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The 7 hidden dangers of accepting a counter-offer

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It's 9:00am on a Friday. You have rational reasons to leave your current firm, and you have been building yourself up all week to inform your partner you are leaving. You have chosen Friday because it will give you the weekend to recover. You step into his office, and hand across your resignation letter. He sits you down and says:

"You are making a mistake. We have great plans for you. It's bad timing for us. Where's your loyalty? What did they offer you? You are not going there are you! I've heard bad things about that team. We will exceed any offer. I want you to think carefully about your decision."

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At this point you go back to your desk and start to have doubts about your initial decision. Maybe things will improve, maybe you have overreacted. You convince yourself that your boss genuinely cares about your future and feel guilty about planning to leave.

You decide to stay with your current firm.

To avoid embarrassment, you forward calls from your potential new employer to voicemail until they stop calling. You avoid all contact with them and pretend you were never planning to change firms.

This scenario happens more often than you would expect. The reality is that most lawyers who are planning to change firms only focus on the new opportunity. They rarely think about the possibility of a counter-offer, and what the consequences may be of accepting one.

There are many hidden dangers of accepting a counter-offer from your employer after you inform them of your intent to leave. Here are some of them:

1. Loss of reputation

Lawyers should never underestimate the loss of reputation from telling a firm you will join them before staying where you are. How many billable hours did the partners lose spending time on the interview process? From the perspective of the potential employer, you have used the offer to leverage your position internally. Any trust that you built-up during the interview process is lost forever. More importantly, if you change your mind down the track, the chances of a firm welcoming you across will be diminished substantially. You may also struggle at other firms who may know the partners of the firm you have rejected.

2. Trust with your current employer

By accepting a counter-offer you will be changing the dynamic of your relationship with your immediate report. They will always be thinking that you may leave at any point in time, and therefore their investment in your career will be reduced.

3. Money won't solve the problem

The easiest path for a firm is to match or exceed the offer. For a firm to change culturally and address your concerns takes an enormous effort, and requires the leaders of the firm to change. The reality is that most people rarely change. So money in itself won't solve the issue.

4. Planned Obsolescence

Knowing that you have considered leaving, may result in your firm replacing you with someone else – someone who really wants to be there. Think of the time and energy required for your firm to find your replacement. Keeping you there until the replacement is found is an effective way of keeping the available capacity for clients, until they find your replacement.

5. Good employers don't counter-offer

Good employers don't counter-offer. They address concerns of their employees and manage expectations accordingly. Ask yourself if all these issues were not addressed earlier, how is the firm really placed to address these now?

6. Stagnation

We often find that lawyers who accept counter-offers find themselves getting subtly overlooked for opportunities by their employer. This can be often subtle, but in terms of a promotion, it can make the difference.

7. Statistics

The statistics show that most employees who accept a counter-offer will leave within six months.

When trying to change firms, many lawyers won't see a counter-offer coming. They are focused on their new employment opportunity and construe handing in their notice as an administrative task.

Preparing for a counter-offer is just as important as preparing for an interview. It means you are equipped to make the right decision and avoid the dangers that await the unprepared.

Burrows Legal specialises in strategic career advancement for senior practitioners.

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