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Old Wine, New Bottles? The variety of law firms forming multidisciplinary “financial recovery teams” is rather extraordinary. Regional firms in Western New York no less than brand-name global giants are aggregating workout, securities, compensation, even legislative practitioners to guide institutions, investors, and companies, but is it all just repackaging, or do these reconstituted groups actually provide new value-adds that did not exist before the meltdown?.....**Page 3**

Adroit Diplomacy. This month, the Managing Partner Leadership Advisory Board provides advice to deal with partners—and most firms have a few—who constantly complain about how the practice is being run. The art is in making those lawyers feel valued even as you take practical steps to minimize unproductive venting. Importantly, don’t allow exasperation with their endless carping deafen you to the possibility that they may, in fact, be raising legitimately important problems.....**Page 5**

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Futile Struggle. Powered by the entertainment lobby, the Pro-IP Act of 1998 and a newly designated IP Czar promise expanded enforcement and increased penalties for violations. Yet even staunch IP rights advocates are dubious. As Wendy Marsh suggests, the aggressive interdictions of the past decade proved less than effective. Clients are better advised to develop new business models that will increase revenue even as the pandemic file-sharing continues apace.....**Page 10**

Rapid Response. When news cycles are measured in minutes, not hours, clients under attack must assemble expert teams and implement brand-protection strategies at the first hint of a crisis. In this second installment of selections from *The Crisis Communications Desktop Reference*, a new resource guide with best practices to safeguard corporate brands online and off, Larry Smith reflects on dealing with whistleblowers, data theft and loss, and investigations by state Attorneys General.....**Page 13**

Crisis Equals Opportunity. While law firms market financial distress teams, at least one marketing consultant now offers a recession-related service package to law firms. David Freeman defines his new initiative in terms of identifying and leveraging the assets that firms already have in place in order to maximize revenue at multiple levels. There are no bells and whistles here. It is, rather, all about refocusing strategy in order to more systematically adapt to current economic realities.....**Back Page**

Consultant Offers Firms a Strategic Approach Tailored to Today's Economy

These are the best of times and the worst of times.

Generally speaking, and with apologies to Mr. Dickens, the latter is actually more like it. Our economy is in the tank, and as such, law firms must find creative ways, while cultivating tried-and-true methods, to maintain strong relationships with existing clients and generate work from new ones.

Denver-based legal profession consultant David Freeman thinks that he has a handle on what firms must do in this tight marketplace. Taking a page from Congress, Freeman is offering partnerships what he calls an "Economic Stimulus Package for Law Firms: Practical Tools for Finding, Keeping and Expanding Revenue." One of the primary tenets of this management model is a re-emphasis on careful and thoughtful client service. Or, as he puts it, law firms must "out-relationship" their competitors.

Freeman has long been regarded by his own clients as someone who knows what the profession is like down in the trenches. "He's an attorney, and so he understands the strengths and weaknesses of attorneys," says Dean Turner, executive

director with the Clarksburg, WV-based law firm Steptoe & Johnson. "That gives him credibility when he stands up in front of an audience of lawyers."

Freeman also knows that attorneys need prodding when it comes to leadership, management, and client development. "There are some excellent one-day and two-day seminars out there about how to be a better practice group leader," Turner adds, "but most have no follow-up. When the seminar's done, essentially the program is done. David does a tailored seminar for a group and then follows it up with about three months of coaching, with several calls a month to attendees to help them put into practice the concepts that he covered in the seminar."

As a result, attorneys begin to think in more innovative ways and perform their jobs more passionately, according to Betsy Spellman, Steptoe's director of client services. "David's coaching is highly personal and practical," she says. "It's based on what you want to achieve right now and what the obstacles are. He helps attorneys think through ways that they can be most effective.

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Of Counsel Profile

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Immediately, the attorneys become more creative and have enhanced levels of enthusiasm.”

Recently, *Of Counsel* talked with Freeman about his experience, his approach to consulting and coaching, and his economic stimulus package. The following is the excerpted interview.

Of Counsel: We want to discuss your latest stimulus model, but first would you talk a little about your background? How did you get into consulting?

David Freeman: Sure. I graduated from Fordham Law School, practiced for a couple years, and then got into doing legal consulting about 14 or 15 years ago. I had done work with a consulting company back then, the Edge Group, and then did some work with a corporate strategic planning company, Unison Development. I did that for a few years, and it gave me a really great background in seeing what corporate America is doing from the perspective of human resources development, strategic planning, and marketing. It was illuminating just seeing the big picture of how that side of the world does it all.

