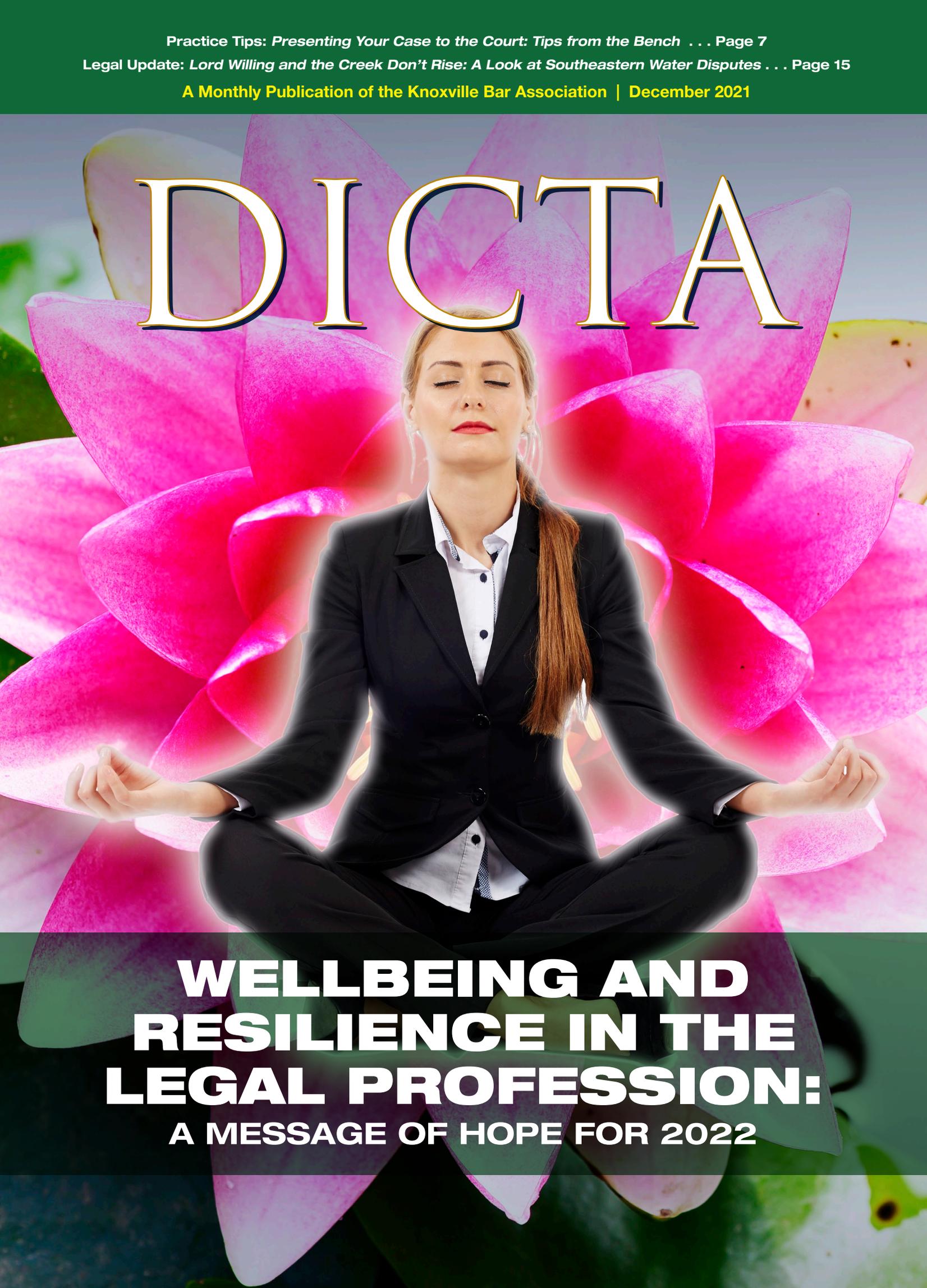


# DICTA



**WELLBEING AND  
RESILIENCE IN THE  
LEGAL PROFESSION:  
A MESSAGE OF HOPE FOR 2022**



**By: Eddy R. Smith**

*Kennerly, Montgomery & Finley, P.C.*

# SUCCESSION DONE WELL

This is the fourth and last installment of articles on practice succession. Hopefully, the prior articles motivated you to give time and attention to succession planning to protect your clients, staff and the local bar, and gave you confidence that available resources combined with lawyer know-how will lead to a successful process. This article focuses on lawyers who took the steps necessary to provide for an effective post-practice experience. In other words, lawyers who've done succession well.

For lawyers practicing with other attorneys, the transition can be relatively easy. **Diane Messer** was one of five attorneys who kept up with the others' cases, and she says it was easy to phase out. "The main thing is to pick a realistic end date and stop taking clients. I had already gone to half-time, so it was even easier for me. I had others to take over my cases, which most people don't have."

**Kelly Frere** relays the story of her mother, **Arline Guyton**, who retired well in 1994. Two years before retirement, Arline began introducing clients to her firm's other lawyers, Kelly and Matt Frere. Arline involved Matt and Kelly in decisions and considered the long-term effects of decisions on clients and the firm. Arline did not scale back, instead announcing one day that she was leaving and would not be back. Arline could do that because she had prepared clients and colleagues. Kelly can't remember a single client who left when Arline retired.

Long-time bar members and those who drive around Knoxville are familiar with G. **Turner Howard III** ("G3"). While Turner has no plans to retire anytime soon, he recognizes the importance of both a healthy and robust life outside law practice and building a practice that can survive him. In his young 70s, Turner is quite active in ministry and continues his participation in high-level competitive sports, and he and his wife recently adopted a young daughter. Says Turner, "law practice gives me purpose," but is not the sum of who he is.

