

Succession Planning

By Irene E. Taylor

A REVIEW OF THE LITERATURE

on succession planning yielded nothing new. A reread of William Rothwell's *Effective Succession Planning: Ensuring Leadership Continuity and Building Talent from Within* (New York, 2001), a leading text, and a slew of *Harvard Business Review* and other such articles, left me with the feeling of having read the same thing over and over again. All of the literature was full of strategic planning language, buzz words, models, flow-charts and lists of all types.

Who was to argue? Everyone knows that succession planning is fundamental to ensuring the continuity of the corporate crown jewels, i.e., leadership, vision, talent, et cetera. There is a science of how to do it. Right? Wrong.

LERNERS LLP IS A GREAT EXAMPLE of recent effective succession planning in the legal profession. This is what a number of senior lawyers told me off the record. One of my first calls for an interview went out to Earl

Cherniak, Q.C., the top-ranked senior litigator at Lerner's. The London- and Toronto-based firm had recently pulled off an important acquisition—six lawyers from Toronto-based McDonald & Hayden LLP, including well-known David Nathanson (tax litigator), and Don Jack (civil litigation).

Rumour had it that Lerner's was not only seeking to deepen its talent pool. The story was that the firm had also conducted its recruitment search with the goal of succession planning around such senior talent as Mr. Cherniak. The call went as follows:

Taylor: “Earl, I’m working on an article about how Canadian law firms go about succession planning. I’m calling to see if you are available for an interview.”

Cherniak: “Why?” (Note: Voice tone is that of someone anticipating a serious waste of time. Such responses are generally a writer’s kiss of death.)

Taylor: “Well, a number of your colleagues have referred me to Lerner's as a recent good example of succession planning. Your recruitment of David Nathanson and Don Jack was viewed as a real coup, especially given that no one perceived Nathanson and Jack to be ‘jumpers’. I’d like to interview you about when and how you targeted them and how Lerner's goes about succession planning.”

Cherniak: (Harrumph) “Well, it should be perfectly obvious. We’re always looking for great people as we continue to grow. So, we go after them when we can.”

(End of interview)

Crap. Cherniak had a point. It was something like Dorothy discovering who the Wizard really was in L. Frank Baum’s *The Wonderful Wizard of Oz*. Like the Wizard, succession planning is wrapped in mystery and magic. Until, that is, you pull the curtain back. However, many people are unwilling to pull that curtain. This explains a lot, including the good number of senior lawyers who would only speak off the record about how their firms go about it.

IT’S MUCH LIKE a trip down Baum’s yellow brick road. As I was repeatedly told, while law firms believe succession planning is critical to their future success, they do not believe they do such a hot job of it. They do not, for the most part, have anything even close to the models and flow-charts portrayed as “best practices” in the professional literature. This seems to make them feel inadequate.

Crap again. In reality many law firms do a pretty good job of succession planning. It is arguable, given the recent track record of a number of well-known Canadian and US

corporations in succession planning matters, that business would be well served by taking a hard look at how some law firms go about it.

BACK OF THE ENVELOPE is not so bad. Most Canadian law firms engage in succession planning in a manner that can best be described as “back of the envelope.” Clay Horner, Co-Chair of Osler, Hoskin & Harcourt LLP, explains it best. “We take succession planning very seriously and that means both the succession of talent within our firm and our clients’ succession as well. We seldom think of one without the other. But we have no strategic plan, no competency model, or any of that stuff. What I can tell you is that we think about it and talk about it all the time.”

The discussions at Osler's have a functionally interrelated internal and external focus. As Horner further explains, “We talk about the fact that we want to have about ten years of age, experience and life perspective difference between key leaders. We think and talk about all the ways we can provide the richest work-learning opportunities for lawyers who are in their mid-thirties to early forties. This is because they represent our future 15 years out. We talk about how to put teams together that match the succession of our clients. We want every client to have someone they can relate to and ‘grow up’ with. What I am talking about is ‘face time’ and that is what we consider to be the most important aspect of succession planning.”

It is difficult to argue with Horner’s line of reasoning. Law firms, however, do suffer from a cognitive dissonance regarding the methodology of succession planning used by business organizations. It doesn’t “compute” for them. There is a simple explanation for this dissonance. It is provided by the over 400 in-depth confidential psychological assessments of top performing lawyers completed for various cover stories for *Lexpert* over the past two years (“Canada’s Top 25 Corporate Litigators,” “Top 40 Under 40,” “Canada’s Top 30 Corporate Deal Makers,” “Canada’s Top 25 Women Lawyers,” “The Next Future Perfect,” “Top 40: 40 and Under 40,” in the July/August, September, November/December 2002, September 2003, September and November/December 2004 issues of *Lexpert*, respectively).

HIGH-ACHIEVING LAWYERS as a group think differently than most people. Personality assessments, such as Myers Briggs, show that about 75 per cent of people in the general population are “what you see is what you get” thinkers. In MBTI terms this is called sensing. They think through their senses. Literally, what they can see,