

A 'Posada Problem' for Law Firm Partners: Forced Retirement When They Still Want to Practice

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By [Martha Neil](#)

Corrected: Although the economy is improving, many law firms are still struggling to get back on solid footing. And this has exacerbated what the [New York Times](#) refers to as "the Posada problem."

Like once-formidable New York Yankees catcher and designated hitter Jorge Posada, who, at age 39, was dropped from the starting lineup, a number of older partners are encouraged, or forced, to retire at a time when they are still eager to work—and get top billing.

[Norman Levine](#), managing partner at Greenberg Glusker in Los Angeles, tells the Times that having to deliver the bad news to partners is one of the worst part of his job.

"If someone wants to stay and you don't want them to, that's the hardest," he says. "It's like going to your parents and telling them they can't handle their affairs anymore."

As detailed in earlier ABAJournal.com posts, mandatory retirement requirements are subject to legal challenge. (A post last month, [Partner, 66, Balks at BigLaw Retirement, May Be an Employee Under Civil Rights Statute](#), links to other articles on the subject.)

However, those whose hours have plummeted, including some young partners, can be vulnerable to being shown the door.

"Very few people are so skilled that they can't be replaced by a younger, more current practitioner," legal consultant [Edward Poll](#) of Los Angeles tells the newspaper. But strong relationships with clients can make it difficult or impossible for a law firm to force a partner to retire.

"You've got to be so connected to important clients," he says, "that the firm is going to fear your departure."

At the other end of the scale, a forced exit can be ignominious. Poll recalls one partner who learned his fate when he went to the office manager to find out why he could no longer log onto his computer with his usual password.

Updated at 5:51 p.m. to correctly indicate that Posada is a catcher and designated hitter.

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