BY GARY MITCHELL AND MELODY ROBENS-PARADISE

Preparing for leave of absence

How many times have you seen a lawyer, a rising star whose career is about to take off, announce to the firm that she is going to have a baby? What does that announcement mean? Well let's just say there are a lot of apprehensions with this kind of announcement.

The scenario:

Elaine is dreading telling her practice area leader, John, that she is pregnant. She has finally shared the good news with her family. The client deadline for her practice group's budget is this week. She is currently a line item in the budget with her full-time billable hours target times her billable rate. She has to tell John before he submits the budget, but is dreading the fallout and the client and firm reaction.

Even though John thinks Elaine is one of the best lawyers in the firm and feels lucky to have her great skill set in his practice group, he can't help be concerned about how the client is going to react. The client loves Elaine. He just got a huge file from them with clear instructions that Elaine was to be the lead on the file. It's certainly not going to be resolved in six months when Elaine will go on leave, and who knows what she will do when she gets back from her leave — if she even comes back.

Mr. Client didn't hire the firm for his work, he hired Elaine, and he doesn't really want someone else. If Elaine isn't going to be available (and who knows if she will come back after the baby) perhaps it would be better to go back to his old firm. At least they know his business and he won't have to pay another lawyer at Elaine's firm to get up to speed on the ins and outs of his business.

When a lawyer, partner or associate goes on leave (maternity, medical, sabbatical) the individual's and the firm's concerns are often not articulated and therefore aren't addressed. As a result, opportunities to preserve business relationships are lost and chances of a successful transition back into work are low. This leads to tremendous monetary cost to the firm and to the individual who is transitioning back. What to do?

Articulate, address concerns

Aside from the huge change in personal life, lawyers are concerned that they won't get any more good work or be fostered in client and business development. They are concerned about losing their great relationships with their clients and the clients themselves.

The firm is concerned about whether the lawyer might have to leave early for medical reasons, and what her commitment will be when

As appeared in the June 11 2010 issue of The Lawyers Weekly.

she gets back. What will happen with the clients for whom she is the key connection?

The clients are concerned that they are losing a great lawyer who understands their needs. They don't want another lawyer who costs more, doesn't know them and has to be paid to "get up to speed."All of these concerns need to be articulated and shared. Ultimately, everyone involved is concerned about the same thing — maintaining and fostering great business relationships.

Seize the opportunity

This transition time is an opportunity for renewal. Once the concerns have been articulated and a transition plan is put into place, confidence in the business relationships is renewed. Lawyers will maintain their sense of engagement with the firm, and their files will be well cared for by others who are now fully engaged withthe client and the business opportunity.

Lawyers within the firm have engaged with the lawyer going on leave. They have worked together to develop a plan for managing the client's needs. There is an opportunity for a revitalization of client portfolios, practice styles, and practice areas. The clients will feel well cared for. Their lawyer has taken the time to show that their business is important to her and to the firm and that this is an opportunity for new and fresh ideas that won't necessarily cost the client more. This in turn creates a sense of the firm as a whole for the clients, and new business opportunities may be fostered in other practice areas. And the lawyer going on leave will know that her clients are well taken care of and will be there when she gets back from leave.

Develop a transitions program

Think about all the lawyers in the firm who have gone on leave and may have not successfully transitioned back. More importantly, think of all the lawyers who will be going on leave in the next few years, and who you don't want to lose permanently. Develop a program to engage lawyers, practice area leaders, senior partners and clients in handling these transitions in a win-win-win manner.

The creation of a transitions program must be thought of as an investment in retaining both your talent and your clients, and not as a cost centre. In fact, the cost of not creating a program is far greater in the long run. With a transition program/plan everyone involved can feel confident in the future


Gary Mitchell


Melody Robens-Paradise

GEM Communications Inc.
Suite 675
142-757 West Hastings St.
Vancouver, BC
V6C 1A1
(604) 669-5235
www.gemcommunications.ca