

Should Lawyers Retire?

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When the managing partner of a law firm was asked about what he feels regarding the retirement age of partners, he responded that **“Lawyers never retire, they just drop dead!”** This candid statement sums up the thought which most lawyers go through with the onset of their gray hair. While the issue of retirement is complex for all professions, this article will ponder the issue from the point of view of lawyers in India and other developing countries.

“Mandatory retirement” is not a norm followed in most Indian law firms, especially the family-run ones. Nonetheless, many firms are now formulating policies in this regard since they believe that after the partners reach a certain age, their mental faculties begin to decline and they are not able to give full-time working commitments to the firm. It also leads the firm to evaluate whether the fixed remuneration paid to the partners justifies the hours put in by them. In firms with lesser transparency in the working environment, ageing partners are perceived to hoard client interactions with them. They are believed to get all the execution done by the team members while dedicating themselves to only a few hours of office work.

On the other hand, most senior partners detest the introduction of mandatory retirement, arguing that their later years in practice form the most satisfying period of their life since the drudgery of research, co-ordination and other mundane work is done by the junior members of the team while they focus on pure points of law. Due to their varied experience gained through the years and technical expertise honed with the passage of time, partners can handle a matter or transaction with far greater finesse than many of their juniors put together. Another important advantage that comes with seniority is the experience which they gain in administration while managing client relationships and spearheading the team. Partners who are associated with a firm for a large number of years have better knowledge of the firm culture and can play an important role in setting the systems for the firm.

Having looked into the pros and cons of the retirement of partners, we come back to the question as to whether lawyers should retire or not. While there are no established best practices in this regard, it is clear that instead of determining the retirement by age, the real factors which should be considered are **“value addition”** and **“productivity.”** For as long as partners continue to add value to the firm, whether financially or otherwise, they must stay in the firm. The difficulty arises since the concept of “value addition” is very subjective and the management finds it difficult to ascertain it on a case-to-case basis. Hence, it is advisable to have uniformity of policy and keep an upper limit of age with respect to retirement. However, it should not deter the firm or the retiring partner from continuing to work post their separation. Partners who are willing to work and who continue to be productive throughout may opt for an **“alternative career path”** with the firm. Firms are willing to offer part time options like acting as **“of-counsel,” “consultant”** or **“expert”** in cases/matters where the retiring partners hold expertise. While this provides favourable work-life balance to the partner, it simultaneously enables the firm to capitalize on their expertise and pay them remuneration commensurate with the efforts put in. This is a win-win situation for all and reinforces the statement that **“One may be retired from work, but surely not retired from life!”**