The wrong way:* wait until your colleagues go home. Call your clients and lobby them to come with you. In the darkness, box up files. Steal off into the night. You'll leave with a caseload (for the moment, anyway). But your former colleagues won't be happy. Their job: litigating. Chances are they're pretty good at it. You may find that you've got a new client – you – and that the State Bar has a couple questions for you.

*The right way:* Be direct. Tell your colleagues that you've decided it's time for a change. Give as much notice as possible. Be flexible. But make sure your transition plan is solid before you announce it. My transition experiences have been positive, my colleagues supportive and understanding. But I've heard of others where the news has not been well received.

Understand that the legal community is small and we are duty-bound to professionalism and honorable dealing. How you treat your colleagues gets noticed. Not to mention how they treat you. The high road, for both sides, is always the better path.

### **Transition considerations**

*Lighter is easier:* I've moved before. Lots of friends have done the same. Ask anyone with supply line experience – a platoon is easier to support than a division. That holds true in legal transitions – a small, select group is easier to move and easier to transition into a new environment.

*But don't go too light:* There's a limit on lightness. I had a friend who left a firm to open a solo office. He found himself spending more time copying, filing, and mailing than litigating. After a few months, he solved this by getting some part-time help. You don't want to find yourself in this position – some call it hamstering – as it is neither sustainable nor enjoyable. Make sure you have the help you need.

*Case selection is critical:* This applies whether you are moving or staying put. Experienced contingent fee lawyers will tell you that some of their best case decisions were the cases they declined. Keep that in mind when choosing which cases to take with you and which cases to accept once you land at your new environs.

*Data transfer is a pain:* Unless you're moving file-tree format data from one place to another, you'll probably face complicated data transfer issues. This means moving information from one case management program to another. But the value derived from case management is well worth it if you set it up properly (for more on this see "With case-management software, it's all relative," *Plaintiff*, May 2013.)

*Transitions take more time and money than you might think:* This is no surprise. Transitions, no matter how well planned, take time. Same with money. A recent example: the data transfer issue. You'd think moving Microsoft Word documents from one document management system into another would be quick and simple. Not so, according to the pricey bid and extended timeline I received. Unfortunately, my "vi" skills are too rusty for me to do it myself – and I don't want to hamster. (FYI, vi – not a typo. Displaying my inner geek yet again.)

### **Change**

I write this in the midst of a recent transition. My past firm has been stand-up throughout. It helped that we were direct with one another during the transition. This is my final column with



Rouda Feder Tietjen and McGuinn. It was a privilege to work with you – together we achieved some great results for our clients over the years. A particular acknowledgement to Cynthia McGuinn. Seventeen years is a long time, my friend. And to my longtime friends and now partners at Emison Hullverson LLP, let's swing for the fences.

*Miles B. Cooper is a partner at Emison Hullverson LLP. He represents people with personal injury and wrongful death cases. In addition to litigating his own cases, he associates in as trial counsel and consults on trial matters. He has served as lead counsel, co-counsel, second seat, and schlepper over his career and is a member of the American Board of Trial Advocates. Cooper's interests beyond litigation include trial presentation technologies and bicycling (although not at the same time.)*