



The Binding Agent

How one person can preserve the vision of your practice.

BY JAMES E. BRILL

Are you a Finder, a Grinder, or a Minder? Finders are rainmakers, Grinders perform the services, and Minders handle the administrative functions. If you are a sole practitioner, you are all of these, but as the size of your firm increases, these functions tend to be handled separately.

Even if you don't practice in a law firm that intends to "be here for a long time," your firm has one more need. Your firm needs a Binder. Binders are the ones who know the history of the firm, its philosophy, mission, and place in the profession and in the community. They are the ones who are not challenged to produce hundreds, if not thousands, of billable hours each year. They are the ones who will have time to be mentors to the newer associates, to train them in their areas of practice, and to imbue in them the respect for the profession in which we are privileged to serve.

I am a city boy, but I have seen enough movies to know about blinders for horses. Blinders are useful when the object is to try to keep a horse from being distracted and to keep its focus straight ahead. In law practice many lawyers and numerous law firms appear to be wearing blinders. It is not an advantage. Let me explain.

I started as a sole practitioner in the 1950s when general practice was the rule of the day. Many of the senior partners at the large firms had been general practitioners, and some had cut their teeth by prosecuting criminals. These lawyers were role models, not only in their own firms but also to a young lawyer like me who was trying to learn how to be a lawyer. As the needs of clients became increasingly complex, however, lawyers tended to become more and more specialized. Lawyers who have practiced in several areas prior to specialization can appreciate the fact that the law is like a spider web, and each area draws from and contributes to other areas.

As new associates come aboard today, they tend to be relegated to areas so narrow that they cannot relate to the work of their fellow lawyers. Figuratively speaking, they are forced to wear blinders as they develop as lawyers. This is not a criticism. It is a statement of the reality of specialization and a recognition that Jacks and Jills of All Trades no longer operate in most firms. The most senior lawyers still practicing today are among the last to have had experience in different areas of the law. If nothing else, they are the Binders of the firm. In time, they too will be gone to leave the firm managed by those who have devoted their careers to ever more narrow specialization. It is not inconceivable that the next generation of lawyers will not be able to appreciate the contributions of those who labor in different vineyards. In effect, these lawyers will be wearing blinders.

Part of the problem is the pyramid-like structure adapted by most firms: lots of newer associates toward the bottom, senior partners at the very top, and newer partners and senior associates filling in the middle. In the pyramid, there is increased pressure for the upward mobility of those at the lower levels, and the only way to accommodate that is for those at the top to give way. This pressure has led to policies calling for mandatory retirement, first at age 70 but increasingly at 65. What an incredible waste of talent. From my perspective, most 65- and 70-year-old lawyers can still cut the mustard. In addition to successful careers as lawyers, they have had life experiences. They have seen

people at their best and at their worst. They have observed and have appreciation of human frailty. And they are aware of the strengths and weaknesses of their firms. I am considerably older than 65, and while most of my contemporaries have long since sailed off into the sunset, I still practice full time. I do not consider myself to be indispensable, but my staff wants the practice to continue after I die and is considering the services of a taxidermist.

I am not suggesting such a drastic step for law firms, but I am recommending a reconsideration of the wholesale purging of talented lawyers. Efforts must be made to retain at least one who will fill the need for a Binder. A Binder should no longer have responsibility for representing clients. An effective Binder won't have time for any of that. These natural Binders are the law firm's most underappreciated assets, but they could be the firm's greatest resource, a resource that should not be squandered. Those firms that disregard the benefits and value that Binders can provide will be wearing blinders just as surely as horses do. In time, it will be demonstrated that the lawyers and the firms who embrace the concept of Binders will be more successful than those whose vision is limited by blinders.

JAMES E. BRILL

practices in Houston. He has been the principal author of every edition of the Texas Probate System and is a recipient of the Presidents' Award from the State Bar of Texas.



STATE BAR OF TEXAS ANNUAL MEETING
DALLAS, JUNE 20-21, 2013

TESLAW Presents at the State Bar of Texas Annual Meeting 3 Hours of CLE

HOT TOPICS IN VIDEO GAME LAW

Stacy Allen, *Austin*
Jackson Walker L.L.P.

BRAND AND CELEBRITY ENGAGEMENT DEALS: THE DIGITAL MEDIA EVOLUTION

Steven Masur, *New York, NY*
MasurLaw

Dina LaPolt, *West Hollywood, CA*
LaPolt Law, P.C.

NFL PLAYERS POST-PLAYING CAREER AND THE ONGOING STRUGGLE TO DEAL WITH INJURIES AND PLAYERS' GRIEVANCES

Brad Sham, *Dallas*
The Dallas Cowboys

Friday, June 21, 2013 • Hilton Anatole • Dallas