

# Planning for career adjustments

**“Modern neuroscience demonstrates that it is never too late to use the brain to prevent losing it.”**

Gene D. Cohen

There are expected and unexpected career adjustments during a lawyer’s lifetime. The adjustment to retirement or semi-retirement can be a controlled and planned adjustment with a specific time-frame. The timing of a sudden illness or accident is less predictable and therefore even more important to plan for. These changes have a major impact on personal lifestyle, professional responsibilities, family roles and relationships. Many lawyers do not plan even for the expected and predictable change of retirement let alone the unexpected event of illness or accident.

What do we know for sure? Lawyers won’t practise law forever – although some expect to practise as long as they live!

## The risk factor

Who is most at risk as a result of not planning for adjustments? Lawyers in sole practice or lawyers in small firms are least likely to have health insurance or disability insurance plans. Of the approximately 20,600 lawyers in private practice in Ontario, about one-third are sole practitioners. This group of lawyers is most likely to have difficulties with the adjustment to illness or retirement. They are vulnerable because they have not planned, and this puts the individual and his family members at risk. Not having a plan affects financial stability, mental health and relationships.

We see many lawyers who have devoted their lives to law practice and have few outside interests. These individuals are lost when health concerns or retirement preclude them from practising law. They can then be at risk of depression, frustration and loss of meaning in their lives.

## The procrastination factor

About 80 per cent of the sole practitioners in a recent survey in Oregon had not made any arrangements to cover the practice should they be temporarily unable to practise due to disability or extended absence.

Why is it so easy to procrastinate on these matters? The obvious and most common answer is lack of both time and money. Time is in high demand for lawyers, especially lawyers who practise on their own and also cope with the additional demands of managing a business. The additional money often just isn’t there, and competing demands mean that it is easy to put off setting aside money for a later time. Less acknowledged – but as real – are fear and denial: Lawyers fear change and can be in denial about illness. For many lawyers, the practice of law is what they are most comfortable with and what they know best.

## Retirement as a career change

Retirement or semi-retirement is a major career change. Some lawyers eagerly look forward to retirement while some cannot imagine it. The Oregon Attorney Assistance Program recently conducted a major survey of lawyers and retirement issues.<sup>(1)</sup> Its findings, soon to be published in a book *Assisting Lawyers Plan for Retirement*, are discussed below.

### Lawyers envisioning retirement

The findings of the Oregon Study indicate:

- 11 to 12 per cent of those surveyed do not plan to ever retire;
- 30 per cent plan to continue practising law part time after age 65 for a sense of purpose and stimulation;
- 11 per cent plan to continue practising law part time after age 65 primarily for financial reasons;
- 40 per cent plan to continue to practise law after age 70;

- 71 per cent envision retirement as a new chapter in life.

### Financial concerns

Not surprisingly financial concerns are a major concern when considering career adjustments. It is a challenge to project long-term financial needs. There are decisions to be made about health insurance and long-term care insurance products. Increased anxiety about the availability of pension plans and government support in future years is a stated concern of mid-career lawyers. Younger lawyers start out with a large student loan debt, leaving fewer years to accumulate savings and plan for career change or retirement.

### Personal concerns

Younger lawyers express concerns about maintaining health and independence. It seems that younger lawyers are aware of the importance of health and wellness issues. They are more likely to be members of a gym, exercise regularly, join yoga classes and try to eat properly. We don’t know yet if this translates into better planning for adjustments in their careers.

Personal and professional relationships change with career adjustments. It is important to acknowledge these changes and plan to manage different roles and responsibilities. There is stress associated with change. Awareness of potential anxiety, depression and frustration and support to deal with interpersonal changes will help.

## Career adjustment and retirement

Findings in the study *Purpose, Potential and Productivity in Later Life*<sup>(2)</sup> found that most people approaching retirement have received no formal preparation. Less than 10 per cent had any information other than financial planning. Although they know that financial planning is important, they often overlook the other changes

# New OLAP offers support to Ontario bar

The Ontario Lawyers' Assistance Program (OLAP) – [www.olap.ca](http://www.olap.ca) – is a new organization that has been built on the foundation of the former Ontario Bar Assistance Program (OBAP) and the Lawyers' Assistance Program (LINK). The merger of the two organizations is now complete: OLAP continues the work of OBAP and LINK on behalf of Ontario lawyers and their families in helping them deal with issues such as addictions, stress, work/family pressures and mental or physical wellness.

Founded in 1978, OBAP provided confidential assistance to members of the legal profession and their families through one-on-one peer support, assessment, referrals, and education. LINK was a confidential professional counselling service delivered through Shepell.fgi (formerly Warren Shepell Consultants).

According to John Starzynski, volunteer executive director of OLAP, merging LINK and OBAP will eliminate any confusion created by having two services with overlapping mandates. A single call to one central intake number will give lawyers access to assessment and referrals to peer support assistance or counseling or both," said Starzynski. "We can also provide a more streamlined, cost-effective organization that

eliminates current duplication in processes, tracking and administration. That means we can put more of our financial resources to work for lawyers in need."

A new OLAP Board of Directors has been constituted, with Roderick M. McLeod, Q.C. as chairman. "We are excited about this opportunity to create a broader safety net that can respond seamlessly and effectively to the needs of Ontario lawyers," said McLeod.

The new organization will continue to be a confidential assistance program, and has expanded to meet the anticipated increased demand by hiring additional case managers. Joining the OLAP team are Doron Gold, BA, LL.B and Terri Wilkinson, R.N., B.A., LL.B.

Doron and Terri will be working alongside Leota Embleton to confidentially meet with members of the legal community in need – either in the OLAP office or offsite. Lawyers, judges and members of their immediate family can contact OLAP 24 hours a day, seven days a week to access services such as: assessment, peer support, professional counselling, referrals, and resources.

