

EDGE International Review

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THE CHANGING OF THE GUARD: SELECTING YOUR NEXT MANAGING PARTNER

by Patrick J. McKenna

IMPORTING CREATIVE PROCESSES FOR BETTER SOLUTIONS

by Gerry Riskin

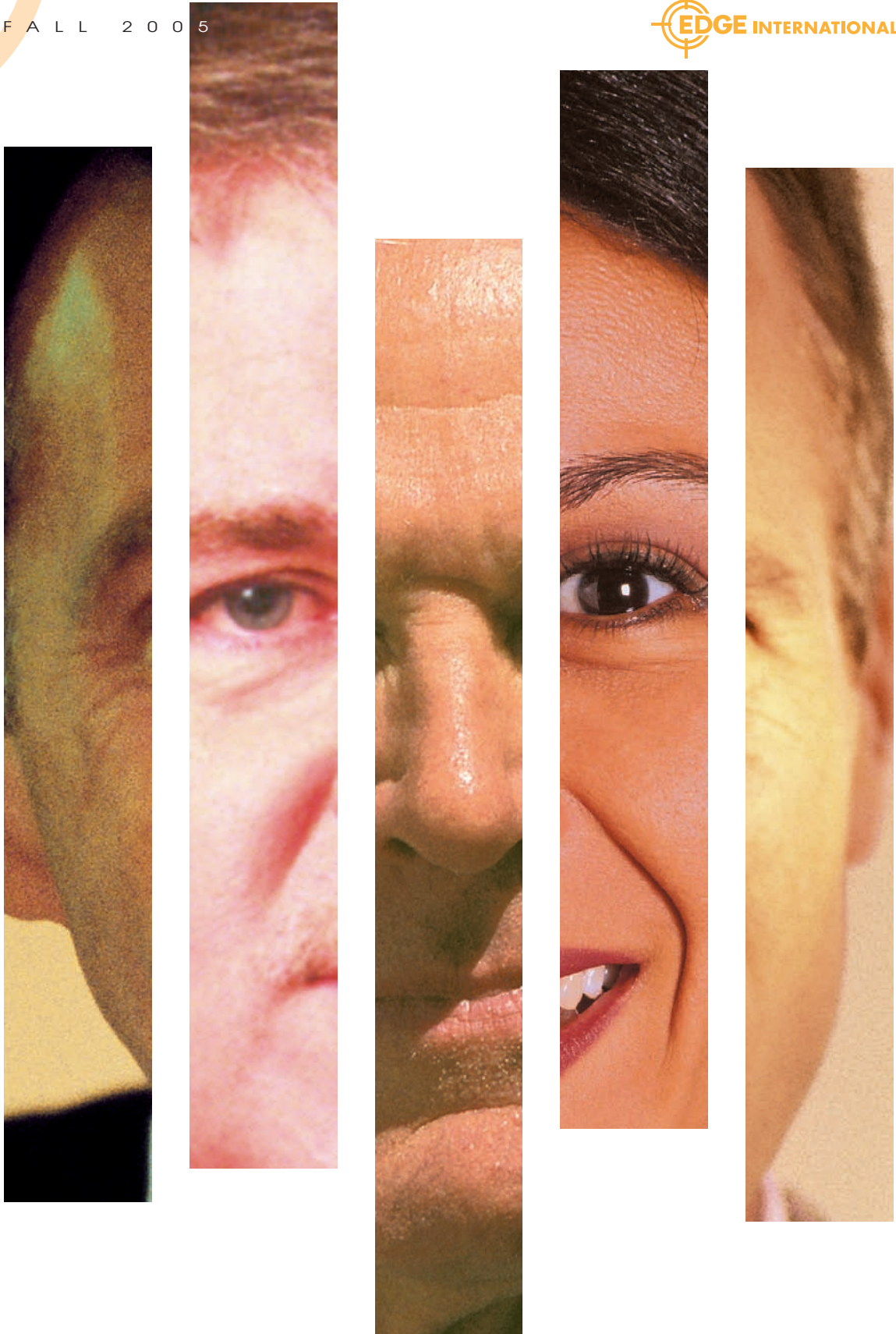
GROUNDBREAKING RESEARCH: DEVELOPING THE NEXT GENERATION OF PROFESSIONALS

by Karen MacKay

UNDERSTANDING IT OUTSOURCING FROM A STRATEGIC MANAGEMENT PERSPECTIVE

*by Friedrich Blase and
David Cunningham*

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In the race to merge, there will be drivers, passengers and **ROAD KILL**

IT IS CLEAR

that many firms are entering a high stakes mating ritual. (Of course some are just serial dating!) Imagine your ideal partner. A partner with similar business objectives. One whose strengths, strategy and vision when joined with yours could forge a powerful breakthrough combination.

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Our CULTURAL ASSESSMENT translates often difficult to understand behavioral concepts about your firm's culture into tangible everyday action and strategies. It enables leaders and partners to understand the impact their culture has on the firm's performance.

Your ideal partner is out there. All it takes are the resources of someone with the expertise and tools to help bring you together. Alternatively, if you are just into serial dating, we do have a list of great singles bars you can hang out in

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4

IMPORTING CREATIVE PROCESSES FOR BETTER SOLUTIONS

WHY DO WE NEED EDWARD DE BONO'S SIX HATS
IN LAW FIRMS?

BY GERRY RISKIN

THIS ARTICLE DEMONSTRATES HOW DR. EDWARD DE BONO'S SIX HATS CAN BE AN EFFECTIVE TOOL FOR SENIOR MANAGEMENT AND OTHER GROUPS WITHIN LAW FIRMS

10

THE CHANGING OF THE GUARD

SELECTING YOUR NEXT MANAGING PARTNER
BY PATRICK J. MCKENNA

MISMANAGING THE SELECTION OF A NEW FIRM LEADER CAN DISRUPT YOUR FIRM AND INVARIABLY LEAD TO HARD FEELINGS THAT PERSIST FOR YEARS. GIVEN THE MANAGING PARTNER CHANGES PLANNED THROUGHOUT THE COUNTRY, IT MAY BE A GOOD TIME TO ADDRESS SOME OF THE CHALLENGES FIRMS FACE DURING THIS CHANGING OF THE GUARD

20

GROUNDBREAKING RESEARCH:

DEVELOPING THE NEXT GENERATION OF
PROFESSIONALS

BY KAREN MACKAY

THE GLOBALIZATION OF LAW FIRMS ADDS CULTURAL DIFFERENCES TO GENERATIONAL DIFFERENCES. THIS ARTICLE, THE FOURTH IN A SERIES, EXPLORES WHAT ASSOCIATES WORLDWIDE TELL US THEY NEED TO DEVELOP AS PROFESSIONALS. THIS ARTICLE ALSO CONTAINS AN INSERT FROM INNOVATION AWARD WINNER, JOYCE KEENE, DIRECTOR OF PROFESSIONAL DEVELOPMENT AT BLANK ROME LLP IN PHILADELPHIA

26

UNDERSTANDING IT OUTSOURCING FROM A STRATEGIC MANAGEMENT PERSPECTIVE

BY FRIEDRICH BLASE AND DAVID CUNNINGHAM

LEARN WHAT REALLY MATTERS IN AN IT OUTSOURCING PROJECT—FROM TWO GUYS WHO COMBINE IT EXPERTISE WITH A TOP LEVEL LAW FIRM MANAGEMENT PERSPECTIVE

Publication designed by Jim Prokell, AdvantEDGE Works, Inc.

IMPORTING CREATIVE PROCESSES FOR BETTER SOLUTIONS



IMPORTING CREATIVE PROCESSES FOR BETTER SOLUTIONS

by Gerry Riskin, **EDGE INTERNATIONAL**

WHY DO WE NEED EDWARD DE BONO'S SIX HATS IN LAW FIRMS?

EDWARD DE BONO IN HIS 1985 BOOK, *SIX THINKING HATS*, GAVE THE WORLD A GIFT THAT WE, IN THE LEGAL PROFESSION DESPERATELY NEED. FOR THOSE NOT FAMILIAR WITH HIM, EDWARD DE BONO IS PROBABLY THE #1 LIVING GURU ON THINKING. HE INVENTED THE TERM: "LATERAL THINKING".

So, as lawyers, why should we care? Well, in addition to being the most ferociously independent people in the world, I believe lawyers are also the most critical and analytical. It is true that the ability to be critical and analytical is absolutely essential for good lawyering. When we review a legal document, we are looking for any amendment that can be made to that document that will make it more effective. If we're really good at your game, what we're looking for is omissions – concepts that ought to have been addressed in that document that aren't there.

analytical way. Our critical and analytical skills may be essential for good lawyering, but they do interfere with some other aspects of our lives – our social behavior, for example. (If you have a significant other who is not a lawyer, you may

have heard this observation before.) These skills also impact our ability to be creative and innovative.

So while I'm not suggesting for a moment that good lawyers give up any of their capacity to be critical and analytical, I think



Litigators are used to listening to arguments with a view to destroying them, no matter how good they are.

As lawyers, we tend to be doing a simultaneous translation of everything we see and everything we hear in a highly critical and

all of us need to learn to suspend those skills when appropriate – such as when we are trying to be innovative and creative. Being critical and analytical are different mental processes from being innovative and creative, and we have to realize that the human brain will not allow us to do both at the same time.

Six Thinking Hats offered us a simple yet powerful tool that will change the way we interact, think and act. It promotes the kind of productive interaction and creative problem solving that is vital to success in this more competitive world.

The difference between mediocre and highly effective teams does not lie in their collective mental equipment. Instead it is in how well they use their abilities to think and work together.

It lets whole teams look at all sides of an issue cohesively and without confrontation.

As we manage and market our firms, de Bono's Hats can help us think better with its positive approach to making decisions and exploring new ideas. It is an approach that thousands of business managers and corporate leaders around the world have already adopted with great success.

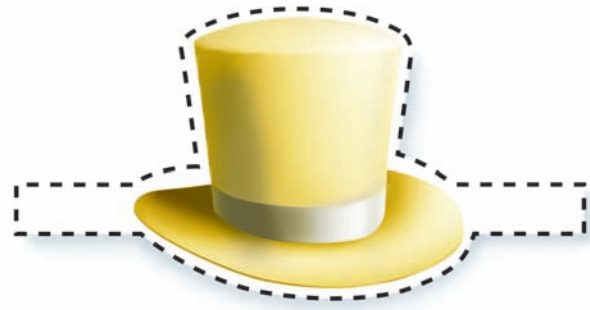
"The main difficulty is confusion," writes Edward de Bono, "We try to do too much at once. Emotions, information, logic, hope, and creativity all crowd in on us. It is like juggling with too many balls."

