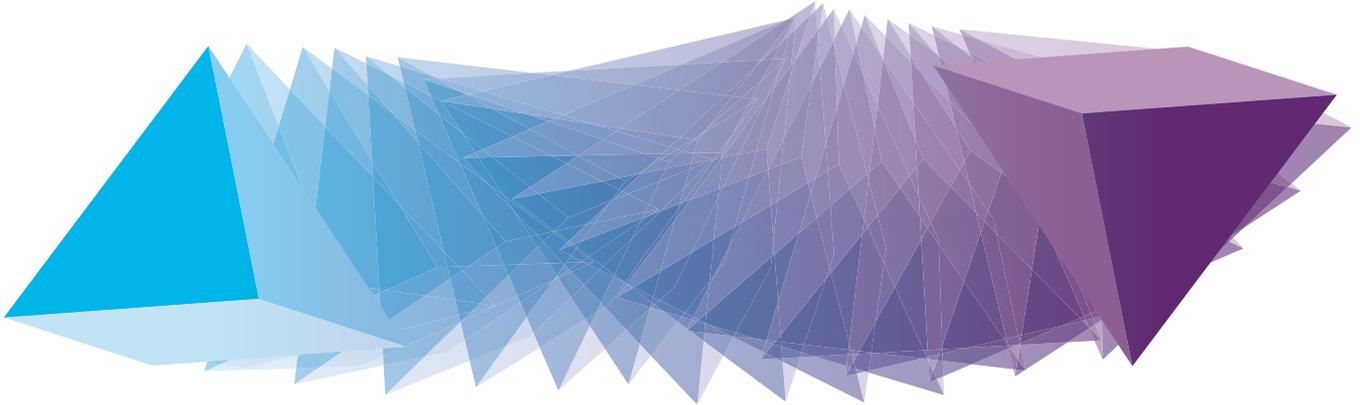


Brave New World - The Changing Landscape of the Legal Profession



The legal profession is slowly waking up to the realisation that it needs to change and that investing in marketing and people development is no longer an optional extra, says **Rachel Brushfield**.

Albert Einstein pointed out that “the significant problems we face cannot be solved at the same level of thinking we were at when we created them”. So at what level do we need to consider the need for change and what should law firms be doing about it?

Factors fuelling the need for change

The legal market-place is becoming more competitive and commoditised. Competition from US entrants and from new firms created by regional firm mergers means that some firms are having to pitch for work rather than as before finding that it falls into their laps. In addition, some legal work is being outsourced cheaply abroad e.g. to India. Creating a distinctive differentiation has never been more important, especially where firms need to justify the inevitable price increases produced by investing in specialisms to assist new emerging industries. And there are other factors suggesting that law firms need to change...

Clients - The mystique of the law has gone, and lawyers find that their clients are more knowledgeable, more questioning and look for legal help which demonstrates broader business and commercial insight and understanding rather than mere legal knowledge.

Career structure - To protect their equity position, older partners offer fewer opportunities to advance to partnership and many associate partners on the way up are finding there's nowhere to go.

Firm structure and management - In future more firms may be run by managers who are not legally qualified who could produce greater objectivity and a bigger picture perspective. It is also possible that firms will float on the Stock Exchange and will have to be accountable to a greater number of people in

the form of shareholders.

Staff - Much has changed over the past 30 years and many of today's twentysomethings demand a better work life balance, more flexibility, a supportive culture and structured training.

Consequently partners need to lessen the emphasis on billable hours and to put clients, staff and external goodwill towards their firm's brand and reputation much higher up the priority list. Firms must differentiate themselves to attract and keep clients and good quality trainees and associates. Individual lawyers need to be clear about what is important to them, whether partnership is really the pot of gold they seek, and whatever they conclude, they need to market themselves and to take responsibility for their own careers and clients.

Change may be necessary, but fear of change and uncertainty is common, especially amongst lawyers, who require evidence and are cautious, traditional and territorial about their knowledge and clients. Rupinder Bhare of Elevation Marketing puts it very well: “Law firms are mostly structured like a pyramid with partners holding the power at the top. The best of future firms will have an inverted pyramid with client needs first, not partner wants that drive the firm forward”.

So what is the answer?

Put simply, it is to communicate better with people in a focused and targeted way with more focus on emotional intelligence (EQ) and less on intelligence quotient (IQ). Doing business isn't just about functional transactions, it's about trust, regard, knowledge, insight, understanding, values and respect. And firms also need to address the barriers to change.

Barriers to creating a brave new world

Client work - Non fee-earning activities which create the future

don't get enough time dedicated to them. Marketing, self development and helping others aren't perceived to be important, so they are not prioritised

Lawyer mindset - Lawyers pride themselves on their already extensive legal training, and they don't want any more training, especially in 'soft skills.'

