



# The 5 Ws and 1 H of Taking on a Law Partner

BY CHRIS WRIGHT

**T**wo are better than one, because they have good reward for their labor. For if they fall, one will lift up his companion, but woe to him who is alone when he falls, for he has no one to help him up. — Ecclesiastes 4:9–12.

King Solomon was obviously a believer in partnerships. And, while solos have a great gig in many circumstances (I am master of my domain!), there are advantages to partnerships that can take you even further in your practice if you so desire. Let's

take a look at one way of systematically considering whether or not you want to go into partnership with another lawyer.

## The Method

According to the giver of all knowledge, Wikipedia, humans have for centuries sought knowledge about a subject by asking “*Quis, quid, quando, ubi, cur, quem ad modum, quibus adminiculis* (who, what, when, where, why, in what way, by what means).” Modern journalists learn the principle as the “5 Ws and 1 H” —

Who? What? When? Where? Why? How? As a sole practitioner considering a partnership, asking the five Ws and one H can save you a lot of trouble before you take the plunge.

### Why?

It is better to ask at the beginning, “Why am I doing this?” rather than asking later, “Why the heck did I do this?” There can be all sorts of answers to “Why?” For example:

- “Because I can make more money.”
- “Because I want some professional companionship.”
- “Because I want to retire someday and have someone here who can take care of my clients when I leave.”
- “Because I want to grow my practice and I know that my potential partner will be retiring in the next few years so I can take their business and add it to mine.”

Of course, there is no correct answer; there is only the answer that best suits you. However, until you answer this question and are satisfied with the answer, hold off on going to the next questions. If you can’t answer this question to your own satisfaction, you may want to reassess whether you really want to go into a partnership. As the old saying goes, “Those who know what and how will always work for those who know why.”

### Who?

My wife is a professional counselor. When we decided to get married, she asked me to take all sorts of personality assessments. I often tell people that because of this, I know *way* more about myself than I ever really wanted to know. However, over the years our “partnership” has been much better because of this. In a business relationship, it is equally important to know the person with whom you are entering into a partnership. Take the time to get to know this person. And take the time to get to know yourself. Find and take a personality profile and share it with each other. You might find out that while you are friends socially, you could never work together. There are not many things more stressful than a business relationship that is tense because of conflicting personalities.

Also, consider taking the time to assess your “work personality,” i.e., at what part of practicing law each of you excel. A great tool for doing this is the Kolbe A assessment (found at [kolbe.com](http://kolbe.com)). For example, some lawyers are “rainmakers” who leave the detail work to others. Some lawyers are technicians who do not like the business side of the law. Many times the rainmakers think that they are more valuable because, “If I didn’t bring in the business no one would have any work to do.” On the flip side, the technicians think, “If it was not for me, nothing would get done, no bills would be sent out, and no money would be made.” Make sure that you can recognize the value in what the other person brings to the table and are comfortable with compensating each other for your strengths. When you play to your strengths, you will find that each of you are more satisfied in your work.

### What?

Stop me if you have heard this one before: “Why did the lawyer cross the road? Because that’s what he did last year.” Sole practitioners get used to doing things in a way that works for

them. When you go into a partnership, some of those things have to change. The question “What?” has the most facets to it because it takes into account the guts of the practice. Some “What?” questions to consider:

- What types of practice do each of us have? Are they compatible from an overhead/income standpoint?
- What practice management system will we use?
- What billing software will we use?
- Virtual office or bricks and mortar?
- Cloud or local server?
- Paperless office or traditional filing system?
- What phone message system will we use? Email? Pink slips? Voicemail?

If you don’t at least consider this in the beginning, it can lead to stress and conflict between the partners as well as confusion for the staff.

### How?

The big “How?” elephant in the room with every law firm I have ever been a part of is money. As one of my former partners said when we were discussing our compensation formula for the thousandth time, “It all depends on whose ox is gettin’ gored.” There are many things to think about when you are considering how to split the money. Look at your collections versus your potential partner’s. Trade income tax returns for the previous year to assess each other. If one of you is a big collector that requires big overhead and the other is a smaller collector but requires less overhead, is that a reconcilable difference?

Consider your compensation formula. Eat what you kill? Equal split? Formula that takes into account overhead, collections, marketing, etc. and weighs them according to perceived importance? The simpler the better. When we formed our partnership, I did an Internet search on “lawyer compensation formulas.” There are several good articles out there that compare the strengths and weaknesses of different compensation types. Make sure each of you are comfortable with this before you sign on the dotted line.

### When? Where?

When to form the partnership and where to locate the partnership are a little easier to handle. When deciding “when” to form the partnership, consider the time of year in which you are least busy. In our case, we started our partnership in July, which is a slower time of year for our estate planning and probate practice. Deciding where you locate your partnership might be a little trickier given leases, accessibility for clients and to courts, etc. Also, with the rapid advance of virtual law office technology, the partners may not even need to be located in the same city.

Being a sole practitioner has its advantages, but if you can answer the five Ws and one H to your satisfaction, a partnership can be a rewarding and fun way to practice law. ☺



### CHRIS WRIGHT

of Welch & Wright, P.L.L.C. in Amarillo, practices in the areas of estate planning, probate, and elder law. He can be reached at [chris@welchlaw.net](mailto:chris@welchlaw.net).