THE SIX THINKING HATS

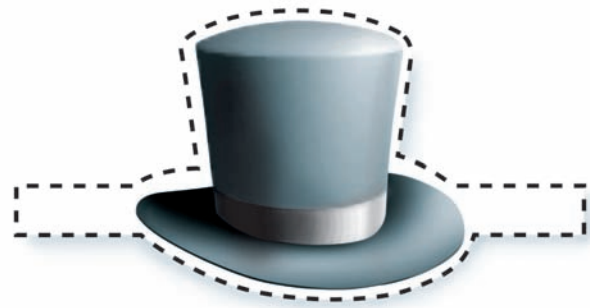
De Bono unscrambles the thinking process with his "six thinking hats".



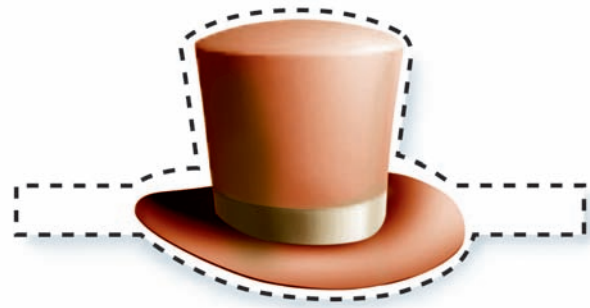
The **WHITE HAT** calls for *information known or needed*. "The facts, just the facts."



The **YELLOW HAT** symbolizes *brightness and optimism*. Under this hat you explore the positives and probe for value and benefit.



The **BLACK HAT** is *judgment*—the devil's advocate or why something may not work. Spot the difficulties and dangers; where things might go wrong. Probably the most powerful and useful of the Hats but a problem if over-used



The **RED HAT** signifies *feelings, hunches and intuition*. When using this hat you can express emotions and feelings and share fears, likes, dislikes, loves, and hates.



The **GREEN HAT** focuses on *creativity*; the possibilities, alternatives, and new ideas. It's an opportunity to express new concepts and new perceptions.



The **BLUE HAT** is used to *manage the thinking process*. It's the control mechanism that ensures the Six Thinking Hats® guidelines are observed.

WHERE TO USE THE HATS?

Edward de Bono's Hats help realize the full thinking potential of teams. When used as a meeting management tool, the Hats method provides the disciplined process for individuals to be focused and to the point. Most importantly, it lets whole teams look at all sides of an issue cohesively and without confrontation. All of this in a fraction of the time traditional methods take. People like the way the Hats method puts everyone on an equal footing in meetings where several levels are present. Providing equal opportunities, it puts everyone on a level playing field.

By employing the Hats method, individuals adopt a variety of

perspectives on a subject that may be very different from the one that they might most naturally assume. For instance, one could play the devil's advocate, even if only for the sake of generating discussion. The purpose of devil's advocacy is to deliberately challenge an idea: be critical, look for what is wrong with it. Note that a devil's advocate does not necessarily believe in the viewpoint that he or she presents, but only behaves as if he or she did. Wise decision makers surround themselves with individuals with a variety of perspectives,

Individuals adopt a variety of perspectives on a subject that may be very different from the one that they might most naturally assume

even those that are in opposition to their own, to enable them to test the soundness of their decisions. It was Jack Welsh, former president of GE who said to his executives: "If we agree on everything, one of us is redundant".

USING THE HATS

Suppose your firm is looking at its strategy. The particular problem or objective needs to be stated clearly and simply (in advance). The meeting is no time to be wrestling with definitions. The person chairing the meeting (guiding the process) will wear the blue hat. The Blue Hat will assign a "hat" to each participant – randomly or strategically – it's up to the Blue Hat to work that out. (If more than six are present, multiple participants can share the same colored hat. If fewer than six, some can be assigned more than one hat.)

Each participant will be asked to participate in this phase of the meeting by remaining in the role defined by the color of the hat(s) worn. It's up to Blue Hat to make certain that is so.



The **WHITE HAT** calls for *information known or needed*.



The **YELLOW HAT** symbolizes *brightness and optimism*.



The **BLACK HAT** is *judgment*.



The **RED HAT** signifies *feelings, hunches and intuition*.



The **GREEN HAT** focuses on *creativity*.



The **BLUE HAT** is used to *manage the thinking process*.

The purpose of the hats is to direct thinking, not classify either the thinking or the thinker. Indeed, by wearing a hat that is different from the one that one customarily wears, one may chance upon a variety of new ideas. Wearing a hat means deliberately adopting a perspective that is not necessarily one's own. It is important that all group members are aware of this fact. A group member must clearly identify the color of the hat he is wearing while making a statement. Wearing a clearly identified hat separates ego from performance.

After the Blue Hat takes the group through a progression of assimilating information from all the "hats", the group can attempt a decision. If necessary and appropriate, in the Chairperson's view, the group can break and return without hats for a wrap up and decision. You will note at this stage that the participants will not feel compelled to journey through the critical and analytical phase because that perspective was vetted thoroughly already.

This Hat method is useful even for individuals thinking by themselves. From my experience, if you give the method a try, and see how much more constructive the deliberations of your groups become, you'll be using this method consistently. Buy *Six Thinking Hats* and give it a try.



Gerry Riskin is a former Managing Partner with a truly global practice and has conducted retreats for law firms and associations of law firms around the world. Gerry is the co-author of *Practice Development: Creating the Marketing Mindset, Herding Cats and Beyond Knowing* and the creator of the acclaimed audio production *Successful Lawyer®*. He has also served the Conference Board of Canada, is a Visiting Fellow of The College of Law in London and a Visiting Professor to the Gordon Institute of Business Science at the University of Pretoria in South Africa. Gerry resides in Anguilla, BWI, and can be reached by email at riskin@edge.ai. See his Blog at www.gerryriskin.com

So how was your last meeting with a new **PROSPECTIVE CLIENT?**

WE ALL KNOW

that there are times when it is appropriate to explore a new business opportunity. So why does the very thought of having to take action make most partners' hands sweat?

Take the CEO who happened to get dragged along by one of our loyal clients to the last seminar and found the content quite engaging. In fact he expressed interest as he exchanged business cards with one of our partners. But that was three weeks ago and the business card remains somewhere on the partner's desk. No, it didn't get buried there by accident or because this partner is spending every waking moment on good billable work. It got buried because this partner is suffering a mental block, not having the nerve to pick up the phone, or knowing exactly what to say.

Ask partners for a list of potential prospects. No problem. Ask them when they are planning to make contact. Get ready for all the excuses as to why it might not be appropriate given their existing friendship, why they fear they might offend...

Maybe your firm is already overburdened with too much of the kind of high quality work that has partners racing enthusiastically to their offices in the morning. Maybe you don't expect partners to concern themselves with developing a book of business. Or, maybe you just hold to the notion that if every partner just does good work, the phone will ring.

On the other hand, if partners aren't enthusiastically racing to the office inspired by their growing book of business, isn't it about time you helped them develop their business development skills?

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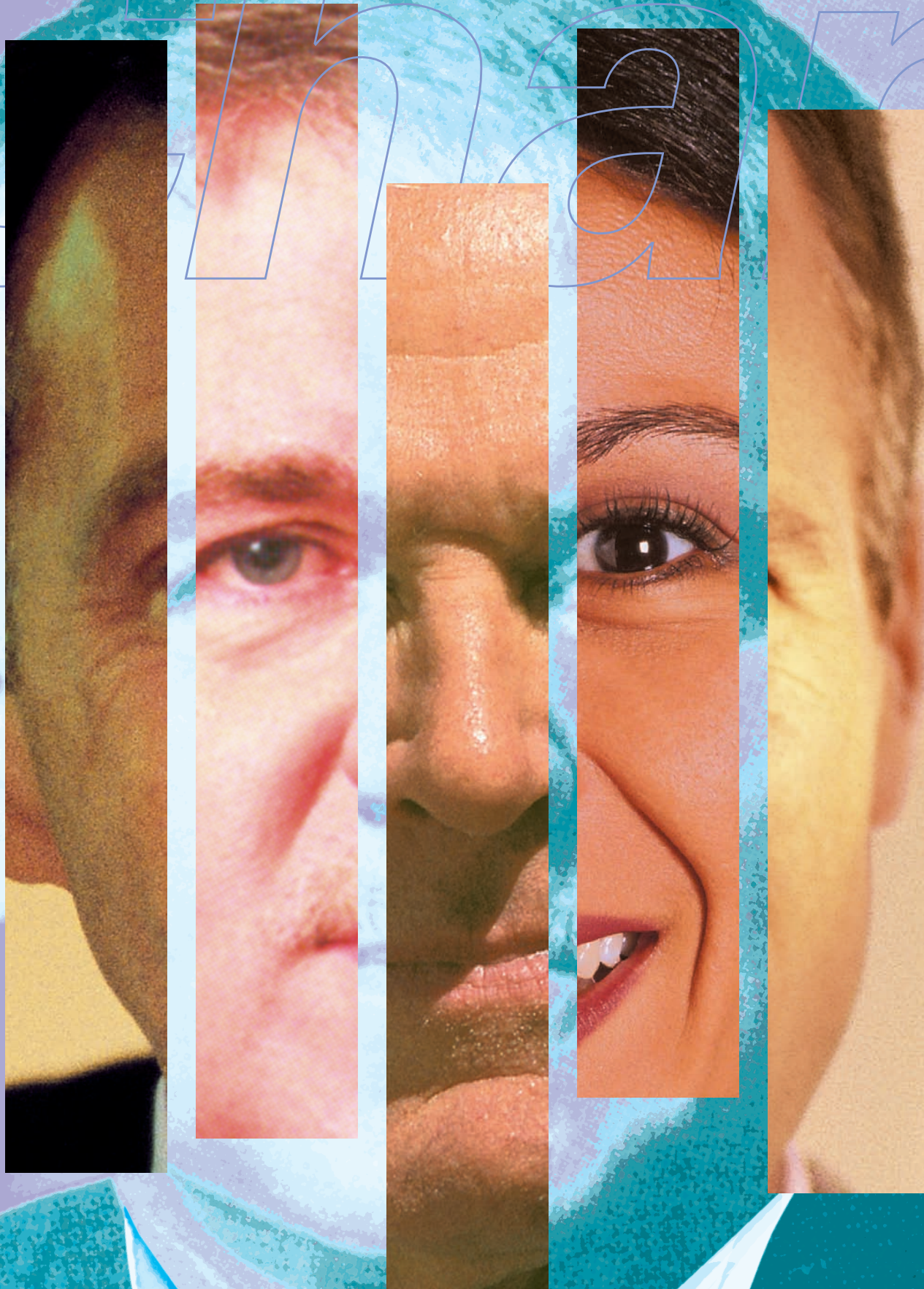
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THE CHANGING OF THE GUARD:



by Patrick J. McKenna, **EDGE INTERNATIONAL**

Selecting Your Next Managing Partner

Sometimes things are not always as they may appear.

