

Helping Partners Jump Hurdles

Featured in the July 2016 edition of the [Edge International Communiqué](#)

By Nick Jarrett-Kerr



Just about every law firm strategic plan requires some degree of business development planning and activities.

For three reasons, however, lawyers often find the related areas of marketing and business development difficult hurdles to jump.

THE PROBLEMS

Doing what we have always done

For decades, lawyers have been able to restrict their marketing strategies and activities to previously successful formulae, unconsciously applied. Successful businesses were built up on the back of the firm's goodwill and a database of existing clients developed slowly over many years by dint of instinctive marketing, opportunistic activities and haphazard relationship building. In the past, and (for some lucky firms) even now, there has been little need to do anything different, despite the fast-moving and increasingly competitive age in which law firms now find themselves.

The introspection of The Technician

The second issue is that the behavioural patterns endemic in most law firms conflict with a methodical marketing ethos. These behaviours result both from the technical attributes and traits which characterise the good lawyer, and from the 'chargeable hours' culture which has developed in law firms in recent years.

After all, most lawyers took up the law in order to practise their chosen technical profession, and doing and concluding a piece of professional work is what they find most interesting. By virtue of both training and inclination, lawyers can be or may become introspective and focused on precedent. And for those who developed their client bases in the dim and distant past, there can sometimes seem to be little incentive to go out and 'do some marketing'. What is more, the cerebral and analytical traits expected of professionals can militate against taking an entrepreneurial and wider view of life. In short, lawyers are not typically good at picking up the phone and making a cold call, or in following up an identified prospect. Furthermore, if lawyers are rewarded and valued mainly for client work and profitability, the pressure is inexorably applied to the achievement of short-term, chargeable targets and objectives, rather than long term non-chargeable business development activities.

The problem of differentiation

Successful marketing depends, at least in part, on being able to demonstrate that the services on offer are sufficiently attractive to dislodge the competition. The problem is that the services of one law firm or individual lawyer are relatively difficult to differentiate from the services of another.

In the face of these natural barriers, many firms long ago decided to make greater strategic investments in their marketing departments, with the idea of focusing their professionals on the legal work which they clearly like and are best at. Investment may have helped, but the introduction of sophisticated marketing professionals has also provided a cop-out, allowing professionals to abrogate to the specialists their responsibilities to manage their own careers, to build client relationships and to develop pipelines of business

There are three long-term measures to help partners face up to their responsibilities.

THE SOLUTIONS

1. Catch them young

Competence in Business Development is now seen as a key skill for all lawyers and has become a critically important criterion in assessing promotion prospects and – for partners – their compensation. Hence, exposing young lawyers early to the principles, practice and mindset of developing their own business is easier than trying to teach old dogs new tricks.

2. Value and reward the rainmakers

It may seem an obvious point but many firms seem still mainly to value personal revenue production. To an extent, good rainmakers will always do well if and so long as their business development efforts result in good revenues for themselves, but one rainmaker recently told me that he was becoming frustrated at the lack of any value or recognition for business brought in by him for others in the firm.

3. Personal business plans

For a firm to achieve success, the strategic objectives of the firm must cascade down to teams and individuals. A well drafted personal plan helps to set practical and detailed goals which link with the firm's objectives, including its plans to develop new business. The existence of written goals and objectives has been shown to improve performance. From my own observations of hundreds of law firms across the world, only a few partners have written objectives in place and even fewer regularly review those objectives. It is widely accepted that professionals who take time to consider their ambitions and to crystallise their plans into written objectives perform better than those who have no written goals.

Unlike trees, plants and animals, law firms do not grow in substance or in size as a natural result of the passage of time but need careful development. Whilst the best work comes as a result of successful work done for satisfied clients, the last three decades have shown that business development effort has to be made at the levels of firm, practice group and individual in order to help the firm prosper.