A Discussion with an In-House Business Development Consultant and an In-House Guru

Donna Kramer, Sullivan and Cromwell, New York, New York

Donna shares this picture of her "obese and sarcastic" (her words) cat, Henry VIII. Donna's partner, MaryAnn, turned him over to animal control after finding him in New York City's Prospect Park in November of 2011. He was in terrible shape; the shelter indicated that many of the pets belonging to New Yorkers lost on 9/11 were put out on the street by building management companies. After obsessing about him for nearly 48 hours (after which time the shelter would put him down), Donna and MaryAnn made a dramatic race to the shelter to bring him home. He's been the head of their household ever since. (Donna shared that the caption for Henry's picture is "We shall sell no wine before it's time.")

Jan Majewski, Holland & Knight, Tampa, Florida

Jan shares this image of his dog, Buckley. According to Jan, "Buckley was a runaway who showed up on our doorstep ten years ago. Attempts to find the owner were unsuccessful. The ASPCA said he had been abused, and that after ten days, we could keep him or turn him in to a shelter. We kept him."

—The authors of this article are the 2011-2012 co-chairs of the In-House/Professional Development SIG.

When it comes to training, there are several differences between the in-house world and that of most other ACLEA members. Many of these differences involve the process of how training programs are structured. For example, in-house providers will never ask their attorneys to pay a registration fee to attend one of their own programs. While in-house providers need to promote their training programs, it is highly unusual for them to print and mail brochures advertising these programs.

There is also a difference in the program topics typically offered by in-house providers. Because many of the topics are offered in one- or two-hour sessions, they tend to be very focused and specific rather than broad overviews of an area of law. Frequently, an in-house program focuses on an area of law practice that would not normally be offered by other CLE providers. Topics such as business development, client relations, networking, etc. are often found in a law firm's training curriculum. These topics are provided even though they will generally not be approved for CLE credit. It is rare that a fee-reliant CLE provider will offer programming that doesn't provide CLE credit.

Recently, there has been a great deal of attention given to providing CLE credit for training that focuses on the business side of practicing law. (See Recommendation 8 of 2009 ACLEA-ALI-ABA MCLE Summit: "MCLE regulators should accredit training in the content or skills necessary to effectively practice law…"). The recent economic downturn has forced many law firms – and clients – to focus on methods of providing legal services while maintaining profitability. An oversupply of law graduates and a shortage of lawyer positions has resulted in an increased number of recent graduates starting their own practice. These developments all point to a need for more training in the business side of law practice.

This article is based on a discussion the authors had with an experienced consultant who helps lawyers and law firms with business development. David Freeman, a former lawyer and CEO of the David Freeman Consulting Group, has dedicated the last 17 years to helping thousands of lawyers at hundreds of firms improve their ability to generate more revenue.†

† David is an internationally-acclaimed speaker and consultant who has presented at law firm retreats, international, national and regional conferences, bar association meetings, and law firm networks. He is the creator of a new personal rainmaking system for lawyers, CMOplaybook™. In 2008, he made a presentation to Holland & Knight on business development at the firm's All Lawyer Meeting. David has also authored many articles on the revenue-related aspects of management, leadership, client service, cross-selling, retreat design, strategy, and business development in publications including *ABA Journal, ABA Law Practice Magazine, Of Counsel, The New York Law Journal, Marketing the Law Firm, Law Firm Leadership and Strategy Report, ALA Legal Management, ALA Currents, Law Firm Partnership and Benefits Report, Professional Marketing Magazine, Law 360, LMA Strategies and Law Firm Governance*.

YOU HAVE BEEN PROVIDING TRAINING TO LAWYERS AND LAW FIRMS FOR SEVERAL YEARS. WHAT CHANGES, IF ANY, HAVE YOU SEEN DURING THAT TIME ON WHAT LAWYERS WANT TO LEARN AND HOW THEIR PRACTICES MAY HAVE EVOLVED?

Overall, there has been a shift toward learning more about selling and service skills than marketing skills. This is not to say that marketing skills (e.g., activities that get your name in the marketplace, such as writing, speaking, and press releases) are unimportant, but there is now a greater emphasis on how to build personal relationships, get hired, and stay hired.

MANY STATES WILL NOT APPROVE FOR CLE CREDIT TOPICS SUCH AS BUSINESS DEVELOPMENT OR CLIENT SERVICE. WHAT ARE YOUR THOUGHTS ABOUT THAT?

