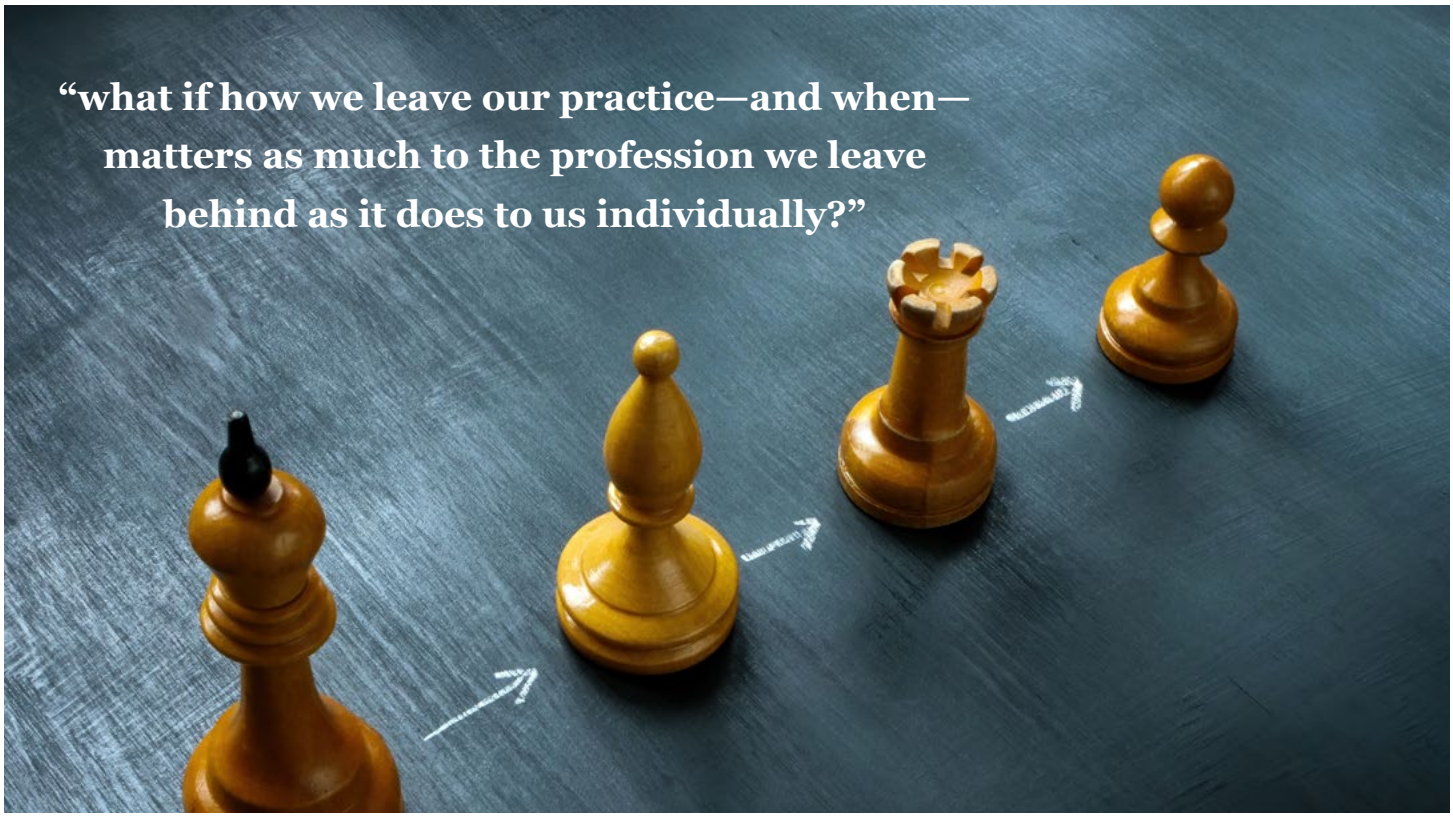
PLF *in*BRIEF

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Malpractice Prevention Education for Oregon Legal Practitioners



Retirement: What Will the Profession Look Like Because You Were In It?

