

Legal Services



STUART GARFIELD | BUSINESS JOURNAL

Parallel universe

Once almost unheard-of, partner moves from law firm to law firm are on the rise

Kerry Scarlott moved his practice to Goulston & Storrs PC in March. Such so-called parallel moves are becoming increasingly common in the legal industry.

BY MARY K. PRATT
SPECIAL TO THE JOURNAL

When Kerry T. Scarlott considered what he needed to best serve his clients, he realized he had to think not just about what he could offer, but what his firm could, too.

"I needed a firm that would offer a variety of office locations, that was bigger, so there'd be more dynamism in terms of both the attorneys and their client base in a way that would synergize with my practice," he said.

So Scarlott — former chairman of the export controls group of Posternak, Blankstein & Lund — moved his practice in March to Goulston & Storrs PC, where he's a director. He said the firm is a good fit with where he is and where he wants to go.

Scarlott's career path would once have been nearly unthinkable in the conservative law profession, but the number of partners making lateral moves between firms has grown in the past 10 to 15 years. And seasoned attorneys said they expect these moves to increase in the future, as clients continue to pressure their attorneys to deliver value on their own terms.

"Twenty years ago it was extremely rare for partners to move. Now it's becom-

ing a regular occurrence in the profession," said Ronald W. Ruth, managing partner at Sherin and Lodgen LLP. "In the past it was so rare that partners moved that it almost raised questions, and that served as its own push against moves. Now movements between firms are so commonplace that there's not a resistance to it among firms or clients."

Ruth said a number of factors have caused the shift.

One is increasing competition. The profession has become more competitive and a more business-oriented profession, so lawyers with a substantial client base are far more portable than they were.

Some lawyers also move because they're looking for a firm that can offer certain expertise to clients or that can offer better compensation.

Another factor prompting moves is rate pressure.

"So the lawyer needs to move to a platform with a rate structure that can accommodate the client," Ruth said.

The movement of partners is a trend that started nearly two decades ago, said Peter A. Johnson of Law Practice Consultants LLC in Boston.

PLEASE SEE PARALLEL, PAGE 30

BLAZING A TRAIL:

Suffolk heralds a couple of firsts with new law school dean. **30**



WAGING A CAMPAIGN:

Wage and hour issues keep labor lawyers busy. **31**

commercial use

New Suffolk Law dean aims to boost school profile

BY KEITH REGAN
SPECIAL TO THE JOURNAL

When she officially starts work as dean of the **Suffolk University School of Law** later this summer, **Camille Nelson** will be both the first woman and the first person of color to lead the 104-year-old institution.

The significance of those precedents resonates with Nelson, who has made the study of how law affects issues such as race the focus of her legal scholarship over the course of her career. But once she rolls up her sleeves and focuses on her mission of raising the national profile of the law school, she expects it will quickly fade into the background.

"I think it's a statement Suffolk is making that they are taking their mission very seriously and are furthering their commitment to access for people from all backgrounds," said Nelson, who is currently a legal scholar and a professor at **Hofstra University School of Law**. "But mainly, I see it as a job I have to do, and I won't be thinking about my identity or those firsts while I'm doing it."

Nelson is no stranger to Suffolk. In 1999, shortly after finishing a master's degree in law at Columbia University, she nearly took an associate professorship at the law school, but chose to move her young family to the relatively low-cost Midwest instead, taking a similar position at **Washington University** in St. Louis. Then, almost three years ago, she was a candidate in the running for the dean's post.

"I never lost touch with the school and kind of kept tabs on it from a distance," Nelson said from a break in teaching a

Camille A. Nelson

Position: Incoming dean, Suffolk University School of Law

Age: 42

Education: Law degree, Columbia Law School

summer course at the University of Hawaii law school. "I developed a great respect for the way the school not only teaches students to think like lawyers, but to act like lawyers ethically and professionally. It's a story of opportunity and access and that's part of who I am as well."

Suffolk President **David J. Sargent** said Nelson's own background reflects the mission of the school in terms of commitment to diversity and public service. "She is committed to public service and the pursuit of social justice, and we expect that the law school will flourish through her energy, collaborative leadership style and vision," he said.