I was recently struck by a story told about one law firm where two senior partners were tasked with finding a new Managing Partner. Apparently, they had whittled down the number of candidates to only two. They met with the first candidate and told her that unfortunately, the other candidate had a good deal more support than she had. This candidate refused to believe them, saying that they should go back and take further soundings.

The two senior partners then went to the second candidate and told him that it appeared that the other candidate received more support. He accepted what they said and withdrew from consideration. With the benefit of hindsight, that firm clearly appointed the best person for the job and indeed that firm has never looked back.

Despite what some may possibly



regard as manipulation by those two senior partners, they were, in reality, testing both candidates to see how they would react under pressure, and which had the strength of character required for the role. The good news is that partners everywhere are becoming

much more concerned about stability and cohesion in the managing partner selection process.

Every law firm eventually finds itself in need of a new leader. The Executive Committee or Board must seek to replace the current Managing Partner as that individual comes to the end of a fixed term of office, announces a return to their practice, or perhaps is contemplating retirement. Even more pressing are those, hopefully rare occasions, where the Managing Partner has become unable to fulfill the obligations of the position and someone has temporarily stepped in to handle the reins until an alternate can be chosen.

In some instances, a successor may have already been groomed and can immediately step into the position. My research with the AmLaw Top 200 firms indicates that only about 17% may be in the enviable position of having an incumbent Managing Partner

Only about 17% of the top firms are in the position of having picked and nurtured that lawyer that will be their next Managing Partner. 83% are either working on a succession plan or in the majority of these firms, have no precedent whatsoever for how they will approach this critical selection process."

who have picked and nurtured that lawyer that will follow them in the position. The remaining 83% either claim to be working on developing a succession plan or in the vast majority of these firms, have no precedent whatsoever for how they will approach this critical selection process.

Almost by definition, managing partner selection is a highly charged, zero-sum game; there can be only one winner. Various groups and partners may have vested interests in the outcome, with some having a personal interest in whether they will have any ability to influence a new firm leader. If this selection process is managed well, the new Managing Partner will benefit with strong support from multiple constituencies. If managed poorly, internal politics will leave the new Managing Partner trying to align various factions within the firm.

Law firm Executive Committees and Boards are often unprepared for the challenge and time consuming nature of planning and executing the managing partner selection process. Which is probably not surprising given that they only get to do it about once every decade. Nevertheless, there are huge consequences, every partner is watching closely, and the process is intensely personal.

So, how do you manage this selection process? Will certain approaches make the task easier and more efficient? Obviously every situation can be distinctive in so far as it must be executed consistent with your firm's governance and partnership agreements. However, to help you direct the course of your next selection process, I will explore the components of an effective process, and look at the rational, emotional, and political dynamics. So, while every situation may be somewhat unique, there are a number of phases to the Managing Partner selection process:

CHOOSING A COMMITTEE AND DEVELOPING YOUR TIMELINE

In most cases, the selection process begins with the appointment of a Board Committee, which handles the administrative tasks associated with soliciting nominations, evaluating candidates, and proposing a slate of people to the firm's Board for their decision.

Chief Executives of major corporations are generally appointed by their boards, they are not elected directly by shareholders. So as larger law firms adopt a more corporate style, many have also adopted having the Board "appoint" their firm leader. Typically in the selection process, your Board Committee may also retain an outside facilitator to help guide the process.

Irrespective of whether your final selection is made by your Board or made by the general partnership, your selection should be a carefully managed process, not a horse race. Selecting a Managing Partner should not be about popularity—it should be about choosing the best person for the job. Given the issues impacting on many firms today that may require that unpopular and difficult decisions be made.

This first phase includes deciding on realistic timelines, determining the criteria for selection, and how to effectively communicate ongoing developments and progress to the general partnership.

Attached here, as Appendix 1, is an example of a Managing Partner Selection Timetable. You can assume from this example that in most cases your selection process can take anywhere from three to six months. Consequently it would be a mistake for your Selection Committee Members to think that it is possible to do this without investing 30

to 60 non-billable hours of their time. There is a lot at stake here. Some would argue that effectively managing the selection process is one of the most important functions of your firm's Board. It is important that your Board choose people to serve on the Selection Committee that are prepared to spend the required time. (*see Appendix 1*)

The most common method of determining the composition of your Nominations Committee is by asking for volunteers from the Board. The individuals who volunteer should understand and agree that they cannot accept a nomination for the position. The role of the external facilitator should be to coordinate the activities of your Committee and (perhaps most importantly) legitimize the process by signaling to the partners that the final selection is being conducted objectively, fairly and with the firm's best interests in mind.

The Board owns the selection decision, while the facilitator manages the selection process.

MOVING FORWARD—THE SEARCH FOR CANDIDATES

You will note that the primary task of the Committee is most often not to really make a selection. The task is to solicit a pool of good candidates. That gives rise to a number of concerns that members of your Committee will express.

There will be a number of your Committee members who will want to discuss how the Committee should react if certain candidates self-nominate. They may lament the fact that certain individuals do not possess the ideal leadership characteristics for becoming Managing Partner. Some of your Committee members may be justifiably suspicious that this selection process is likely to attract a few partners who see this management job as their ticket to semi-retirement.

APPENDIX 1: The Managing Partner Selection Timetable

Between April 15 and May 15	The Board creates a Managing Partner Nominating Committee (MPNC) and selects members of that committee. It is anticipated that five persons will serve on this Committee. The Board may choose to formally vote for the members of the MPNC, may identify the members by consensus, or may select the members through some other method. Members of the MPNC must be current members of the Board of Directors but must not be candidates for the Managing Partner position.
After Board selects MPNC, but no later than May 15	The Board Chairperson announces members of the Committee to the partnership and informs partners that they can self-nominate or nominate others as candidates for Managing Partner.
May 15 – July 15	The MPNC obtains input from partners regarding all possible candidate(s). The Committee may self identify candidates.
August 1	The MPNC announces to all partners the list of candidates who are “finalists” for the position of Managing Partner. Before announcing finalists, the Committee will have evaluated candidates and obtained permission to have their names released to the firm. (There may only be one finalist at this point.) The Committee will have only screened the candidates for qualifications rather than have ranked them for a recommendation regarding selection.
Between August 1 and August 15	The MPNC obtains confidential input from partners regarding the finalist candidates. The Committee gathers final comments and materials to submit to the Board but the Committee does not make a final selection, nor does it rank the candidates.
Between August 15 and October 15th	The Board selects a new Managing Partner (that individual may or may not be one identified by the MPNC).
October 1	The new Managing Partner becomes member of Executive Committee, if not already a member.
April 1	The new Managing Partner assumes full responsibilities

At the same time, one would hope that a serious candidate, and someone who viewed this position as the important job that it is, would just naturally ask what the job entailed. Any individual considering a nomination should want to get clarity around what authority and responsibilities they might have, how they would relate to the Executive Committee or Board, and even whether they might be able to maintain a relationship with a few of their key clients or whether this was the type of commitment that would require their passing off all their clients to the care and attention of some fellow partner.

Meanwhile, many of your partners have no appreciation whatsoever, for the scope and responsibilities of the typical managing partner of a multi-million dollar law firm. They literally have no idea what the managing partner does and to the extent that the firm runs smoothly, they may very well be tempted to think that the managing partner really doesn't do anything much. (I am reminded of one managing partner some years back, who confided that when things run too smoothly, it is important to start a fire, then put it out, just to remind your partners that someone is looking after the firm.)

In order to help various of your partners to realistically evaluate whether this is a position they would find interesting, while also serving as a disincentive to those who may be interested in semi-retirement, it is important to detail the enormity of the job. Therefore, the first task of your Committee is to develop (or review and refine) a written position description detailing the tasks and responsibilities of the Managing Partner. While this may sound trite, I've discovered that only 26% of the largest 200 law firms can claim to having a “formal” written job description for the position.

In my work with helping firms develop a more formal understanding of what they require from a

THE CHANGING OF THE GUARD: SELECTING YOUR NEXT MANAGING PARTNER

Managing Partner, I have identified over 70 discrete tasks that comprise what a comprehensive job description might contain. What your Committee needs to do is look at the various responsibilities that comprise the job, and then determine which are of primary importance to how you want your managing partner to perform. Here is an example, in Appendix 2, of how you might weight the various responsibilities: (see Appendix 2)

agree upon and set out in writing, a proper Application Form as well as some agreed upon criteria for evaluating the candidates.

Some Board members may advocate the need for a bit of fresh thinking at the top. Others may want to have the selection process used to introduce more radical changes. Rather than simply examining a candidate's past per-

important evaluation criteria.

Most begin this task with the development of a written specification sheet. This describes the talents and skills the firm needs from a new Managing Partner. It is usually developed through one-on-one meetings with each of the members of the MPNC to get their ideas, and is considered a critical element of the process.

APPENDIX 2: The Managing Partner Job Description				
CRITERIA				
CF	Is regarded as a core function of the Managing Partner			
SF	Regarded as important, but of secondary importance			
N/A	Not really part of the Managing Partner's responsibilities			
RESPONSIBILITIES & ESSENTIAL FUNCTIONS		CF	SF	N/A
Serves as a member of the executive committee, maintains communications between the executive committee and the partners, and carries out the decisions of the executive committee.				
Manages the affairs of the board including recommending position descriptions, formation and abolition of committees and committee chairs. In addition, plans and arranges the meetings of the Board.				
Anticipates significant changes in the profession and in industries served, as well as develops strategies for the future in light of these anticipated changes.				