I also did some work with a coach, then I started coaching, and have been doing this for about eight or nine years on my own. I wanted to create my own version of what I see as the need for law firms to blend in what I learned from the corporate world.

Maximizing the Impact

OC: What do you like about working with attorneys?

DF: I think that what I like most is that this is the brightest population of people on the planet who are very focused on delivering their work. Sometimes they don't put enough time into thinking about: “How do we manage the practice? How do we grow the practice? What are

some of the best practices for making this a great place to work?”

Well, there are techniques out there that have been proven in many other realms that are easily transferable into this environment, especially with what I'm doing now with this economic stimulus package. This is really sort of a reformation of things that are always important to do, but in this economy they're REALLY important to do. Now this is a profitable profession, and people haven't had to take out the microscope and take a look very carefully at the things that they should do to maximize their impact.

OC: What do you see as one of the major changes that has occurred in terms of law firm management over the past six or seven years?

DF: People are focusing on making this a more professional profession. They are doing more work. You see a lot of firms doing leadership development. A lot of firms are spending time with professional development to train associates to make them better, not just substantively but also as future leaders, as people who know how to manage, how to handle the internal mechanisms of working with each other better. So coaching, and delegating, and giving feedback, and management skills—they're really taking a look at the business of law as a business.

OC: Why has it taken so long for the profession to come to this conclusion that it needs this sort of business outlook?

DF: I think that it's been happening over the years and that it's just a morphing process. I also think that as we get more into the mergers, as we get larger, the mom-and-popishness of being able to run a firm through the power of personality and one or two leaders [is no longer possible]. As we get more offices, as we get more people, we need to be able to consistently deliver an excellent result. We need to have more systems, and so I think that is what's growing a lot of this as well.

Then the firms that are not as big are seeing what the larger firms are doing and realizing that, “if we're going to compete, we have to get more efficient, more effective, and do a better job of delivering exceptional levels of client service.”

OC: You touched on your experience working in the corporate sector. What else distinguishes you from all the other law firm consultants out there?

DF: I would say that it is having more of a big-picture understanding of what's going on inside of a law firm because I've worked with leaders. I've trained and coached scores and scores of leaders. I've worked with thousands of lawyers, coaching them on their individual business development. I've created strategic plans with firms. I've done client service training and cross-selling training workshops with firms.

Consequently, I'm seeing things from so many different perspectives that I think I'm coming in with sort of a holistic approach, rather than, as the phrase goes, "to a hammer everything looks like a nail." People see challenges through their own lens, and of course I see it through my lens, but I feel like I've had a lot of different optics, and I can come in with a lot of different ways of dealing with things.

So much of this is about implementation. When I look at things like strategic planning, cross-selling sessions, leadership, all that stuff, yes I can impart a lot of information, but at the end of the day, if it's not going to get implemented, it's wasted. So I always try to look at things through the lens of how can things get done and to understand the dynamics of a law firm and know why things don't get done. If you build from there and then work from there backwards, you've got a much better chance of actually putting an initiative in place in a firm that's going to succeed.

Building Systems & Cultures

OC: You mentioned cross-selling a couple of times. What have you seen over the last several years in how firms are adapting or not adapting to the concept of cross-selling?

DF: I see adaptation going on, and I think that the adaptation that has happened is that cross-selling is something that we've all talked about and is something that should happen, but in many firms doesn't happen for many, many different reasons. I think that firms are actually starting to say, "Let's take a look at those reasons

and let's build systems. Let's build cultures. Let's put in all the things that need to be in place to be able to overcome the obstacles." I think it really is an issue of overcoming the obstacles.

We all talk about how we can get more work and build more share of the client's wallet, and yet it doesn't happen as much as we'd like. Very rarely do I see a firm that says, "We're great at cross-selling!" Most firms give themselves low grades in that area.

There are firms that have some people who are in staff positions just to stimulate cross-selling, and that's their only job; these firms are smart, they get it. They put some staff in and start to realize that it's about sustainability; it's about putting reminders out there; it's about building trust between different lawyers in the different practice groups so that they're comfortable referring work to each other; it's about laying in compensation systems that will support this.

OC: Let's talk about your new offering. What's the real foundation? What's the real focus of the Economic Stimulus Package for Law Firms?

DF: The real focus is that there are so many initiatives going on inside of our firms that sometimes it's hard to choose what's the right thing for the right economic climate. Now is the time to really focus on building great relationships with existing clients and to protect them from others who might try to encroach on these relationships.

