

## Definitely Mabey

### Predictions of major shifts in the profession for 2011

*This is a challenging time of year to write for me at least, as the basking in family, friends, food, wine, and gifts readily distracts one's focus from the environment we will be returning to and embracing once again.*



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The challenge is particularly daunting as it is this time of year when you directly or indirectly confront the gap between promise and performance. Nothing brings this home more clearly than when you begin to prepare a list of things you want to accomplish in the new year and see how many of them are "bring forwards" from the prior year(s).

But as the old Chinese proverb implies, weaving a net is better than praying for fish so here are some of the things I hope to do in 2011:

- Continue to make mistakes; to do otherwise likely means I have stopped having ideas;
- To accept that I am likely to walk on thin ice some part of the time and have both the wisdom and courage to know when I am and dance when I do;
- To see the herd of elephants coming and order peanuts and barricades rather being called to clean up the droppings when the herd smashes through;
- To grasp that real prosperity is the ability and desire to subordinate what I want now for what I want eventually;
- To convince lawyers wishing to become leaders in their firms, communities, or profession that best leaders do not necessarily set out to be selected as a leader, but become one by the quality of his or her actions and the integrity of his or her intent;
- To understand that efficiency is doing a thing right, that effectiveness is doing the right thing, and great service requires both in balance;
- To focus more on the execution of the solution than the definition of the problem; and
- To try something beyond what I have already attempted (helping around the house doesn't count I am told).

While there were a lot of new books authored, sold, and read in 2010 there are two that stand out from my vantage point as having offered both practical and substantive principles and ideas.

The first is *Good Boss, Bad Boss: How to Be the Best . . . and Learn from the Worst* by Robert I. Sutton. The book, which is based upon research, is directed at bosses who want to be better bosses and helps identify the habits of real-life bosses who are seen by their employees as good

bosses. One of the insights of the book is that being a good boss is not dependent upon the size of the organization you are managing so can be applied to law firms of any size. I particularly like Sutton's books as they contain lists of "how to" achieve the desired result and provide simple but focused introspective questions to ask oneself during the daily "bump and grind" of executing your role.

The second outstanding book for me of 2010 is *Switch: How to Change Things When Change is Hard* and was co-authored by Chip and Dan Heath. I have to be honest, it is the degree of difficulty associated with change in the legal industry that initially attracted my attention to the book. As a result of this environmental challenge, I am always looking for any insight, irrespective of how remote it may seem, in to how to facilitate change. Again the writing style of breaking down the best way to create desired change into a three-part framework that is both succinct and understandable adds real value from my perspective.

The "hands down" best essay I read in 2010 was "*Solitude and leadership: If you want others to follow, learn to be alone with your thoughts*" by William Deresiewicz, a former Yale professor, and is a lecture he delivered in late 2009 to the plebe class at United States Military Academy at West Point. The essay attributes part of the crisis of leadership that many aspects of life are facing due to the fact that for "*too long we have been training leaders who only know how to keep the routine going; who can answer questions but don't know how to ask them; who can fulfill goals but don't know how to set them; who think about how to get things done, but not whether they're worth doing in the first place.*" Perhaps one of the most legal industry relevant portions was his statement that, "*Leadership means finding a new direction, not simply putting yourself at the front of the herd that's heading toward the cliff.*"

The best re-read for me was *Our Iceberg is Melting: Change and Succeed Under Adverse Conditions*, co-authored by John Kotter and Holger Rathgeber and originally published in 2005. The authors took the unique tact of using a story to convey their message that "*stories can stimulate thought, teach important lessons, and inspire us to use those lessons*" more so than the information we are inundated with daily and forget about the next day. The story is about change: assessing need for; initiating it; working with others; and successfully handling it.

Clearly the core theme of the foregoing books and essay is change: recognizing the need; deciding on the best course of action, leading the team; and then executing on it.

This fixation is driven by a deeply held belief that the legal profession must change, and change radically, if it is to continue to grow and prosper both financially as well as a profession (the latter in both the eyes of its users and members). I am not talking about the self-perceived trauma induced by that harrowing move from WordPerfect to Word but something more fundamental and clearly much more significant.

These changes will touch on many aspects of the profession and may include:

- What students are taught in law schools — the balance between theoretical and practical will shift;
- An actual slowdown and even reduction in the growth of the number of lawyers entering the profession;
- A fundamental change in the track to partnership including increased numbers of alternatives and a lengthened track to partnership itself;
- A change in the level of economic rewards that most lawyers will be able to earn during their careers;
- A return to more general practitioners, moving away from the specialization/technician style and back to generalist/adviser roles;
- A move away from the corporate governance model and back to a partnership style that is perceived to engage and treat partners more as partners and less as shareholders;

- Fewer iconic lawyers (much like the NHL it is harder to stand out when the talent pool has grown so much);
- Fewer legal directories and lists because of both the immediate previous change but also a move away from self-gratifying marketing to client focused campaigns that takes a firm's brand to where the clients "live";
- A surge in the focus on the research and development functions in law firms (some would call the indirect billable hour);
- A greater emphasis and dependency on the use of "real technology" (not just "canned packages") not only in the back office of law firms but also in the actual practice of law in conjunction with a serious increase in interest in cloud computing, which in turn will drive firms to focus on the issue of confidentiality/segregation of information in order to take advantage of this type of platform;
- Increased lateral hiring and a decrease in organic culture and an increased actual enforcement of stipulated "values and way we do business" statements; and
- A drive to explore and develop retirement plans for law firms that facilitate not only succession planning and exiting of senior lawyers but also lower lifetime earning streams.

Whether any or all of these changes will come to full fruition in 2011 remains to be seen, but the one prediction that I can make with complete confidence is change will occur and the way you practice law and the way your firms operate will be different at the end of 2011 than at the start.

Wishing you only the best 2011 has to offer, until next month remember,

"The simplest explanation is most likely to be true."

**Comments or Questions?**

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