By Rita Alister

As we approach a certain age, our algorithms start sending us the same message: time to plan for retirement. Ads about finances, insurance, and assisted living arrangements begin filling our feeds, along with pictures of beaches and the promise of a slower pace. While some of us are counting the minutes until we can retire, others resist even considering an end to practice.

Law is a profession that rewards indispensability and endurance. For many of us, the idea of retirement feels like an abdication. So, we press on and assume we'll know when it's time. And the broader profession assumes someone will take over: that practices are more resilient than they are, that clients will magically find their way, and that our institutional knowledge will somehow survive our departure.

But what if how we leave our practice—and when—matters as much to the profession we leave behind as it does to us individually? Planning retirement is not just a personal choice—it's an obligation to clients, colleagues, and the profession as a whole.

The Legal Profession Is Not Self-Renewing

Competence in the practice of law is not developed through education alone. Skills such as judgment, client management, intuition, and professional restraint are learned by working alongside experienced lawyers. Mentorship and collaboration are essential to legal training.

The institutional memory of any practice is only partially maintained in files. Explicit knowledge about past client matters, local court rules, or reliable expert witnesses can be stored and retrieved. But implicit knowledge lives only in memory. The reasoning behind old decisions, insights about judges and colleagues, or the intuition that develops through accumulated experience cannot be found in a file. When a senior lawyer leaves without transferring this knowledge, it is gone.

This loss is felt most acutely in rural communities and smaller practices, where a single attorney may be the only resource for an entire region. These lawyers, representing individuals, family businesses, and local organizations, become part of the civic infrastructure.

When a lawyer with decades of experience ultimately retires, it is certainly a personal milestone worth celebrating. But a retirement process that focuses only on the individual leaves the legal profession without its connective tissue—the accumulated knowledge, judgment and relationships that do not automatically pass to a new attorney.

When Staying Too Long Is a Professional Failure

While some lawyers simply delay retirement planning as a result of hectic practices or personal commitments, others who neglect to plan their retirement thoughtfully may be experiencing psychological or cognitive barriers that inhibit rational decision making.

IDENTITY ENTRENCHMENT BLOCKS HONEST SELF-ASSESSMENT

For some lawyers, their sense of self is deeply intertwined with their professional identity. Their practice is not merely "work." It is status, community, and structure. And the stronger the fusion between the legal practice and one's identity, the more difficult it becomes to see retirement as anything other than profound loss. The psychological cost of contemplating retirement can include a feeling of uselessness and loss of purpose. Walking away from practice can feel like severing social ties built over decades. Giving up the predictable daily structure of deadlines, meetings, and hearings can leave lawyers with a feeling of emptiness. For some, the response to these fears is simply to never leave.

Unfortunately, that choice matters beyond the individual. Younger lawyers remain perpetually subordinate rather than gaining independent authority. For solo practitioners, a developing lawyer may be competing for the space occupied by one who has remained beyond their era of effectiveness. But there is a more insidious consequence: a lawyer whose identity is inseparable from their practice is poorly positioned to realistically evaluate whether their practice is suffering because of their age or infirmity.

IDENTITY ENTRENCHMENT MEETS COGNITIVE DECLINE

Loss of capacity tends to be gradual. The first signs are often memory gaps, loss of focus, emotional volatility, and disorganization. Under ordinary circumstances these signs might prompt reflection and action. But for a lawyer whose sense of worth is bound to continued practice, the incentive to minimize, rationalize, or overlook the signs of decline is enormous. Identity entrenchment doesn't just delay retirement planning; it can blind a lawyer to the moment when retirement becomes an ethical obligation.