Following from determining or agreeing upon the scope of the job and formalizing a job description that may be given to potential candidates, you need as a Committee to also

formance, the firm's strategy and related leadership needs should also be considered. Consequently, your Committee Members need to come together on determining some

APPENDIX 3: Evaluation Criteria

Determine what talents and skills the firm needs to move successfully into the future:

- What kind of prior experience and track record should the Managing Partner have?
- What personal qualifications are most important for this individual to be highly effective?
- What specific skills and attributes would the ideal Managing Partner possess?
- How much authority will the Managing Partner be given and how should the roles of the MP and the Board complement each other?
- What are the Board's top five priorities for the Managing Partner?
- Where specifically should the Managing Partner place his / her emphasis over the first 18 months?

Following the development of a formal job description, an application form and some criteria for evaluating the internal candidates, your Committee needs to communicate with the partnership and provide them with a copy of these materials, in order to help partners make thoughtful nominations.

APPENDIX 4: Internal Partner Memorandum

As you are most likely aware, our beloved Managing Partner's term in office will expire on April 1 and he has decided to return to his practice. It is the role of the Board to determine who will hold this important position after the expiration of this term. In order to facilitate that process, the Board recently created a Managing Partner Nominating Committee (MPNC). This Committee has, as its task, the responsibility of calling for applications and then evaluating and screening possible candidates for the position of Managing Director.

You are invited, at this time, and up until the close of business on Thursday, July 8 to nominate any partner for consideration (or you may also self-nominate). The initial Managing Partner's term (renewable) is four-years, and as you might well appreciate, with the magnitude and complexities of our law firm, this is a full-time job.

Some partners may well ask what the job of being the firm's full-time Managing Partner entails, and on what basis and according to what criteria will the MPNC evaluate candidates? To help answer those questions, enclosed is a copy of the Position Description for the Managing Partner which identifies the various responsibilities and essential functions; and a written Evaluation Criteria which outlines the basis upon which the MPNC members will assess and screen any nominee's qualifications.

The Committee would ask that any interested partner, signify their serious interest by completing and submitting the enclosed Application Form. All nominees should reserve the date of Monday, July 12 to be available to appear at a formal interview session before the members of the MPNC.

The names of all nominees will be kept confidential by the MDNC until after the screening process and the finalist candidates are announced. On or about August 1 the MPNC will identify to all partners those candidates who are "finalists" for the position of Managing Partner.

Any partner having any questions about this selection process may speak with any of the members of the Committee.

Respectfully submitted

VETTING THE CANDIDATES

In the third phase, your Committee's primary task is to vet the possible candidates by interviewing each of them and by soliciting informal and confidential input from the partnership.

Irrespective of whether a particular candidate meets the evaluation criteria and is properly qualified, (and especially in those instances where a candidate may self-nominate) some questions that will occur to your Committee are "what is this person's motivation for wanting to be considered? Is the

personal agenda of this candidate aligned with the best interests of our firm?"

In order to ensure that every candidate is "perceived to be" receiving fair and impartial consideration, you need to schedule a one-on-one appointment to interview the individual, discuss their qualifications, get a sense of their motivation, and their views on what specifically they would like to accomplish in their term as the firm's Managing Partner. A written report on the details of each interview is then submitted by the Committee to the entire Board for their use in assessing and identifying the "finalists."

A rigorous interview process helps your Committee to think more objectively about each lawyer's potential. Your entire MPNC should meet with each candidate for an hour or two in a formal environment. An interview that creates a level of stress in a professional environment where the candidate provides answers to some tough questions (see Appendix 5 for a few examples) will give Committee members some insight on how the candidate handles such situations. It is best to use the same format and discuss the same issues with every candidate to get the best overall understanding of the pool. (see Appendix 5)

Even if you think there is one candidate who is head and shoulders above all the others, subject all of the candidates to a rigorous interview process. I am always fascinated by the reactions of various MPNC members following the interview when you can just tell that when their particular favorite went head-to-head with the others, their choice fell short.

There is a need to get under the skin of a partnership by taking soundings throughout the firm to gauge partners' views, ambitions, fears and prejudices on the question of who should lead them. Firms should not

APPENDIX 5: Sample Interview Questions

- What are the most significant trends and changes, in your view, that are likely to affect our firm in the next five years?
- How would you go about developing rapport with each of our firm's offices?
- What sort of people do you find most difficult to work with? How do you go about trying to work with these difficult types of people?
- It's hard sometimes to get a new idea accepted by others. When have you had to do this? Give us an example.
- What kind of decisions are most difficult for you?
- What specific aspects of the firm's current strategy do you think represent the highest priority, in terms of where the Managing Partner needs to spend his or her time?

underestimate the desire of partners to be led. Ask partners what they want most from their firms and many will say that they want to be in a firm that knows where it is going and is determined to get there. In short, they want a leader.

All of the partners, therefore, need to be provided with the opportunity to speak to someone objective about their feelings.

ONCE THE DECISION IS MADE

Following the Board's selection of a new Managing Partner or a vote by the general partnership, it's down to the wire but the process is not yet complete as there are a number of important tasks that need to be attended to.

First, is empathetic communication. For those candidates that weren't chosen, the selection process can be bruising and divisive. Given that, for many partners, law firms are insecure places anyway, partners who may well have had the requisite leadership qualities don't need to now feel humiliated at losing. Therefore it is critically important that all candidates be contacted by the

Board and be properly thanked for their interest in the job and for their continuing willingness to be of service to the firm.

Your law firm has a new leader—and people need to be informed. Even assuming everyone knows who will be named the new

Managing Partner, the announcement still deserves special attention. Your firm's communications staff should prepare a press release and the announcement should be released first to the partners, then to staff, and finally to the general public.

Second no one should want to take on a job where you are not clear on how your performance is going to be measured at various points throughout your mandate. It therefore becomes incumbent upon both the Board and the new Managing Partner to clearly set out, codify, and agree upon some reasonably clear performance measures. How is this new leader going to improve the success of the firm?

New Managing Partners can be understandably apprehensive about the responsibilities they have agreed to take on, about transitioning their practice to others, about their ability to keep current in their legal field, about appearing disrespectful to their predecessor if they introduce changes, and about their ability to effectively manage a multi-million dollar business. In a meeting of the Board (or a special Subcommittee thereof) and together with this new Managing Partner, someone needs to facilitate the discussion, documentation, and agreement of the MP's mandate, including performance expectations and milestones, and the specific degree of support needed from the Board.

Third is managing the transition period. In many cases, the selection of a new Managing Partner takes place while an incumbent is still in office. The period between the selection of this new Managing Partner and the official transfer of authority can be especially tricky. During this time, when individual partners may jockey for position with the new MP, the exiting Managing Partner can experience the lame-duck syndrome, and needed organizational

There is a need to get under the skin of a partnership by taking soundings throughout the firm to gauge partners' views, ambitions, fears and prejudices on the question of who should lead them."

Arising from the interviews and subsequent input from partners, the Board would receive a detailed assessment report on each of the candidates. Board members need to be realistic when analyzing their firm's needs and understanding what individual candidates will or won't bring to the job.

changes often are put on hold until the formal transition is completed.

There are four requirements for a successful transition:

- **to complete the official transfer of power from the departing leader to the new Managing Partner;**
- **to create a connection between the new leader, in their new role, with the rest of the partnership, especially where there are multiple offices;**
- **to gain acceptance of the new Managing Partner by key clients and other important external stakeholders; and**
- **to help the departing firm leader to let go and move on.**

Now, during this period, when all eyes are on the new leader, each decision and communication takes on heightened importance. Transitions differ in their degree of difficulty depending on the candidate's history. A new Managing Partner who moves up from having had a role on the Board can experience an easier transition than one who is brought in from having been an Office Managing Partner or Practice Group Leader.

One of the most important discussions the exiting Managing Partner can have with the Executive Committee or Board concerns his or her future role within the firm. Some Managing Partners transition to Firm Chair in an effort to provide stability and help the new candidate settle in. In reality, the presence of the ex-MP as Firm Chair can add a dimension of political complexity and challenge to the new Managing Partner's job that may outweigh the benefits of continuity.

A split in loyalty on the Board and even

within the firm between the old and new Managing Partner can become a serious threat to the new leadership. In most cases, I caution these leaders that the best way to meet the four requirements for a successful transition is for the departing and new Managing Partner to agree on a plan to manage the process. This plan should lay out when key events will occur, how conversations will take place with different partners, what criteria the departing MP will use to decide when to step aside, and what each expects from the other during the process.

Depending on why they are leaving, a departing Managing Partner may feel joy, anger, fear, pride, remorse, envy, impatience, rejection, affirmation, or a sense of loss. The first step in managing these emotions is to acknowledge that they exist, are natural, and will affect the succession process in unpredictable ways unless they are addressed.

FINAL WORD: LEARNING FROM THE EXERCISE

One of the other important aspects in the selection of a new Managing Partner is to learn from the experience. As a firm, you will be required to choose another Managing Partner again in the future—the only real question is when. (see Appendix 6)

At the beginning, I said the easiest way to select a new Managing Partner is to have a candidate available within your firm so that his or her ascension to the top office is a slam-dunk. If this is not achievable, it is essential to document the selection process and what you would do differently the next time. This means that when your firm finds itself in the position of selecting a new leader, it should not be necessary to reinvent the wheel. The exact methodology utilized may not be applicable, but the entire process will be available in writing to help you develop procedures for the next time around.

APPENDIX 6: What Did We Learn About . . .

RATIONAL

- Identifying job requirements based on our firm's strategy?
- Searching diligently for the best candidate?
- Assessing candidates by using multiple methods?
- Selecting the best candidate for the job, regardless of personal loyalties?

POLITICAL

- Dealing with factions within the Nominating Committee and within the Board?
- Avoiding destructive internal politics?
- Balancing needs of external constituencies?

EMOTIONAL

- Coping with personal emotions?
- Helping those partner not selected to adjust?
- Creating support for the new Managing Partner?
- Helping the retired incumbent to move on?

