

Definitely Mabey

Five steps to client development success for lawyers

In keeping with this column's intent of delivering practical sensible commentary/solutions to issues currently facing law firm management, I shared last month that I had invited a few folks to write on topics they were both passionate and knowledgeable about and this month's column is the first one.



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While Jane Southren and I come from two very different niches of the legal industry, her passion about the need to move the legal industry along in general and client development activities by lawyers in particular made it a “no-brainer” to ask her to do a column on client development.

By way of brief background, Jane was admitted to the bar in 1997 and practised at McDonald & Hayden prior to joining Leners LLP in 2004. She has been a partner at Leners in its commercial litigation group since 2007 and has spoken on topics ranging from building a book of business to “conflicts of interest in your litigation practice” to “mastering the art of complex civil motions.”

Here are Jane Southren's five steps to client development success for lawyers:

Over the course of our careers we have all heard people talk about the ideal of lawyers building “self-sustaining” practices. In some instances, it is even enshrined as one of the criteria on the path to partnership in law firm partnership agreements.

Over the past couple of decades, at least, this ideal appears to have been overlooked, particularly at the many firms who have been fortunate enough to have the 20 per cent or less of their lawyers who are “rainmakers” generate enough work that there is not an urgent need for the remaining 80 per cent or more of the firms' lawyers to develop their own independent books of business.

In the last few years, however, all of us have been experiencing the harbingers of a new reality for our industry; one in which lawyers and law firms will be less able to rely on the few providing for the many in the future.

I don't propose to speak to all of the changes that firms need to make in the face of this new reality.

I would just like to speak to one.

As a general rule going forward, in order for lawyers to be successful in their legal careers, they are going to have to develop self-sustaining practices, and in order for law firms to ensure their own future success, they are going to have to help their lawyers do it.

Books alone won't do it. Having consultants come to your firm retreat once a year or less to tell people how to develop business won't do it—it doesn't matter how good the advice is or how motivating the speaker is. Human nature dictates that very few of the lawyers will retain the information and that once back in their environment, they will revert to their customary behaviour and nothing will change. I suspect many of you have experienced or witnessed this phenomenon.

In order for a firm to combat the very human inclination on the part of lawyers to stick with what we believe we are good at (practising law), and avoid what we believe we are bad at (marketing our services), it has to approach the issue from a human perspective and create structure that will guide each lawyer through each step of the transition from where they are now (which is probably hating the whole concept of business development) to the place where they will be confident, skilled, and on their way to developing their own client base.

In my view, the structure most likely to succeed will be one that matches each lawyer with a “coach” who understands lawyers and the practice of law, has a good sense of the types of business development opportunities that are most effective for lawyers, has a positive, motivating personality, and has the ability to support the lawyers in executing on any of the business development initiatives they identify.

The coach might be someone you hire from outside the firm who specializes in business development coaching, a partner or associate from inside the firm who has an instinct for business development, or even a professional marketing person.

Whoever the coach is, the things they must bring to the table are: a strong sense of the nuances of the relationship between lawyers and their clients, a clear understanding of what it is like to practise law, and a genuine interest in seeing the lawyer successfully build a client base.

As for what the coach will do, in my view there is a five-step process that can move any lawyer from the group of 80 per cent or more who don't generate their own work to 20 per cent or less who do. The right coach will be able to support each lawyer to consistently follow these steps to success.

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Step 1: Generate momentum

In this step the coach supports the lawyer in getting profile- and confidence-building activities, like speaking engagements, writing engagements, awards, and media appearances—the things that get the lawyer's name up in lights!

Step 2: Identify targets

In this step the coach helps the lawyer identify the specific types of work and clients that they would like their practice to include and the communities and audiences that will give them opportunities to interact with those clients and that work.

Step 3: Identify three to five SMART business development activities for the year

I normally hate “consultant speak,” but SMART makes sense in this context. It means the coach works with the lawyer to choose “specific, measurable, achievable, realistic, and time-framed” initiatives. The activities chosen should be things the lawyer will enjoy doing and do naturally. They should also be spread out over the whole year, only one or two in each quarter, to avoid the common inclination of lawyers to get involved in many unrelated activities in a short time frame in order to “get their name out there” and then go back to billing until the next time they get pressure from management to market.

Step 4: Support execution

The coach needs to be proactive about finding ways to support the lawyer in executing on the activities identified. That proactive support may involve everything from setting up report-back meetings (to create a sense of accountability) at the interval appropriate to each lawyer, to actually being the person who reaches out to find or schedule the opportunities that the lawyer is looking for at the times when the lawyer needs some help actually getting things done, which they invariably will.

I can't stress the importance of this ongoing support strongly enough. Without this kind of active and proactive support, I can tell you from experience, it is really, really, really hard for lawyers to actually make these opportunities happen. I believe it is one of the major reasons so few of us are actually successful business developers.

Step 5: Track results and course correct for the next year

The results of the lawyer's efforts, and the areas in which they need more proactive help from the coach, should be tracked formally at least quarterly. They should be informally tracked much more frequently than that at their regular report-back meetings so projects keep moving forward and the number of things that need to be done never become backlogged or overwhelming for the lawyer.

At the end of each year, the results for the year should be measured and recorded, the value of each activity analyzed, and a new plan set for the following year that includes the activities that worked in the prior year, removes any activities that did not have value, and brings in new activities that are appropriate given where the lawyer then wants to go with their practice.

Think of it in terms of supporting the lawyers in making a lifestyle change. People can't run a marathon one day and expect to be fit for the rest of their lives. Lawyers can't speak at one conference per year and expect work to rain down on them. And firms can't have a consultant give their lawyers business development ideas once a year and expect their lawyers will, from that moment on, be rainmakers.

Arranging proper coaching for your lawyers may sound like a big investment, but the cost will be a fraction of the billable hours that people who don't have the proper support will waste trying to figure out how to do this effectively on their own. It will also be dwarfed by the benefit the firm will realize if even only some of the lawyers they are supporting develop self-sustaining practices.

Jane has provided solid insights on how to raise the “business development bar” amongst the 80-per-cent partner group. Until next month, I would leave you with this paraprofessional:

*"Being a lawyer in a large firm
doesn't make you a better lawyer any
more than standing in a garage
makes you a car."*

Comments or Questions?

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