

How to Manage the Unexpected Resignation of a Key Legal Employee

by Kimberly Lerman, Talent Manager, Consilio

As a legal recruiter, I often receive frantic calls from General Counsel and other clients who just learned that an indispensable employee on their team is resigning from the organization. I can typically hear the panic in their voice as they tell me about the ways in which the employee contributed to their team. They are often worried that they will never be able to find a replacement employee who can fill all of the gaps that will arise. In every organization, resignations are inevitable, regardless of how valued employees feel. Recruiters can swoop in with an unsolicited offer with more responsibility, better pay, or a shorter commute than their current employer can offer. Spouses can be relocated, or family members may need full-time care. Whatever the reason, when you're faced with the unexpected departure of a key member of your team, it's important to act quickly.

Hopefully your employee gave you at least two weeks' notice — that will provide you with a little bit of time to prepare. First, you may want to evaluate whether it's worthwhile to make a counteroffer to try to keep your employee. Next, even though you likely have a full calendar for the next two weeks, it's best to make it a priority to spend as much time as you can preparing for the transition, especially if the employee who resigned has important company information that may not have been shared with others or is part way through working on important tasks that will require some ramp up time for someone else to complete.

It's also important to spend some time evaluating your short-term and long-term needs to ensure you make the best possible replacement hire, but at the same time you will want to move quickly because your team is likely busy, and will want to see that help is on the way. Once the dust has settled, consider reviewing your succession plan to see if it was effective or may benefit from some tweaking, and also consider assessing why your employee left and what you may be able to do differently in the future to help minimize the chances of further resignations on your team.

Consider Making a Counteroffer

If the reasons for your employee's decision to depart the company are things that you can address, consider whether you would like to do so. For instance, if the employee accepted a new job because it pays more money, you may want to explore the possibility of agreeing to match the employee's new salary offer. Likewise, if the employee's resignation was due to finding an opportunity to better be able to advance their career, consider whether you can offer added responsibilities that will match the new opportunity. Or, if the employee resigned because they found a new job closer to home, consider whether telecommuting is a possibility. Counter-offers aren't the best option in all situations, because even when they are accepted there's always a possibility that the relationship dynamic will change once it's become known that the employee was willing to leave, but at times they can result in successful, long-term relationships.

Determine Which Tasks Need to be Reassigned and What Knowledge Needs to be Transferred

Transferring knowledge is often a high priority when a key employee resigns, as it may be difficult to do this after the employee has departed and moved on to a new role. As a result, in addition to focusing on the transfer of important and/or time-sensitive projects, it may be beneficial also to focus on knowledge transfer to ensure that the departing employee shares all critical information with someone else at the company before their final day of work.

To do this, it will be helpful to spend some time with the departing employee to discuss the projects that person has been working on, and to gain insight into whether there is the need for a transfer of any knowledge to allow for a smooth transition.

Evaluate Short-term and Long-term Needs

As a first step, it's helpful to make sure you understand the full scope of the work done by the departing employee, including both short-term and long-term projects and goals. It's then time to start evaluating whether this work can be handled by others at the company, or whether a replacement hire will be required. Think about whether some of the work done by the employee who resigned can be reassigned to someone else at the company more effectively than it could be handled by a new hire. In addition to developing a plan to ensure that the substantive work is covered, it's also helpful to evaluate whether any internal promotions or reorganizations may make sense.

Make a Hiring Plan

You are likely busier than ever when trying to manage the resignation of a key employee, but if you need to backfill the position, it's best to make that a priority — it can take some time to find the right person for your company. Not only is the hiring process time-consuming, but since multiple people at your company likely will be involved in the interview process, it may not be easy to find a day/time for the interviews that will work well for everyone. Also, if some of your past hires have worked out less-than-perfectly, it may be worthwhile to take the time to assess whether there is something you should do differently this time around. If your need for help is urgent and you don't think your team can sustain the workload while you take the time to engage in a thorough hiring process, consider bringing in contract employees to help with overflow work in the interim. Contract work has become a career of choice for many qualified attorneys, and utilizing the expertise of contract attorneys can be a cost-effective solution to help lighten up your team's workload while you work to find a permanent employee.

Preserve the Relationship

No matter how blindsided you may feel by the resignation, it's probably worthwhile to make the effort to preserve the good relationship you've built with the employee who is leaving. That

employee may be able to help recommend a replacement for their position, or offer insight into what type of employee would be best to backfill their role. Also, you never know when you may have a professional or personal need for help from the employee, whether to request information about a company project after their departure, or perhaps for a reference or recommendation.

Assess the Employee's Reason for Resigning

Once the employee has provided notice that they are leaving the company, they may be more willing to have a candid discussion with you about their experience working on your team. By having a frank conversation with the employee, you may learn about changes to policies or personnel that could be helpful to improve the morale of the remaining team members, which could help prevent future resignations.

Evaluate Your Succession Plan

Were you prepared for this resignation, or were you caught without a plan in place? Even if you were prepared, could you have been more prepared? When your succession plan is put to the test, it may be easier to identify gaps or areas for improvement with the plan that weren't apparent earlier. Once the dust settles, taking some time to reevaluate and update your succession plan could lead you to be better prepared the next time there is a resignation on your team.

Consider Calling in Help from Local Experts

If the employee's resignation has left you overwhelmed and in need of hiring a replacement employee quickly, consider calling in the experts. Legal recruiting firms in your market likely are well-connected in the industry, and those firms are constantly on the lookout for good candidates in their local market. For both contract and permanent hires, recruiters can be an invaluable aid to the hiring process, especially when it's important that you move quickly and hire the right person.

Conclusion

There is a lot to consider when a key employee resigns, and your first instinct may be to focus only on ensuring that the employee's work gets done and deadlines are met, but it's also important to make it a priority to focus on making a long-term plan, which may include finding a new resource to help on a long-term basis. Once that's done, then you can take the time to reflect on whether changes are warranted to help your department increase retention and ensure that succession planning is on target.

About the Author

Kimberly Lerman is a Talent Manager in the Atlanta office of Consilio. She works primarily with attorneys, placing them in a variety of positions in corporate legal departments across numerous industries as well as at law firms. Prior to the start of her career in recruiting in 2015, Kimberly spent 15 years practicing law in Atlanta, and she was involved in hiring attorneys throughout that time. In her last legal role, she served as Vice President & Associate General Counsel for a large company in Atlanta. In addition to seven years of in-house experience, Kimberly also worked as a litigation associate at local law firms, including several years at both King & Spalding and Eversheds Sutherland. Throughout her law firm tenure, Kimberly was involved with interviewing law students and lawyers at job fairs, on-campus interviews, and onsite interviews. She also was a member of the Hiring Committee at Eversheds Sutherland from 2005 – 2007. Kimberly currently serves as Co-Chair of the Duke Atlanta Women’s Forum and is a Member of the Duke Law Atlanta Board. She also volunteers with Emory Connects as a mentor for current Emory students considering a career in law, and serves as an Interviewer for the Emory Alumni Interview Program. When not working or volunteering her time, Kimberly enjoys swimming, biking, and running, having completed 20 Ironman® triathlons. She is also an avid scuba diver and enjoys standup paddleboarding, hiking, nature photography (including underwater photography), yoga, and cooking.