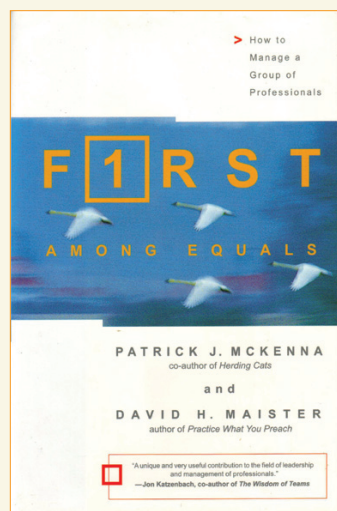
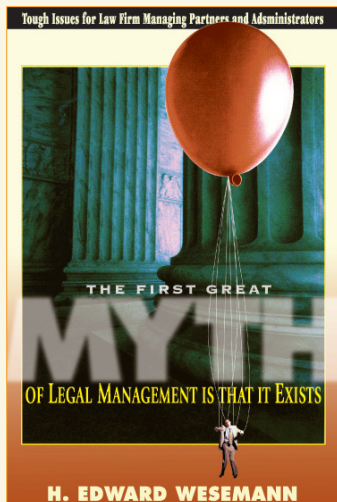


Patrick J. McKenna is a partner in Edge International where since 1983 he has worked exclusively serving law firms and has worked hands-on with at least one of the top ten largest law firms in each of over a dozen different countries on issues associated with developing competitive strategies, improving profitability, client service excellence, and systems for effective practice group governance. He is available at mckenna@edge.ai

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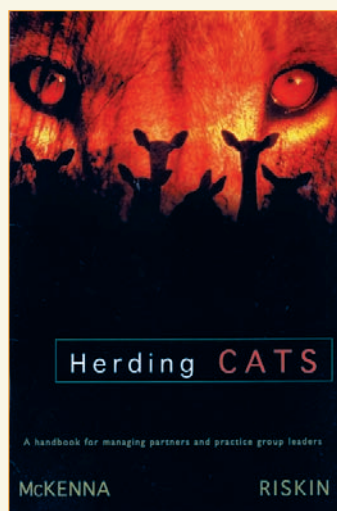
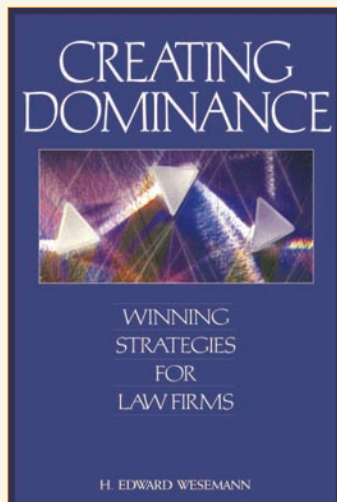
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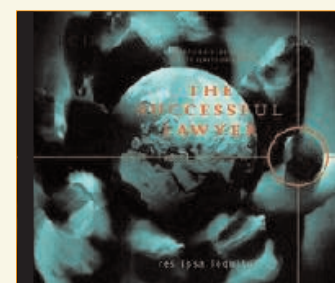
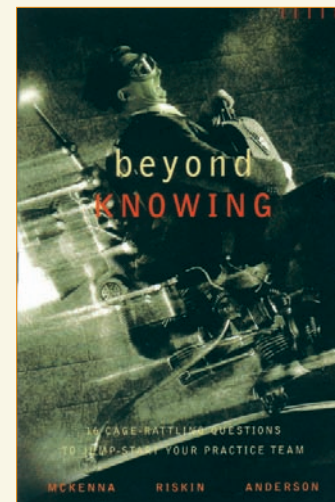
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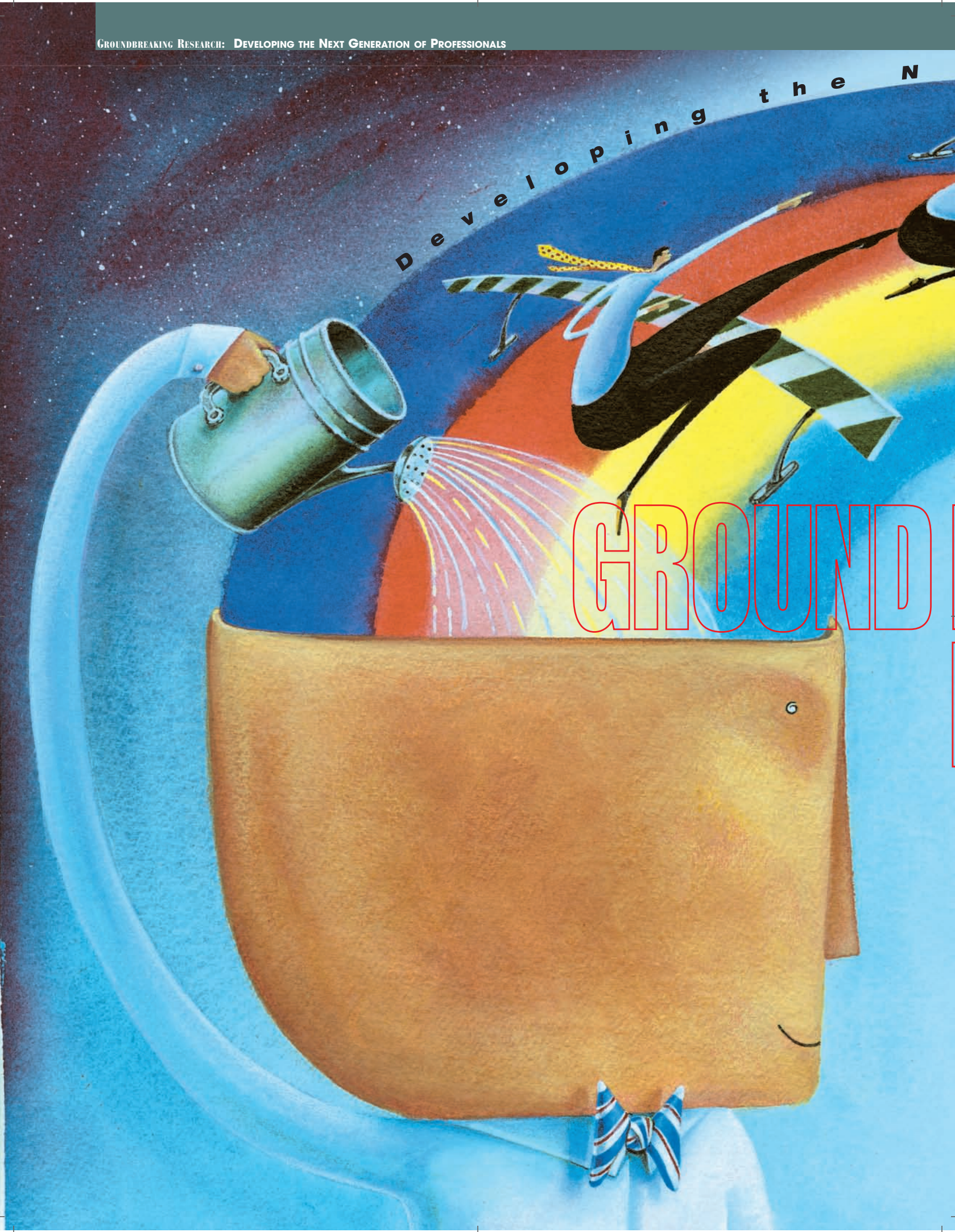
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Groundbreaking Research: Developing the Next Generation of Professionals

Developing the N

GROUND



Next Generation of Professionals

BREAKING RESEARCH

by Karen MacKay, **EDGE INTERNATIONAL**

When we asked lawyers around the world what motivates them, professional growth was very high on the list no matter their gender, no matter their years at the bar and no matter where in the world they live and work. Lawyers thrive on learning – indeed they crave it. Unlike other aspects of our study (motivation, reward, aspiration) there is virtually no cultural difference in the professional development needs of young professionals. Over 95% of both associates and partners around the world agreed that continuous professional growth – by that they mean consistently challenging work – was one of the most critical aspects of professional happiness.

We have spoken with many associates who tell us that the top three reasons they give us for making a lateral move are:

1. lack of challenging work
2. lack of professional growth, lack of learning, lack of career opportunity
3. lack of meaningful working relationships

Young professionals develop when three critical components work in harmony. First, formal training: this of course begins in law school but continues through CLE programs and in house training.

Second, experiential learning: actually doing work that is appropriate for their level and that is challenging. Third, observation: by observing senior practitioners in action and through mentoring relationships.

Lawyers thrive on learning—indeed they crave it.

not encourage associates to seek assistance from others in the firm. Associates in such situations feel helpless, fearful and stressed.

There are some partners who “keep clients close and associates at a distance”. Those partners, often resulting from their own lack of self-confidence, do not delegate challenging work and stifle development of associates around them. Associates grow out of these jobs and leave.

Survey Statistics

No. of FIRMS in the STUDY:	63
No. of RESPONDENTS	800
GEOGRAPHIC REGIONS:	70% North America 11% South America 13% UK/EU 6% Asia Pacific
DEMOGRAPHICS:	71% of associates – 25 to 35 yrs old - Generation X 74% of partners – 41 to 55 yrs old - Baby Boomers
GENDER	Associates – 55% Male / 45% Female Partners – 77% Male / 23% Female

ALLOCATION OF WORK

We asked if work was allocated equitable and wisdom on the subject came from both associates and partners. “What does equitably mean?” said one associate. “I don’t have a “right” to receive work; I have the opportunity to develop relationships with partners in which they entrust their work and their clients to me.” The partner perspective: “we have a free-market system, so the good, aggressive associates are relied upon heavily.” Basically, good, talented people attract the trust of the partners with whom they work. Practicing law can be difficult and people like to work with people they like and trust. It’s that simple.

It is clear that “the best are also the busiest”. Those associates who do not give partners a sense of confidence can quickly get lost in the

development process. They don’t get the work; therefore they don’t have the hours. If they don’t get the work, they don’t learn and they fall behind their peers.