When Turner's CPA encouraged him to develop a succession plan, Turner asked staff what they thought the firm needed in an additional attorney. He hired the right attorney (and recently another) and undertook a deliberate process of mentoring the attorney and staff, instilling the firm culture of ethics, integrity and communication. There is "no hierarchy" in the law firm, and Turner believes the lawyers and staff could continue the practice without him. He has added the other attorney's picture to marketing materials to communicate to the public a firm rather than one individual.

**Greg O'Connor** is very happy in retirement. He attributes that happiness to three things he recommends for practicing lawyers: develop

relationships, passions, and purposes independent of law practice; consider scaling back (of counsel, reduce client load and hours, etc.) as you near retirement; and save continuously to provide yourself financial freedom in retirement. Quite active and busy, you might see Greg having lunch with others, at nonprofit activities, or on the tennis courts.

KBA member **Carol Nickle** moved her employment discrimination practice into her home in 2008 and inactivated her law license in 2013, continuing a legal consulting practice. Carol encourages lawyers to think about what they really want to do outside law practice. In her case, personal interests led to being outside, Spanish classes and piano lessons. She also discovered that her passion for the law and an unmet legal need led to her to a new practice area. In 2016 Carol reinstated her law license to do pro bono immigration work, including offering powers of attorney clinics for undocumented workers. Carol expects to retire her license again soon, stating that it is great to have time to do other things she loves, like hiking and having lunch with friends. The one thing she would do differently in practice? Reading DICTA more made her wish she has been more involved with the KBA!<sup>1</sup>

*With sufficient attention and effort, you can be just as good beyond law practice as you are in your practice.*

Whether I'm 30 or 70, I should begin looking ahead to the time when I'll no longer practice law. As I wrote in May, planned or unplanned, voluntarily or involuntarily, one day your practice will end because, as the saying goes, "Time is undefeated." However, time also can be your ally, if you begin planning now. With sufficient attention and effort, you can be as good beyond law practice as you are in your practice. Just ask our colleagues who have done succession well.

<sup>1</sup> An unprompted, unsolicited and uncompensated comment.

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