Legal world - Law is about right and wrong, black and white with no grey, but people aren't 'right' or 'wrong' they are just different, not better or worse. Lawyers often fear being judged and just want to get on with the job at hand. Fear and trust issues need to be brought into the open and dealt with, or they will fester, unseen and toxic to the firm's health

The legal character - Lawyers, as explored in the Energise article 'Are sharp legal minds killing hearts?' (Link Summer 2005), are analytical, critical, competitive and divisive rather than co-operative and focused on creating synergies

Silo like departments - In many firms there is no actual incentive to cross sell. Because clients = power and influence, individual lawyers stick to looking after themselves when the firm as a whole would benefit from their sharing clients and flagging up client legal needs which can be looked after by other departments.

Non equity partners - Being a non equity partner is seen as a second rate choice and a sign of failure, because of the single-track nature of career progression in law. Talented lawyers, often working mothers, feel forced to take these positions to acquire a decent work life balance, but then feel that they have little status or recognition of their value.

Attitude to marketing - Law is a traditional 'old' profession dealing with sensitive issues. Marketing is perceived to be a 'young' career, often confused with pushy selling and therefore thought to be lacking integrity. Such perceptions often stop lawyers from wanting to do marketing. In addition, marketing is not a quick fix, it takes time - building awareness, creating perceptions, stimulating interest and attracting prospects that lead to paid work.

Misunderstanding about what marketing is - Many firms think they are good at marketing. They have a glossy brochure, a web site and host events that have good attendance. They often don't realise that marketing is simply about identifying who to help, identifying their needs, communicating the benefits of how you can help and creating, evolving and measuring these relationship and the activities relating to them over time to provide a profitable 'win win' relationship for both parties.

So, finally, what are the solutions?

- Identify the beliefs that exist in your firm about marketing and 'soft skills' and transform them
- Reframe marketing so that it feels more comfortable and fits with lawyers' mindsets
- Get the partners to be open about their strengths and development opportunities and encourage associate partners, trainees and support staff to do the same. Lead change from the top
- Conduct research with clients and staff to identify issues and create a plan to address them
- Create a clear vision, values and personality for the firm
- Identify what values and behaviours are critical to help your firm achieve growth and **a)** use these to recruit the right people and **b)** measure performance against these by involving existing staff in the annual performance appraisal system

- Make time spent on marketing and the personal development of others not an optional extra - introduce simple actions with accountability to achieve SMART billings goals
- Make marketing activities bite sized so that they fit into everyday working life and so that results can be measured against them
- Identify and track key quantitative measures that will help prove the value of spending time on marketing and people - staff retention/turnover, staff satisfaction, recruitment costs, awareness, and perceptions and attitudes towards your firm
- Be a pioneer and rewrite the rules, say goodbye to the billable hour structure
- Focus any training and coaching on your firm's priorities - attracting clients, winning pitches, maximising loyalty and billings.
- Create a list of the top 20% of your firm's current and future stars and personalise support to help them help themselves for maximum return on investment and growth
- Incorporate regular simple activities in departmental and partner meetings e.g. partners sharing client successes, client problems and desired referrals/prospects
- Become a commercially minded legal information guru, individually and collectively - use educational marketing to attract clients and employees to you - a 'pull not push' style of marketing often feels more comfortable to lawyers
- Conduct a skills audit of all staff and introduce innovative career options of equal value and recognition in the firm that offer more choice and utilise the different skills that your employees possess
- Do a market gap analysis to understand where your competitors fit and then create/update your firm's positioning - ideally create a new niche based on insights about your clients' needs that no one else is satisfying
- Seek out new ideas, fresh thinking and different solutions; in lateral professions and businesses, from industry experts and elsewhere to make your change a positive informed leap
- Create an innovative people development programme from when people join to when they leave - become the sought out firm of choice. You will create a solid psychological contract with your employees, more meaningful than their employment contract. The bottom line will show the worth of this.

The changes that the legal profession is now facing are challenging, especially for a traditional profession where the partnership's power rules and governs whether change will happen or not. Law firms can either stay in their comfort zone or be brave, get support and take a leap now to be ahead of the game in future. A brave new world requires brave new thinking and fresh objective support to enable it to happen.

How do you think women solicitors can help the legal profession to create this brave new world? Write to Link magazine editorial@pzpublishing.co.uk

Rachel Brushfield is a coach with a marketing and strategy background who works with law firms including Clifford Chance, Memery Crystal and many individual lawyers. She helps law firms and individuals focus to address the actual and perceived blocks that stop change and growth. For 10 additional free tips to help your firm create the brave new world, please email mail@energisingconnector.co.uk
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