CHALLENGING WORK

The challenge for firm leaders is two fold. First, knowing each of your lawyers is critical - really knowing them. Where they are in their skill development and what they need next in terms of stretch engagements. At the right level, at the right pace and with the right encouragement they have a shot at reaching their potential. Second, and more important, is managing the firm’s risk while giving associates an appropriate challenge. When asked if his work was continually challenging, one associate said “yes, but not necessarily in a good way. I am often placed in uncomfortable situations...”. He was not alone in expressing that he is sometimes responsible for matters for which he does not feel appropriately trained and that “controlling” partners do

Firms that are gaining ground here are doing it at the practice group level. Practice group leaders who are committed to developing junior talent have some influence. A problem arises when there is an experience gap in a group and leaders must manage these situations. For example, a small group has three associates; a sixth year, a second year and a first year associate supporting a very busy rain-maker partner. The sixth year associate leaves. The second year associate has been with the firm since graduation and was a summer associate (or in Canada as an articling student for a year, or in the UK as a trainee for two years). The partner has known this junior for some time and that second year junior becomes heir to his

former colleague's files when she leaves. Two things can happen. First, the second year can rise to the occasion but not without some level of personal and professional stress. Second, the second year can become completely overwhelmed, begin showing a lack of confidence, lose the confidence of the partner and as a result becomes a casualty, due to poor management of the situation.

IN HOUSE TRAINING—A BALANCING ACT

When we asked associates and partners in 63 firms around the world if there were formal training programs in their firms; 82% of partners said yes while only 69% of associates agreed. Needless to say this response is somewhat mystifying. Perhaps for some partners this is a case of having "talked" about a program rather than actually doing the program.

Where firms do provide some sort of formal in house training, the investment is primarily at the junior levels. While firms have an obligation to get juniors up and running my challenge to you is to rethink this investment. Attrition in private practice, at least in North America, is very high: with 1/3 gone by third year and of the remaining associates, 44% plan to leave by fifth year.¹ Given this reality does it not make more sense to actually accelerate training and development for those who remain with the firm past fifth year?

Think about the contribution to the firm of each of these individuals who makes partner, over a thirty-year career as a partner. You do the math for your firm but if the average partner in your firm generates \$1Million per year for thirty years that's \$30Million. If senior training and development in such areas as "managing transaction teams", "mentoring", "business development", "managing client teams" and "leadership" could accelerate the growth of his or her practice beyond that \$1Million per year does it not make sense to increase the training and development investment as associates get closer to partnership and beyond that threshold?

Firm leaders struggle with where to invest resources. If you spend all your money training juniors and neglect your senior associates and junior partners, those young partners may never achieve their

[1] After the JD: First Results of a National Study of Legal Careers, co-sponsored by NALP Foundation and the American Bar Association, Page 53 Turnover & Mobility

potential. If you neglect your juniors you may accelerate their departure because they feel they aren't getting adequate training. Finally there are those partners who want to strip-mine the firm every year and who complain to firm leaders that money spent on people who leave anyway is a waste of cash they could otherwise be earning personally. In the final analysis, as one Director of Professional Talent put it, it is "better to train them and have them leave than not to train them and have them stay".

Investment in talent development is measurable and can be measured for each year of call to the bar that flows through your firm.

Development and retention of talent impacts the only two sustainable levers of profitability—both of which are impacted by invest-

Net Income Per Partner = Utilization x Rate x Margin x Leverage²

[2] David H. Maister, *Managing the Professional Service Firm*

ments in professional development:

MENTORING RELATIONSHIPS

Relationships are a critical component in the development of professionals. Good working relationships create an environment where feedback happens naturally. Feedback, considered very important by 83% of associates in our study, is most effective when it is ongoing and informal. As one individual put it, "waiting until my yearly review to criticize me for something that happened six months ago is not effective; it does not help me develop".

The demographic groups in law firms today have very differing views on relationships and feedback. For Baby Boomers, feedback is a means to an end, whereas those associates who are in Generation X crave it.

Mentoring relationships that Baby Boomer partners experienced was very different than the relationships that are desired by both Generation X and Y who are now their juniors. If indeed 44% of associates today are citing lack of meaningful relationships as a primary reason for leaving a firm, that number is likely to go up unless partners develop the interpersonal skills needed to nurture the next generations.

Unlike other aspects of our study (motivation, reward, aspiration) there is virtually no cultural difference in the professional development needs of young professionals.

GROUNDBREAKING RESEARCH: DEVELOPING THE NEXT GENERATION OF PROFESSIONALS

We asked associates to describe the relationship with the partner(s) with whom they worked most closely. While it is clear that the relationship is complex, the relationships appear to be a mix of mentor, work provider and boss.

Digging a little deeper, we asked partners how they treated the associates they worked closely with and asked associates how they felt they were treated.




There are four areas of disconnect worthy of mention. It is not the percentage of respondents that is of particular concern but rather the gap between how partners think they treat associates and indeed how associates feel. While generally, associates feel valued, indeed feel like they have a future with the firm, others feel like employees whose purpose is to produce and if they don't they are fungible. While partners indicate that they treat some of the associates like future partners a significant number of the associates in our survey are not getting that message. They feel like employees rather than like talent.

Highly motivated associate lawyers who stay long enough, add to both the top and bottom line, increase partner productivity and contribute significantly to the building and retention of client relationships. The select few who make partner add to the financial stability of the firm and its legacy. When high turnover rates occur within associate ranks, marked decreases in associate productivity become evident because both departed associates and those currently with the firm are distracted. Partner productivity increases by default, profits remain flat - or worse, go into decline. In all cases, the recruiting costs negatively impact margin.

CONCLUSION

Developing professionals to their potential is complex. The tension between some in the partnership who view it as an investment while others view it as an expenditure of resources.

High potential professionals (like high potential athletes) will not likely reach their potential if left on their own. Young talent needs an integrated approach that includes:

-  **meaningful relationships with partners and senior associates (learn by observing)**
-  **substantive work assignments (experiential learning)**
-  **consistent training and development opportunities (formal training)**

 **clear expectations for advancement (achievable goals and stretch assignments)**

 **flexible work arrangements (to accommodate blended lives), and**

 **Ongoing informal feedback**



Karen MacKay, MBA, is a partner in Edge International and has over 20 years of professional service firm experience. Karen's current practice is concentrated on three key areas:

1. Providing counsel on issues related to all areas of professional staff career development, from recruiting and mentoring to evaluation and compensation.
2. Working with firms in the development of business plans and execution of strategy
3. Furnishing advice on operations and administrative management.

Karen has worked on behalf of international law firms ranging in size from 30 to 3000 lawyers and now has an impressive number of loyal and long-standing clients who rely on her for her knowledge and integrity, as well as for her sensitivity and flexibility, in the face of their ever-changing business priorities. Karen completed graduate studies at the Joseph Rotman School of Management at the University of Toronto. She is a highly skilled facilitator and speaker who is Myers Briggs qualified and is a Certified Human Resources Professional. Karen can be reached at + 416.657.2997 or mackay@edge.ai or by visiting www.edge.ai.

A WINNING GAME PLAN FOR PROFESSIONAL DEVELOPMENT

A common denominator for all generations of lawyers is the desire to win. In order to win, a team needs to work together and execute a game plan. Consider the outcome of the basketball team who does not practice together before the big game and whose players perform individually. This is a recipe for failure. Such is the case in law firms whose partnership does not contribute to ongoing professional development (PD) activities.

Whether it is mentoring, feedback or teaching, the consensus that partners and associates alike will benefit from learning and practicing together is the first step for effective PD. Functioning as a team is a difficult paradigm shift for many attorneys who, in many cases, practice as sole practitioners in a loosely structured organization called a “firm”. However, in the current landscape of legal practice; i.e. increasing firm size, time pressures and client demands, this change in mindset and approach is vital to ensure future success. “None of us is as smart as all of us.” – Japanese proverb

Once the commitment to PD is made and rewards are in place, the next step is investing in professionals to drive the process. In other words, the team needs a coach who will coordinate and focus the team’s energy. Choose professionals who have knowledge of and experience in educational programming, who understand client service industries and have superior communication skills.

Once you’ve gathered the team and have chosen the leader, the last step is developing and executing the game plan. The PD professional should take the following steps.

Interact with firm leadership in order to understand the Firm’s business objectives

Define the skill sets necessary to meet those objectives

Design and deliver learning experiences that teach those skills using a combination of in-house talent and external providers. The most effective professional development activities engage all levels of legal talent through frequent interactive experiences

Obtain ongoing program evaluation to maintain quality and communicate results to law firm leaders

Professional development activities shared by an entire partnership and driven by PD professionals is a winning game plan that delivers success in client services.

Joyce Keen, *Director of Professional Development*, **Blank Rome LLP**

Understanding IT



OUTSOURCING

from a Strategic Management Perspective

by Friedrich Blase, **EDGE INTERNATIONAL**, and
David Cunningham, **Baker Robbins & Company**

LET'S SAY IT RIGHT AT THE START: IT

OUTSOURCING IS ABOUT IMPROVING THE BOT-

TOM LINE. BUT THIS IS NOT ACHIEVED, FIRST AND

FOREMOST, BY REDUCING OVERHEAD, BUT BY

ALLOWING YOUR LAWYERS TO WORK MORE

EFFECTIVELY AND EFFICIENTLY. IT OUTSOURCING

IS A STRATEGIC MANAGEMENT ISSUE SINCE IT

WILL IMPACT ON YOUR FIRM'S OVERALL

PERFORMANCE, NOT JUST ITS COST STRUCTURE.

To understand IT Outsourcing from a strategic perspective requires insight into the constellations in which it could benefit the firm. We need to look at critical success factors at each stage of the process: assessing opportunities, designing solutions, selecting business partners and managing the transition.





Figure 1: The four initial phases of an IT Outsourcing project

PERSPECTIVE

Before we address the details, let us first put IT Outsourcing for law firms into perspective.

Few firms will argue that they are 100% on top of their IT issues. This may well have many reasons, but typical ones are the following.

-  Some law firms traditionally under-invest in IT, mainly because serious investments cause partners to sacrifice profit share; unless expected profits substantially exceed the previous year's; willingness to back upgrades and technological innovations is limited.
-  Some law firms use fairly generic IT solutions. In most cases they use word processing, time recording, email, litigation support and document management software as well as data centers. In some cases, firms are using technology in more advanced forms to support the management of projects interactively with clients, measure and communicate profitability, create "one firm" knowledge sharing, or handle e-mail management and compliance issues.

Some lawyers, especially those who entered the profession at a time when the use of IT was minimal, have limited IT skills. Not long ago—and this may still be true in some places—emails were treated the same way as ordinary mail, were printed out by secretaries and answered by the lawyers, who recorded a reply on their dictaphones.