The rules of professional conduct are unambiguous. ORPCs 1.1 and 1.3 require competence and diligence as ongoing obligations. A lawyer who continues practicing after capacity has materially declined is not simply making a personal choice; they are exposing clients to harm. Staff are understandably reluctant to raise concerns, so they attempt to work around the gaps instead. Left unaddressed, these situations become untenable, and the consequences often include bar complaints and malpractice claims which can leave the lawyer in a worse place mentally and emotionally.

Whether the challenge is confronting the psychological weight of stepping away or recognizing the early signs of cognitive impairment, lawyers do not have to navigate these issues alone. The Oregon Attorney Assistance Program offers confidential support for both, and reaching out is, itself, an act of professional responsibility.

Leaving With Purpose

A well-planned retirement is not simply the end of a legal career. It is the moment when the significant expertise accumulated over decades is passed forward or disappears.

Historically, professionals in legal practice viewed their work as binary: either a full-capacity career or complete retirement. But now, with senior attorneys remaining in practice longer, some choose a third lane.

SLOWING DOWN: THE THIRD LANE

There are a variety of ways that lawyers can create a bridge from their hard-driving practice to full retirement. These options are not compromises; they are vital contributions to the profession.

Whether members of multi-lawyer firms or solo practitioners, senior lawyers can reduce their caseload and step into an of-counsel role. They are able to slow down but still remain connected to share expertise and guide junior lawyers to greater responsibility.

A natural transition for litigators and adjudicators is to step into mediation and arbitration. In these roles, they exercise their well-honed judgment while modeling for younger lawyers the kind of acumen and temperament that takes years to develop.

STAYING CONNECTED: GIVING BACK TO THE PROFESSION

An option for lawyers who are ready to stop actively practicing but want to remain engaged in the legal community is to change their licensure status with the Oregon State Bar to Active Pro Bono. This status authorizes the attorney to provide pro bono legal services to certain indigent clients. It also allows the attorney to serve as a mentor under the Oregon State Bar's New Lawyer Mentoring Program. Volunteer lawyers are paired with new licensees to help them develop the practical skills and judgment that formal education cannot provide. Certain geographic regions and practice areas face a persistent shortage of volunteer mentors, and the need is real.

WHEN TO START PLANNING: EARLIER THAN YOU THINK

During the annual *Learning the Rope*s program sponsored by the Professional Liability Fund (PLF), new licensees are advised to create a career map. The purpose is to identify their values as professionals and the goals they hope to achieve in their careers. But

they are cautioned to include flexibility for unforeseen circumstances and unanticipated opportunities.

The same concept applies to the end of legal careers: visualize a path to retirement that ensures your experience and wisdom will be shared and not squandered, but be prepared for life's unexpected twists.

So how do we do this? Much like financial planning for retirement, we do not want to put this off until the eleventh hour. Ideally, sometime in the second half of our careers, we begin to think about the professional legacy we will leave. Do we see ourselves someday as the sage, senior member of our firm? Or do we envision our solo practice making room for a successor who will follow in our footsteps? Or maybe we want to ease into a different role for our remaining years such as volunteer mentor or working with Bar leaders. Imagining our path to retirement is the first step. When it is time to implement the plan, the practice management attorneys (PMAs) with the PLF can provide extensive resources and guidance.

Along with envisioning the ideal scenario, we need to plan for the twists that may render us unable to continue practicing law. Whether it is a sudden event or slow cognitive decline, we have ethical obligations to ensure that clients are not prejudiced. The way to do this is through a contingency plan that designates professionals to step in when needed. The plan does not need to be complicated, just effective. For confidential assistance with your planning, reach out to the PLF to consult with a PMA.

Conclusion

Each of us will eventually leave the practice of law. But how we leave will determine whether the knowledge, judgment, and intuition built over decades will survive our departure. Passing on our knowledge is an obligation we owe to our clients, our colleagues, and the lawyers who will carry the profession forward. Retirement is not just a personal milestone—it is the last and perhaps most important thing we do as lawyers. ■



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