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Smart Strategies for the Forward Thinking Law Firm

**Legal Marketing Association**
**Association of Legal Administrators**
**Managing Partner Forum**

*present*

# MOTIVATING YOUNG LAWYERS TO MARKET

**John Remsen, Jr.**
**President**
**TheRemsenGroup**

**October 8, 2019**

## Motivating Young Lawyers to Market

Jointly Presented Webinar
October 10, 2019

### Sesssion Description

Motivating young lawyers to develop and maintain effective marketing and business development efforts proves challenging for many law firms. The skill sets are not taught in law school and the time involved is non-billable; yet business development skills and a book of business have become increasingly important to a successful and satisfying legal career.

Join in on the perspectives of two managing partners, an Executive Director and an in-house marketing director on strategies and approaches that are working well at their firms.

### Learning Outcomes:

- Identify ways to motivate young lawyers within your firm
- Develop ways to create an individual marketing plan for young lawyers to follow
- Discuss tips and tricks around tracking time, training, support and more

**Katie J. Bryant, CLM**
Executive Director

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Katie is the Executive Director for Udall Shumway PLC – a 30 attorney firm in Mesa, Arizona. She oversees the overall operations of the firm and works closely with the attorneys to develop their business development and professional plans of work. Katie has over 20 years of experience working with law firms of various sizes. She obtained her CLM in 2006.

Katie is currently serving as the Chair of ALA's Business Partner Relations Team. She has been an active member of ALA since joining in 2000 and has held various leadership positions throughout the association including ALA Board of Directors (2014 -2018), Region 6 Officer, Annual Conference Committee (2 years), Association Nominating Committee, Regional Nominating Committee, and is currently the President of the Arizona Chapter.

Katie has been a speaker for the last six years at various ALA conferences and events on various topics and very much enjoys both sharing her knowledge and learning from others.

Rumberger
KIRK & CALDWELL


**Marisa Gonzalez Eubanks**
Director of Marketing

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Marisa Eubanks is Director of Marketing for Rumberger Kirk & Caldwell, an 85-lawyer regional litigation firm based in Florida and Alabama. She advises attorneys in client development, strategic planning and branding. She served as chair of the South Florida LMA chapter, and most recently, served as the Orlando chapter chair in 2018. She has more than 30 years of experience in marketing and business development, with 20 years in legal marketing.

# Francis H. Sheppard

**Partner**

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### Practice Areas

Professional Liability
Commercial Litigation
Employment and Labor
Education

### Selected Industries

Insurance
Banking, Mortgage, and Financial Services
Construction
Education

Frank Sheppard is the Managing Partner of Rumberger, Kirk & Caldwell. He focuses his practice primarily in the areas of professional liability, employment and commercial litigation. In addition to his trial practice, Frank handles appellate matters for clients in both state and federal courts.

In his professional liability practice, Frank defends professionals from a variety of industries including legal, healthcare, construction, and financial institutions. In the healthcare industry, he represents physicians, nurses, physician's assistants and mental healthcare providers. Frank also represents business professionals including attorneys, accountants, insurance agents, securities brokers, architects and engineers. His professional liability practice includes cases that are often high profile and which involve numerous and complex issues including claims for fraud, breach of fiduciary duty, and statutory violations. Frank's years of experience managing RKC has been particularly helpful in his defense of other lawyers and law firms in legal professional liability matters.

Employment litigation plays a significant part of Frank's practice. He represents employers in the public and private sectors in cases involving claims of harassment, wrongful termination, retaliation, and violation of civil rights. Frank defends clients against claims of discrimination based on gender, age, ethnicity, religion and disability under the ADA. He has particular experience in defending school boards and other educational institutions, including claims based on the Individuals with Disabilities Education Act (IDEA). Outside of the courtroom, he speaks to clients and public groups on topics pertaining to employment litigation and counsels clients on a variety of employment matters.

Active in local Bar and civic organizations, Frank also serves the community as Chair of the Board of Directors for Hospice of the Comforter and as a member of the Florida Hospital Foundation Executive Board.

Frank also represents individuals and companies in commercial litigation matters including contract disputes, non-compete agreements, real estate disputes and claims under the Uniform Commercial Code.