IT Outsourcing is a strategic management issue since it will impact on your firm's overall performance, not just its cost structure.

These issues are predominantly structural and need to be addressed separately. While they impact on the decision as to whether IT Outsourcing makes sense for a firm, they will not be solved by such a decision. However, the operational changes that IT Outsourcing projects cause may provide firm management with a suitable opportunity to address structural IT issues. Additionally, improvements resulting from sound IT Outsourcing decisions could lay the groundwork for subsequent change processes which could ameliorate or eradicate structural deficiencies.

ATTEMPTING A DEFINITION

A comprehensive definition for IT Outsourcing is difficult to provide. However, it usually comprises an outside vendor managing IT services and/or infrastructure either onsite or offsite. Firms usually contract for FTE (full-time equivalent) capacity rather than actual persons. The vendor is responsible for skills and knowledge-building amongst its staff.

The IT services and infrastructure management that a vendor will offer are, usually:

Help Desk Level 1;

Wide Area Network Management;

Local Area Network Management;

Data Center Facilities and Management;

Electronic Mail Hosting and Management;

Disaster Recovery Facilities and Services.

HISTORICAL OBSERVATIONS

If you look back some twenty years, you will find that IT Outsourcing is nothing new for law firms. Before personal computers made it onto the desktops of every lawyer, their firms would often engage so called "service bureaus" that maintained the firm's IT needs, in particular for financial and accounting operations. By dialing in from a local terminal, firm administrators would access and edit data that was being maintained on the computers of their service bureau. The rise of personalized IT led to a huge "insourcing" spree: law firms would manage their entire IT needs internally.

With IT needs as well as innovation and replacement costs rocketing, law firms started to question the efficiency of their internal systems. First vendors offered outsourcing solutions such as help desk operations or data centre management, mainly derived from large-scale operational experience in the corporate world. But law firms remained skeptical, not the least because they felt uncomfortable with giving outsiders access to their confidential data.

The deal that Akin Gump Strauss Hauer & Feld struck a few years ago signaled a change for the market; the 900+ lawyers firm outsourced its financial and controlling systems and some of the IT infrastructure to Deloitte, Perot Systems and other providers. Similarly, the solution that Orrick Herrington & Sutcliffe (with 14 offices across the US and abroad) chose, building its own centralized data centre in a separate low-cost location, raised eyebrows. Although the firm controlled the data centre with its own IT staff, the operations could just as well have been outsourced to a third-party vendor.

An almost traditional concern for firm management is putting their

clients' data in the hands of a vendor. The reality, of course, is that much of their data is already being handled by vendors through off-site backups, vendor WAN connections, disaster recovery hot sites, use of contract employees in IT, etc. More importantly, though, a professional vendor often provides tremendously higher levels of data protection than the in-house capabilities.

Disasters such as the recent power outages in New York and other cities highlight how essential professional IT service and recovery capacities can be. Some firms have been badly hit; others steered through the turbulences unaffected. George Wolf, Jr., Managing Director of the 130-lawyers-strong, New York based firm Herrick, Feinstein LLP, had taken the firm down the IT Outsourcing path: "During the power black out of 2003, the data center was fully operational, while our offices (and previous computer center) were dark." Such improvements need not be the result of IT Outsourcing, but in such an extraordinary situation the level of service that is available from outside vendors very quickly sets the benchmark against which internal IT systems are compared.

TYPICAL SITUATIONS

IT Outsourcing is often discussed in firms when related management decisions are pending, e.g. the centralization of administrative processes, or the reorientation of support functions as service lines to operative units such as practice or industry groups. Additionally, there are five typical situations in which a law firm is likely to benefit from evaluating the opportunities which IT Outsourcing could provide. These are:

- **The firm provides relatively poor IT services to its users, or the IT service delivered is inconsistent across the office network.**
- **The firm has grown aggressively through mergers and therefore now faces harmonization issues or needs to replace existing IT in the expanded network.**
- **The firm is introducing major technological change, such as the introduction of disaster recovery plans.**
- **The firm, although relatively small in size, is pursuing a vehement growth strategy by adding partners from bigger**

firms, to whom it wants to offer the "look and feel" of a major firm's IT services.

- **The firm is moving its IT staff away from administering the infrastructure towards helping lawyers improve productivity, in effect become internal technology consultants.**

THE ROLE OF THE FIRM

At present, few firms undertake the project of specifically finding agreement with their lawyers and other staff on the level of IT service that the firm should provide. Without doubt, this is not always easy to achieve, since a large number of lawyers in several practice groups and with varied specializations may well have very different needs and expectations. Nevertheless, such a process would clarify the triangular relationships between the firm, its overall staff and the IT department. While firm management would agree with staff on the service levels for all IT functions, it would negotiate the delivery of such service with the IT department. If nothing else, the tension between users of IT and the service providers in daily business would thereby be significantly reduced. The users know what they can expect, the IT department knows what it is supposed to deliver, and firm management can control service delivery by monitoring the levels actually achieved.

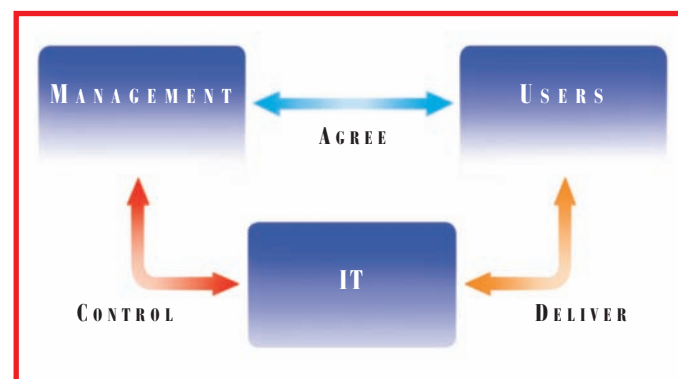


Figure 2: The role of the firm in managing IT services for its users

By introducing and furthering such service level agreements, a firm manifests the principles that support functions have to deliver specific value to the client-facing fee-earners; that IT has to be given specified leeway to maintain and upgrade the hard- and software; and that management will control the process to ensure quality throughout.

The deadlock that was witnessed a few years ago in a major international firm would be prevented: after detailed planning well ahead of time and with the consent of management, IT wanted to run the first phase of a major infrastructure upgrade during the forthcoming weekend. It notified users by email that they would not be able to use their systems for certain periods during the weekend. Most fee-earners were rather surprised to see another e-mail a few hours later—this time from management—calling off the IT work due to “urgent work for a key client” that took precedence. This communication faux-pas did not happen just once, but on all three attempts that IT undertook to run the project. Finally, the project was cancelled all together and IT was asked to find a different way of realizing the upgrade without causing network unavailability. While this incident was only a symptom of bad management, it comes as no surprise that, four months after the incident, more than 50% of IT management had left the firm; IT services for fee-earners were not improving; and management had to bring in outside consultants to rescue the situation.

Ultimately, achieving preliminary internal service agreements for IT functions can also facilitate the process of IT Outsourcing significantly. Firm management is then usually more experienced in defining and measuring services and other information by which to make its decisions. This experience will also be useful when it drafts requests for proposals on IT Outsourcing projects. Elaborated service agreements that a firm drafted internally can furthermore be the basis for an initial performance comparison of an internal versus an outsourced solution.

ASSESSING THE OPPORTUNITIES

The aim of such a comparison is to be able to assess whether, and in what areas, IT Outsourcing could provide significant improvements. The service levels as well as the IT costs are compared to two sets of benchmarks: on the one hand, the standards in the profession; and on the other, the standards offered by vendors of IT services and infrastructure management. A firm basically asks itself at first, “Do we get adequate value for the money we spend?”

Quick Guide to IT self-assessment

Even if you do not plan to outsource, take time to evaluate your existing IT solution. A few key questions will help you identify possible gaps.










-  How do I define, measure and monitor service levels?
-  Where do risks exist that are not cost or time-effective to resolve (e.g. lack of appropriate disaster recovery and no back-up for key skills)?
-  Am I about to make large capital purchases where a vendor might provide services on an as-needed basis for greater value (storage management, proactive network management and new data centers are big budget items where vendors already have excess capacity)?
-  What IT activities constrain the pace of my key projects?
-  Am I able to provide services equally to all offices?
-  Where are procedures too ad hoc, but too time-consuming to create in-house?
-  Where do I have trouble attracting the right skills and providing the right training?
-  Do IT areas require so much time and effort that other high priority IT work is delayed or ignored?
-  Is my best IT staff frustrated due to a lack of progress or resources?

Figure 3: Quick Guide to IT self-assessment

A firm typically spends somewhere around 3-5% of revenue on IT. The cost factors are principally capital depreciation on equipment and the payroll cost for IT staff. However, the calculations need to include soft factors such as possible staff turnover, and absences due to training, holidays or sickness. In the corporate world, the industry benchmarks for heavy technology users are also at 3 to 5%. Many IT dependent companies have to bring their IT costs under control and consider IT Outsourcing from that angle. The logistics conglomerate Deutsche Post / DHL, for example, is restructuring its

IT solutions, since the introduction of real-time parcel tracking technology and other facilities eats away a significant portion of its profit margin. Their history, though, has been that they have sub-

Which available services that we do not yet provide would significantly benefit our operations, in particular the effectiveness and efficiency with which our lawyers work?

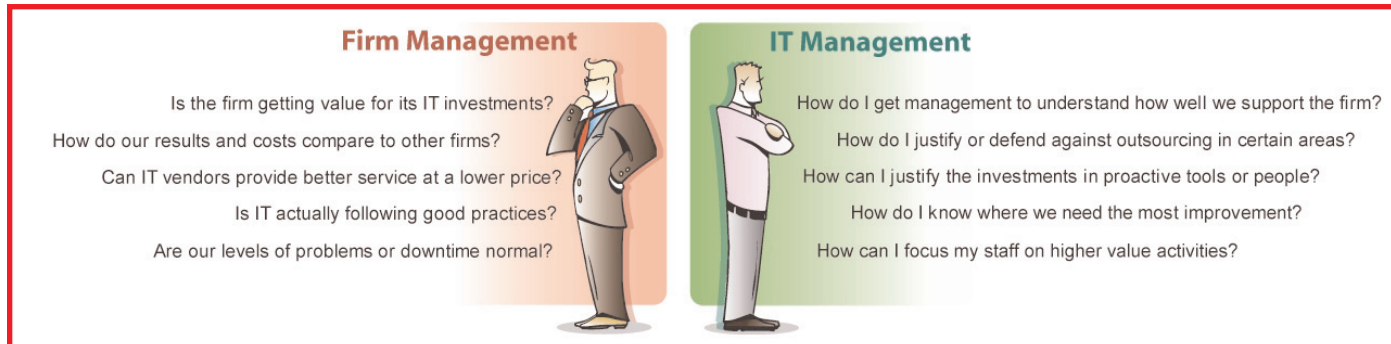


Figure 4: Views of firm and IT management in the assessment phase

stantially invested into their IT. Law firms have traditionally not been competing on the basis of their IT solutions.