You've got the before, the during, and the after. The before is marketing: How do we get people to the door? The during is the selling: We've got an opportunity, how do we try to turn it into a client? And the after is the service: We have the client; how do we keep it, how do we grow it? In this economy right now, I'm thinking that we need to take the foot off the gas a little bit when it comes to marketing, which is trying to attract people to the door. We still need to do it, I don't want to get that wrong, but we need to put greater emphasis on selling to those types of clients who we have opportunities to sell to and to really throw a tremendous amount of client service around our existing clients.

So the second and the third factors are the biggest ones, and there are initiatives that firms can institute to do that, which is why I have these

eight different major chunks of things that firms can do to really focus on the revenue right now. This is a time to focus on revenue. So much of this [model] is revenue-focused, as you see in some of the titles of what I've called these things: "revenue-focused leadership," "revenue-focused firmwide planning," "revenue-focused practice group planning." If you're going to get your practice group together, let's spend enough time talking about what's important.

OC: One of the first things it seems that you do is taking what you call "the culture X-ray." How important is that?

DF: The culture X-ray is fairly important because it's one way to get what I call "internal intelligence." We're able to listen to the voices of the people in our firm who can say: "Here's where I think we're strong, and here's where I think we're weak." Then if you're going to lay initiatives in, we can base those initiatives on the voice of the common beliefs of the firm. Sometimes we may believe that doing X is the right thing, but if you find out that everybody doesn't think it's important, you're not going to get that level of buy-in.

This lets us peek under the hood and get into the minds of the lawyers in the firm to understand what is important. Actually, with the culture X-ray we can even do staff, marketing professionals, and others. At the end of the day my major focus on this is: "Let's hear what the firm is doing." Also with the culture X-ray we can slice the data by department, by group, by different offices, so we can really get data really down to a small level of detail to find out what each subsection of the group needs to be successful.

It's a great starting point. Is it a must? No. But I've done some retreats with this, and it has just been a great tool that sometimes shocks the lawyers into seeing, "Wow, this is what we all think. I thought I was the only one thinking this way." It's an anonymous survey, so people get their data in without being named, and that's an important piece to it.

OC: You prefer the word "stimulus" to "recovery." Could you talk about that?

DF: I prefer "stimulus" because in essence that's what we need to do to make things

happen. Like everybody, our lawyers are very used to doing things the way that we normally do them. The job of leadership is to provide stimulus in certain areas to change behaviors, to shift behaviors, to get to the places we want to go. I just think that the word "stimulus" is a good, accurate representation of what leaders need to be doing to get action to happen at a different level in different parts of the firm.

The Right Wine

OC: I have to ask this question: Is what you're offering actually new or is it just old wine in new bottles?

DF: It's actually the right wine for the right meal. It's not that I'm looking to do anything shockingly different. It's just that we all have our tools that we can use as leaders, and there are certain things we should be using at certain times.

It's also nice sometimes to package things with titles that rally people in a firm around things. This is why we spend so much time trying to name things in the right way. Part of this is a communication story internally as well as just using the right tools. But we also know that if you do a radical shift, that's not going to really work. This isn't unique but it's saying: "How can we take our limited time and resources and energy and put them into the activities that are the most important to perform in this economy?"

These are the things that I think will generate activity for lawyers who are not as busy as they should be right now. It's really important to give them something to do and to give them the right things to do. A lot of these lawyers have never been through an economic downturn like this before. So if they're using business development as usual, it's not going to work in this economy, sitting back and waiting for their referral sources to call, waiting for clients to call. They have to be more proactive, and they don't necessarily know the tool kit. That's what this is all about.

OC: What is the primary tool in that kit?

DF: I would say, and again it's not that one is so hugely important over the other, however, the revenue-focused leadership process, getting leaders in alignment on what their supposed to do is

key. They need to know what their role is, because the leaders have to drive this. You know, are we going to just have a hotel for lawyers where everybody is coming and going as they please, or are we going to get things coordinated and focused? It's up to the leaders to, number one, know what it is they need to be doing, having dialogue amongst each other so that they're working together, and then being able to go out there and do what they need to do to get their lawyers focused in the way they that need to be focused.

There's leadership training out there in a lot of different ways. My differentiator is that I'm focusing on the revenue side of things. How do we give the tools to your leaders on what to do to create the right culture? What kind of planning

needs to be in place? How do we conduct the proper kinds of communication? And how can we make this sustainable?

In this economy right now, this is a time when people need friends. This is a time when people need to reach out and build relationships. This is a time to help as many people as possible. Some of our practice areas are busier than ever, so they're fine. But for those that are having some challenges, the best techniques are to focus on the selling, and to focus on the service, with a heavy emphasis on service. There is a phrase I like to use: Now is the time to out-relationship the competition. ■

—Steven Taylor



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