As a general rule, CLE has an external focus, in that it seeks to protect consumers of legal services by requiring lawyers to adhere to certain standards of professional competence and conduct. Similarly, client service programs have an external focus, in that they train lawyers to engage in behaviors that provide a better experience for clients. Given the complaints lodged to firms about poor levels of service, and how important this area is to clients, I feel strongly that client service training should receive approval for CLE credit.

Using the "external-focus-for-the-benefit-of-consumers-of-legal-services" test puts business development into more of a gray area. While business development activity can inform the public about services and a firm's capability to perform those services, the main benefit of this type of training is clearly internal. Business development is a critically important part of running a business that teaches lawyers how to build healthy practices. If internally-focused topics like strategic planning for law firms, tips for managing a practice, and techniques for improving the bottom line can get CLE credit, so should business development.

HOW IS THE FOCUS YOU AND OTHER CONSULTANTS TAKE IN PROVIDING BUSINESS DEVELOPMENT TRAINING DIFFERENT THAN THE APPROACH OF OTHER CLE PROVIDERS WHEN THEY OFFER TRAINING ON LEGAL TOPICS?

Well-designed business development training programs are very practical and action oriented, with an emphasis on useful tools and techniques that can be immediately applied. Since effective business development often requires new behaviors, skills, and/or habits, encouraging ongoing implementation and practice is critically important. Whether through internal accountability groups, a buddy system, follow-up by marketing professionals, leadership intervention, or use of an outside coach, to have a lasting impact, business development training must have an ongoing action component.

ARE THERE DIFFERENCES BETWEEN THE LEARNING NEEDS OF BIG FIRM LAWYERS AND ATTORNEYS FROM SMALL OR SOLO PRACTICES?

In general, the educational needs of solos and smaller firms are very comparable to larger firms—they all must find, attract, keep, and grow desirable clients. Whether a lawyer is shooting for a Fortune 50 client, or a neighborhood entrepreneur, the basic skills, and the need to continuously practice those skills, are very similar.

LAW SCHOOLS ARE BEING CRITICIZED FOR NOT PREPARING LAW STUDENTS FOR THE "REAL WORLD" OF LAW PRACTICE. LAW FIRM BILLS ARE BEING SCRUTINIZED BY CLIENTS WITH SOME CLIENTS REFUSING TO PAY FOR WORK DONE BY INEXPERIENCED ASSOCIATES. WHAT ARE YOUR THOUGHTS ON THESE PHENOMENA? IS THERE AN OPPORTUNITY FOR LEARNING WITHIN ORGANIZATIONS HERE?

I recently delivered a program to a law school on leadership, business development, and client service. The students ate it up! They are well aware of the challenges they face coming to a firm, and they want to be prepared to add value as quickly as possible. Law schools can help by teaching the practical realities of law firm life, and giving them skills to become better team players, provide higher levels of service, and begin to build their networks for future business development.

If the current resistance to paying for work of inexperienced lawyers continues, firms, and their young associates, must find ways these new associates can contribute and learn. Some progressive firms have sent young lawyers to work with clients or other organizations at reduced or no fees in order to build practical skills and solidify key relationships. I think there are significant opportunities for firms willing to think outside the box and invest in longer-term relationships.

IS THERE AN OVERSUPPLY OF ATTORNEYS IN THIS COUNTRY? HOW DOES THIS AFFECT THE NEED FOR BUSINESS DEVELOPMENT TRAINING?

The increase in fee pressure from clients, and reports projecting more law school graduates than jobs available, provide strong evidence of an oversupply of lawyers. While a recent strategy has been to reduce expenses to protect firm financials, "cutting costs to achieve greatness" is not an effective long-term approach. To compete effectively into the future, and to grow profitability in order to attract and retain top lawyers, firms must improve their internal cultures of business development. This can be done through training in areas such as business development, client service, leadership, client teams, and cross-selling.

WHAT ARE YOUR THOUGHTS ON THE FUTURE OF CONTINUING LEGAL EDUCATION?

As a profession, we have the substantive part of legal education down pat. Where I see the greatest need is to help lawyers run their personal practices, their groups, and their firms in a more business-like manner. I anticipate the demand for programs that teach firms how to generate more revenue and operate more profitably will increase as competitive pressures mount.

What's Your Story?

ACLEA members are one eclectic bunch!

The *In the Loop* newsletter committee would like to share your story with our colleagues. Would you tell us how you came to work in CLE? We will be pleased to profile your path in a future issue of *In the Loop*. If you are willing to share your story, please send us a brief e-mail indicating your interest, and we'll follow up with an interview.

In the Loop Newsletter Editorial Committee

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