The service level assessment not only focuses on issues such as consistency across offices, network failure times, e-mail availability, helpdesk responsiveness or the degree of meeting practicing lawyer's expectations, but also on the risks that the firm may be facing. How are disaster situations dealt with? How safe is the data? How well can critical IT skills be replaced?

The assessment is conducted in concert by firm and IT management who compile data about past performance from various sources: in-depth interviews with IT staff and users, equipment protocols, financial reporting systems, etc. While firm management is usually unbiased towards the outcome, it is not uncommon for IT management to want to prove to their superiors that nobody can deliver a better service to the firm that the current IT structure. Personal factors such as reputation, job security and future role within the firm can influence the assessment and need to be taken into account by firm management.

The outcome of this first step should answer three questions:

- Do we get adequate value for the money we spend?
- In which areas of IT could we improve without significant (negative) impact on our IT budget?

The answers to these questions set the background against which the firm would then enter the second phase of the IT Outsourcing project: designing a possible IT Outsourcing solution.

DESIGNING THE SOLUTIONS

An IT Outsourcing solution is entirely individual for each firm. Many new questions arise that need to be addressed on the basis of the assessment:

- What services are being outsourced? Any combination of outsourced services and infrastructure management is possible, but only a few combinations will make sense for the firm at hand.
- Who will own the equipment? Sometimes, the existing equipment is sold to the vendor. Outsourcing can often be used to avoid the purchase of significant new equipment by passing this responsibility onto the vendor. A firm that purchases new equipment before it decides in favor of IT Outsourcing will lose money in the transaction.
- What will be the role of IT staff? Either they continue to work for the firm, or they transfer to the vendor but stay in their current work environment—sometimes after significant additional skills training by the vendor. The latter solution could also open up IT career paths that are usually very limited in law firms.



How will we manage the interface between lawyers and IT? While this question is not only relevant when designing an IT Outsourcing solution, it becomes particularly predominant there. Current IT management could become what the corporate world sometimes calls “Demand-CIO’s”. Their job is to ensure that the vendors provide optimum service for the lawyers and other staff. They also work on finding or improving IT solutions which impact significantly on the lawyers’ ease of providing service to their clients.

Additionally, decisions need to be made with respect to the hard and soft measurement criteria for IT performance. Usually, these are a combination of numerical measures. A good example of this is network availability (e.g. at 99.99% of the business day) or the availability of first-rate critical applications (such as e-mail or document management software). If the helpdesk functions will be outsourced, one should set standards for their response rate (e.g. 97% of calls answered within 15-20 seconds of coming in) and their resolution rate (e.g. 80% of enquiries resolved at first enquiry). Often, firms will be able to attach penalty clauses to these hard key performance criteria in the ultimate IT Outsourcing contract. The soft performance criteria are, however, probably just as important, although they are less easily measured. They are usually the result of an open-ended assessment of the services that the vendor produces. The data is collected by interviewing lawyers and other staff, as well as IT personnel and management, about their satisfaction with the services offered. It is essential to realize that firm should not focus on a vendor’s possible failure, but on jointly working towards meeting and exceeding the expectations of the users.

The outcome of the design stage will provide the firm with a solid idea of what it intends to shop for in the vendors’ market. The design is the basis for any subsequent requests for proposal (RFP’s).

SELECTING THE VENDORS

When a firm is starting the discussion process with its future IT Outsourcing partners, management needs to be aware of two key issues:



Probably the single most critical success factor for the partnership between firm and vendor is the firm’s and vendor’s capability to manage that relationship.



The firm should not let the vendor decide the firm’s service levels. This should be done up front when designing the solution. The RFP will contain this information, so the firm

need not request the vendor to provide it.

Most often the IT Outsourcing contracts will run for three or four years, as this coincides with customary hard- and software upgrade cycles. Less often one sees a term of around seven years, which combines two such cycles and increases the firm’s bargaining power. The cost is that the firm will have to rely on a particular vendor for—at least in IT development terms—a very long period of time.

The cooperative mindset that will later determine much of the success of the relationship needs already to be evident during the negotiation phase. While the firm should expect the vendor to display this adequately, it must mirror this approach. A cooperative mindset makes the discussion of key performance indicators, regular review meetings, and penalty and break clauses much easier and more focused on significantly improving IT solutions for the client facing lawyers and staff.

There are a good number of vendors who are interested in a law firm’s RFP’s. Some of the larger service and infrastructure management companies may not be interested in the smaller chunks of work that law firms can offer; some others may not have the breadth of services to meet the firm’s needs or sufficient experience in working for the legal industry. Nevertheless, there are vendors that focus on the professional service firms or even law firms and can readily provide the required technical skills and systems management capabilities.

The right spirit in selecting a qualified business partner and negotiating a detailed IT Outsourcing contract will set the tone for the transition phase as the last step in the IT Outsourcing project.

The cooperative mindset that will later determine much of the success of the relationship between law firm and IT vendor needs already to be evident during the negotiation phase. While the firm should expect the vendor to display this adequately, it must mirror this approach.

MANAGING THE TRANSITIONS

While the first three phases may have taken anywhere between ten to twenty weeks to accomplish, the final phase alone takes about the same amount of time or even longer. It really depends on how much is being outsourced and how the transitions phase is managed.

As with the previous phases, this final one substantially builds on the quality of its predecessors. The more precise the IT Outsourcing agreement with the vendor or several vendors is, the easier it is to structure the transition process.

Many firms have significant enough experience in project management, be it from past mergers, or new office expansions, or change management projects such as the introduction of performance measurement, or a focus on core competences by creating industry groups. Hence, many IT transition processes from in-house to vendors run fairly smoothly. The critical factors here are that the changes are communicated actively to the users and that they can feel improvements quickly. Any alterations to an existing system are likely to cause some hiccups, but if at least some functions outperform the old standard consistently, confidence among users in the change process will increase and all of the benefits from the change can be harvested sooner. At the same time, though, it is critical to realistically plan the transitions phase. If users, IT staff and vendors are not overburdened by too tight a transition schedule, confidence in the systems change need not drop at all. No hard and long upward crawl towards a fully operational system should follow. Instead, at the end of the transition process, the new IT environment is installed without much impact on the daily business of the firm.

CRITICAL SUCCESS FACTORS

Probably a million questions will arise and need to be answered during an entire IT Outsourcing project. However, only a few are really critical. These are the issues that firm management needs to focus on when it wants to undertake an IT Outsourcing project with a strategic mindset:

- ☉ **Prepare yourself and your firm by creating internal service level agreements between IT and fee-earners.**
- ☉ **Convince your IT management that the IT Outsourcing project is an opportunity, not a threat for them.**
- ☉ **Benchmark your firm's current IT services—ideally long before you start considering IT Outsourcing—and compare**

your current performance to the standards in the profession and to those of outside vendors to get a fair data basis for the future process.

- ☉ **Design an individual solution for your firm carefully with a view to what you need, not what you already have.**

- ☉ **Approach the selection of and negotiation with a mindset that you have to establish a strong, active, constructive working relationship with the vendor rather than just waiting for reports to show up.**

- ☉ **Manage the relationship with your vendors actively and in the best of cooperative spirits.**

- ☉ **Minimize disturbance during transition while realizing exemplary improvements to build trust in the change amongst staff.**



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The trick to running a law firm is getting all the pieces to **FIT TOGETHER**

CULTURE

is what defines a law firm. In a business where all of the assets ride up and down the elevator every day, the glue that makes a law firm work is its culture. In fact, research has demonstrated an indisputable direct correlation between profitability and culture.

But ask a law firm managing partner to describe the firm culture and you'll hear euphemisms like "collegial" or "democratic."

The fact is that most firms really don't know what their culture is and can't describe it. Yet a recent survey of large law firms showed that one of their partners' greatest fears was "losing their culture." How can a law firm preserve what it can't describe, doesn't recognize and won't communicate?

The Edge International Cultural Inventory is based on 15 years of research by Dr. Daniel Denison of the University of Michigan School of Business, involving more than 44,000 respondents from over 1,800 businesses, including over 100 law firms. The database allows the identification of the specific traits that determine an organization's culture.

It's a simple choice. A firm can continue to grow, take in laterals, merge and hope that its culture won't change. Or it can devote a partner meeting or retreat to understanding and protecting its culture.

Of course, all firms are collegial and democratic...aren't they?

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Is the thought of another **RETREAT** squeezing your patience?

RETREATS

are becoming fairly commonplace. The motivation is usually to provide more face-to-face interaction thereby developing social bonds, improving communications, dealing with operational issues, exploring further directions, and even having a bit of fun.

At these Retreats we often engage some outside speaker sufficiently inspiring that everyone gets charged up and takes copious amounts of notes. Inevitably, our sessions conclude and we all return, hopefully invigorated enough to face the pile of voice-mail messages and client files that have been left burning on our desks. That binder of notes hits the shelf and maybe, just maybe, something inspires us to return to it in the months to come, such that we pull it down and actually do something as a result of that last retreat we all attended.

Now that pretty much represents the conventional practice for most firms' Retreats. While the groups may be different and the speakers may vary, the measurable results are all too often the same. As one managing partner commented about firm meetings in general, "When all is said and done, there is usually a heck of a lot more said, than ever done!"

Of course then we come to scheduling our next Retreat. And wouldn't you know it. Some partner has the audacity to ask, "But did anything really happened as a result of our last get together?"

Now when that happens, and it inevitably will, our very best counsel would be for you to punish that partner (for their audacity) by assigning them to Chair the organizing committee for your next Retreat. Then please give that partner our telephone number. We transform talk into action.

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