

## A LAWYER'S PROGRESS ...



### A Lawyer's Progress to Partnership...and the closing window of opportunity

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Way back in 2013, I drew this (admittedly simplistic) pictorial representation of the typical career progression of a lawyer in a *BigLaw* firm. At the time, noted legal commentators were predicting, as they seemingly always are, that the traditional law firm model was doomed. The thing is, more than a decade on, not much has changed. The profession remains crowded at the bottom (as a celebrity lawyer once told me, "law pays well for average ability"), so the top law firms are never short of pre-qualification applicants. It thins out in the middle, thanks to a combination of: burn-out (after all, law can be brutal!), career epiphanies, the supposed "lifestyle" benefits of moving in-house, and a perennial law-firm on law-firm talent war for associates at the 2-6 post-qualification experience [PQE] level (for law firms, these are the most accretive and hence most poached individuals).

After that, it starts to get crowded again ... whilst partnership is admittedly no longer the be-all-and-end-all that it once was, for most survivors it's still worth the fight. The problem is that partnership promotions are overwhelmingly limited by "business case" and, unfortunately, no law schools (and very few law firms) make clear that client winning skills nearly always trump raw legal talent in both the race to partnership and progression thereafter. If you can be a brilliant lawyer and a brilliant

salesperson, giddy-up! BUT, if you do have to choose, the truth is it's better to be an "adequate" lawyer and a "good" salesperson than be a "good" lawyer and an "adequate" salesperson.

Partnership progression is a bottleneck, so beyond 9 years PQE, left alone, the increasingly concertinaed non-partners become a problem for law firms. Non-partners are rarely attributed with client origination credits and, without these to defray their cost, these senior lawyers become disproportionately expensive, particularly as it is difficult for firms to charge them out at levels sufficiently higher than those of their mid-level colleagues. Moreover, because the senior lawyers are, by definition, more experienced, they tend to push to undertake the more complex senior level work. This can starve promising mid-levels of the experience they themselves need to make partner and, just as important from the law firm's perspective, damage the morale of these harder to replace lawyers. This conundrum, rarely explicitly owned up to by law firms, is a challenge which can only ever be partially offset by internal alternative career paths – there are only so many plateau Counsel, Legal Director or Professional Support Lawyer roles a given department can sustain and so, at this level, law firms tend to welcome natural attrition. Indeed, where senior non-partner turnover is sluggish, law firms will often quietly help it along – I actually know someone whose spouse's primary job function at their US headquartered global law firm, is to (surreptitiously) "shoot" blocked senior associates!

Regardless, however unfair it may seem, in most instances, there is a relatively narrow window (currently between 9 and 14 PQE) when partner promotions occur. Beyond this there appears to be an unwritten rule that, however good a lawyer is, or whatever the extenuating circumstances of their previous failure to be promoted, their time has passed. Whilst there are of course many exceptions to the above, for associates it pays to be mindful that the partnership clock is always ticking.

Lest the above seem overly bleak, aspiring lawyers should take comfort in the fact that overcrowding in law is nothing new – back in the 18th century, when advised not to become a lawyer because the profession was full, Daniel Webster, the "expounder of the (US) constitution", is said to have replied: "there is always room at the top"!