For confidential assistance, please call:  
Toll Free: 1-877-576-6227  
GTA: 905-238-1740

associated with career adjustment. This study found that developing a social portfolio is as important as developing a financial portfolio.

### **The financial portfolio**

Three major concepts that influence the financial portfolio are:

- Assets to draw on;

- Insurance back-up; and
- Build over time – It is never too late (better to start late than not at all).

### **The social portfolio**

Three major concepts that influence the social portfolio:

- *Assets*: diversified interests and relationships that you can develop and draw on;

- *Insurance*: individual vs. group activities. Consider the mix of high energy/high mobility and low energy/low mobility;
- *Build over time*: Start to develop other interests early that you can build on when time permits so there is not a drastic and sudden empty space when you are not working.

Two important considerations for inclusion in a social portfolio for lawyers:

- A contribution toward helping others. An example of volunteering is peer volunteer programs. The Ontario Lawyers' Assistance Program benefits from the rich experience of lawyers in retirement who share their experiences on a voluntary basis as one of our peer volunteers. Opportunities for lawyers in retirement to use the skills they have used in their active careers abound.
- Active mind and lifelong learning. Travel, teaching and learning new skills provide meaning and a sense of purpose.

## **A staged approach to planning**

The following stages can help you focus your plans and realize the positive potential rather than the negative aspects of change.

### **Mid-life re-evaluation (mid- to late-30s through mid-60s)**

This is a drive to re-evaluate, explore and make changes. The energy allows people to re-evaluate their lives and work and consider ways to make things more meaningful. Characterized by reflection, a successful mid-life evaluation makes later changes – either forced or chosen – less stressful. This type of evaluation used to be called a mid-life crisis, but is more accurately a practice run at finding meaning in one's life.

### **Liberation (mid-50s to mid-70s)**

Creative endeavours are possible. Professionals return to earlier interests

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**May 9-12**

The Institute of Law Clerks of Ontario  
Conference 2007

TitlePLUS sponsoring/exhibiting  
Halifax Marriot Harbourfront  
Halifax, NS

**May 31**

OBA/LSUC/Advocate's Society

*New Sedona Canada Electronic  
Discovery Guidelines*

Dan Pinnington, practicePRO  
Toronto

*For more information on practicePRO events,  
contact practicePRO at 416-598-5863 or  
1-800-410-1013 or e-mail [dan.pinnington@lawpro.ca](mailto:dan.pinnington@lawpro.ca)*

*For more information on TitlePLUS events,  
contact Marcia Brokenshire at 416-598-5882  
or e-mail [marcia.brokenshire@lawpro.ca](mailto:marcia.brokenshire@lawpro.ca)*

**Recent events****practicePRO****January 9**

practicePRO presentation  
*Avoiding a Legal Malpractice Claim*  
Dan Pinnington, practicePRO  
Willms & Shier Environmental Lawyers  
LLP, Toronto

**January 11**

practicePRO presentation  
*Why Electronic Documents are  
Different and Avoiding an E-discovery  
Malpractice Claim*

Dan Pinnington,  
practicePRO presenting  
Dutton Brock LLP, Toronto

**January 18**

practicePRO presentation  
*Why Electronic Documents are  
Different and Avoiding an E-discovery  
Malpractice Claim*

Dan Pinnington,  
practicePRO presenting  
Nelligan O'Brien Payne LLP, Ottawa

**TitlePLUS****January 12**

CBA Nova Scotia Annual Professional  
Development Conference  
TitlePLUS exhibiting  
Halifax Marriott Harbourfront, NS

**January 17**

Calgary Real Estate Board Conference  
& Tradeshow  
TitlePLUS exhibiting  
Roundup Centre, Calgary, AB

**January 17**

LSUC  
*Title and Off-Title Searching*  
TitlePLUS sponsoring/exhibiting  
LSUC, Toronto

**January 25-27**

Banff Western Connection VII  
TitlePLUS exhibiting  
Fairmont Banff Springs Hote  
Banff, AB

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or the path not taken (joining a band, riding a motorcycle, writing, music). There is a degree of personal freedom during this time. Energy is available (if not now, when?).

**Empowered perspective  
(late-60s into 90s)**

Look back on the wealth of experiences – review life through personal storytelling, memoirs. This translates into community-focused actions. Many people in this stage feel they want to make a contribution – helping gives them meaning and purpose in their lives.

**Encore (late-70s on)**

Seize opportunity, take care of unfinished business and deal with unresolved

conflicts. Celebrate family, community and provide influential models for others.

**Time for a check-up**

The message is clear that if you prepare and plan to make adjustments for unexpected changes in health status and retirement, the results will be more positive. Planning relieves the stress associated with change.

The check-up questions are:

1. Do you have a financial plan?
2. Do you have insurance coverage for critical illness or disability?
3. Do you have a back up plan to manage your practice?
4. Do you have a social portfolio?

If you have not thought about the adjustment of retirement take the Retirement Readiness Questionnaire in the career section of the OLAP website [www.olap.ca](http://www.olap.ca). You might be surprised by the results.

**References**

1. Mike Long, *Assisting Lawyers Plan for Retirement and Disability*, In Sight Newsletter, Issue 63, Oregon Attorney Assistance Program, Sept 2006.
2. Gene D. Cohen, *Purpose, Potential and Productivity in Later Life: A 21 Century Retirement Study*, The Atlantic Philanthropies, 2004

*If you believe that you or someone you know would benefit from peer counseling and support, contact OLAP. You can reach program manager Leota Embleton at 1-877-576-6227 or volunteer executive director John Starzynski at 1-877-584-6227.*