Law school Professor **Anthony Polito**, who co-chaired the 15-member search committee, said Suffolk was in the market for a new dean at the same time as up to 40 other law schools — some 20 percent of all the accredited law schools in the U.S. "We took the view that we would do as broad a search as we could and take as long as we had to," Polito said.

Polito himself personally asked Nelson to consider becoming a candidate when he saw her at a **Society of American Law Teachers** conference in Seattle that focused on the topic of promoting diversity in law school leadership. "We didn't go into the search saying the right candidate couldn't be a white man, but



Camille Nelson acknowledges that she's blazing a few trails as Suffolk's new dean, but expects the significance to fade once she gets to work.

we wanted to signal clearly that we were open to diversity," he said.

According to Polito, the law school has long aspired to boost its national profile. It has long ranked in the third tier of schools nationwide according to the annual listing from U.S. News & World Report.

"Not that we worship at the altar of those rankings, but it does symbolize a desire to constantly improve the school and constantly make it better in terms of students, teachers and scholarship,"

Polito said.

Nelson's path to the law school leadership post began in Jamaica, where she was born, and Canada, where her parents settled in search of education and opportunity when she was a child. Her father was a high-school teacher, and Nelson long thought she'd follow suit. While studying business as an undergrad, however, she quickly became interested in law and how it affected issues of social justice.

Nelson is still looking for a place where her husband and three children can put down roots, with the search focusing on finding a community with strong public schools.

Since much of her legal scholarship has focused on issues of social justice, including the impact of laws on race, sexual orientation and on those with mental disabilities, Nelson comes to Boston well aware of the city's troubled history with respect to race relations and forced integration of the public schools. Still, that past did not give her pause when it came to deciding whether to take the position.

"I don't know that Boston is unique with regards to the struggles it and some other places have had with respect to race relations," Nelson said. "The flip side of that is that so many people are so committed to overcoming that history, committed to becoming more inclusive and diverse and welcoming. There is a little bit of a nod to history and a sense that that was then and this is now. The only way a place can overcome unfortunate histories is to be dedicated to progress and change and I definitely feel that here."

PARALLEL: A career move once almost unheard-of gains popularity

CONTINUED FROM PAGE 28

"It all stems from the transition from the profession of law to the business of lawyering that has been taking place over the last 15, 20 years," he said.

With that as a backdrop, Johnson confirmed that many lateral moves are client-driven: Corporate clients are shopping around, asking why one lawyer charges \$700 an hour when another equally competent lawyer charges \$400. As a result, many lawyers are willing to move to a lower-cost firm to accommodate their clients' finances.

If a lawyer hears from several clients, "We like you, we'll follow you but we can't afford you," Johnson said, that lawyer might jump ship.

"There seems to be less loyalty between clients and law firms, and there's less loyalty to partners and the law firms as institutions. This notion of free agency is creeping into the legal marketplace," Johnson said, although business clients are still going to the more expensive megafirms for bet-the-



Sherin and Lodgen Managing Partner Ronald Ruth said that 20 years ago, parallel moves were extremely rare. "Now it's becoming a regular occurrence in the profession," he said.

company cases

Partners will also move if they think another firm can offer more support or a greater expertise in a particular area,

or assemble better legal teams to meet client needs, legal experts said.

"This is a very competitive business, and firms are focusing on their plans

and strategies. And as they do, individual attorneys assess whether the firm's strategies fit with what they want and what their clients need," said **Martin Fantozzi**, co-managing partner of **Goulston & Storrs**.

Peter Devlin, president of **Fish & Richardson** in Boston, said his firm has tagged certain areas for growth, including intellectual property litigation and business litigation. Some of the growth will come from within, as associates move up to partner positions. But the firm also has brought in partners from other firms because they had established practices in some of the targeted areas.

For example, Fish & Richardson this spring brought in four partners from **McDermott Will & Emery LLP** to join its Regulatory and Government Affairs Group in its D.C. office.

"These partners gave us the ability to increase our market share, and for them, we offer them a platform that's different from where they came," Devlin said.

Commercial