

Hopper: Who's responsible for law practice succession planning?

December 11, 2018 | [Don Hopper](#)

KEYWORDS **LAW FIRM SUCCESSION PLANNING: DON HOPPER / OPINION**



LAW FIRM SUCCESSION
PLANNING
Don Hopper

For the last article in this series, I'd like us to step back and put law practice succession planning in a broader context. How does the legal community at large continue to provide and expand high-quality legal services to all Indiana communities? What role should law practice succession planning play in ensuring that people, businesses, governmental and nonprofit organizations' legal needs are competently addressed?

Over the past few years, I have had many conversations with lawyers around Indiana about these questions. As a result, I have some observations that I'd like to share. I've asked many senior attorneys if they have a succession plan for their law practices. So far, I have found only a few who have a plan, let alone have implemented one. Only 5 percent of U.S. law firms have an actual succession plan. Why is that? I've had several attorneys point to their desk and say, "That's my succession plan right there. My plan is to die right there at my desk." I guess that is a plan, but not a very good one. If that plan gets implemented, what will become of that attorney's clients? Where will that leave their spouse and family?

Many of us are in some form of denial about our law practices and the brevity of life. Living in a state of denial prevents us from planning our futures away from law. It can be hard to face reality, but we need to, or it will catch up to us. Procrastination is another reason many of us don't have a succession plan. Putting off planning for our futures may be a close cousin to denial. "I'll do that, when I finish" "I'll sit down with my partners to talk about my retirement when" It is much more difficult to develop and implement a succession plan when a solo practitioner reaches his or her late 60s, unless it's winding down the practice.

Another observation is that there are many baby boomer attorneys practicing throughout Indiana. That is particularly true in smaller county-seat communities. This year, baby boomer attorneys are ages 54 to 72. What succession plans are possible in these smaller communities? Who will provide legal services in these county seat communities? I talked with a 45-year-old attorney from far northeast Indiana at a conference last year. After I told him that my business's mission is to help solo and small firms develop law practice succession plans, he said, "Don, there are at least five senior attorneys in my corner of the state who won't be practicing law in four or five years." Providing adequate

exacerbating this growing problem is that many younger attorneys don't want to practice in these smaller communities.

I believe that developing and implementing law practice succession planning can turn these problems and needs into opportunities and solutions. I had a supervising attorney ask me, "Don, do you want to be a part of the problem or part of the solution?" As then, I want to be part of the solution in helping solo and small law firms develop and implement succession plans that continue and expand high quality legal services to all Indiana communities. But, this is a much larger need than my consulting business can hope to help. Who else needs to be a part of the solution? I'm going to go out on the proverbial limb here by suggesting that the broader legal profession should be part of the solution. Bar associations and the Indiana Supreme Court should be more proactive in addressing these needs and providing training and services for attorneys throughout the state in law practice succession planning. How will they respond?

I also believe that law firms, including small ones, should be a key part of the solution here. Cory and Allison Sprunger are young attorneys practicing together in Berne. Earlier this year, they opened an additional office in Bluffton and also merged with a law firm in Portland, Indiana. They have a vision to expand the footprint of their practice to communities in adjoining counties to Adams County, where Berne is located. There are other law firms across Indiana that have a similar vision to the Sprungers. May their tribe increase! We need more entrepreneurial and visionary attorneys and law firms to address these needs and opportunities. How about you? What about your law firm? Don't you want to be part of the solution?

The primary responsibility for developing and implementing a successful law practice succession plan rests with each senior attorney. Every senior attorney needs to "step up to the plate" and face the reality that our lives and legal careers are finite. We need to wake up and set aside denial, procrastination and our "die with our boots on" mentality for the sake of our clients, families, communities and even ourselves. How will we and the legal community respond?

• **Don Hopper** is founder of Hopper Legal Consulting Services and a partner at Harrison & Moberly LLP. His focus is serving solo and small law firms in developing law practice succession plans that will continue their legal legacies in their Indiana communities. Opinions expressed are those of the author.