### Education

- Florida State University College of Law - J.D., *with honors*, 1984
    - Florida State University Student Court, Chief Judge
- Florida State University - B.S., Finance, *cum laude*, 1981

## Honors

- Listed in Best Lawyers in America, Professional Malpractice Law- Defendants, 2015, 2017-2020
- Listed in Florida Trend Legal Elite for Labor and Employment (2010)
- Listed in Florida Super Lawyers 2007, 2008, 2009

## Bar Admissions

- Florida (1984)

## Court Admissions

- U.S. District Courts of Florida (Northern, Middle, Southern)
- U.S. Court of Appeals, 11th Circuit
- U.S. Supreme Court

## Notable Cases

- Autry v. Nassau County School Board
- Cartwright v. Home Depot, Behr Paint and Sherwin Williams
- Cascella v. Canaveral Port District
- Church of Iron Oak v. Palm Bay
- Cohen v. City of Ocala
- Cooper v. School Board of Brevard County
- Denbo v. School Board of Brevard County
- Guyer v. Alachua County School Board
- Jones v. School Board of Orange County
- N.B. by D.G. v. Alachua County School Board
- Weinstock v. Groth
- Marilyn Woodruff v. The School Board of Seminole County, Florida
- Hall v. Orange County School Board

## Professional & Civic Activities

- Orange County Bar Association
- The Florida Bar, Committee on Student Education and Admissions to the Bar, Former member
- Florida State University College of Law Alumni Association, Former member, Board of Directors
- Defense Research Institute
- Federal Bar Association
- Florida Defense Lawyers Association
- American Bar Association

## Articles & Presentations

- "What to Do When Faced with a Complaint Against Your Professional License," Orlando Business Journal, July 2018
- Co-author, "Morris v. Muniz: A Sword Against Whom?" October 2018

### Ratings and Certifications

- AV Rated by Martindale-Hubbell

### Community Involvement

- Florida Hospital Foundation, Executive Board Member
- Hospice of the Comforter Foundation (Chairman, Board of Directors)

**Cynthia P. Voth**
Director of Client Engagement & Innovation

Pier 70 | 2801 Alaskan Way - Suite 300 | Seattle, Washington 98121
*Direct*: 206.777.7558 | *Office*: 206.624.8300 | *Fax*: 206.340.9599

Cynthia Voth is Director of Client Engagement & Innovation in the Seattle office of Miller Nash Graham & Dunn—a 160-attorney firm, based in the Northwest. She works with practice teams and individual attorneys to develop their business development strategies, collect and respond to client feedback, and interfaces with all departments at the firm to oversee and provide a valuable client experience across the firm.

Prior to her current position, she was the Marketing Director of Graham & Dunn where she was responsible for all aspects of the firm's marketing and business development initiatives, including helping form new practice teams, rebranding collateral, and developing the firm's award-winning website. Cynthia has over twenty years of marketing, business development, and management experience, with twelve years in legal and the balance in corporate banking, small business, and non-profit.

Cynthia is an active volunteer with the Legal Marketing Association. She currently serves as president of the International Board of Directors. Cynthia lives in Seattle with her husband and two children and is an avid hiker.

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## BIOGRAPHICAL PROFILE
**John Remsen, Jr. - President**

John Remsen, Jr., is widely recognized as one of the country's leading authorities on law firm leadership, management, marketing and business development. Since 1997 TheRemsenGroup has consulted with more than 400 law firms and thousands of law firm leaders to help them develop and implement long-term strategic objectives to improve cohesiveness, profitability and sustainability.

John is a frequent speaker and author on law-firm leadership and marketing topics. He has spoken at national and regional conferences of the Legal Marketing Association, Association of Legal Administrators, American Bar Association, and numerous state and local bar associations. His articles have appeared in dozens of highly respected legal publications, including the *ABA Journal, Law Practice Management, Law Practice Today, Law360, Legal Management, Marketing for Lawyers, Marketing the Law Firm, Managing Partner, National Law Review* and *New York Law Journal.*

Since 1988, John has been an active member of the Legal Marketing Association, and he has served as President of LMA's Southeastern Chapter, Executive Editor of *Strategies* (LMA's newsletter) and a member of LMA's national Board of Directors. He is also an active member of the Association of Legal Administrators and a popular speaker at ALA meetings and conferences.

In 2002, John created The Managing Partner Forum, a highly acclaimed conference series and community for managing partners and law firm leaders. More than 1,200 firm leaders from 900 law firms from 43 states have participated in 26 conferences. In addition, John distributes *The MPF Weekly*, an electronic newsletter to more than 10,500 firm leaders throughout the U.S., Canada and 28 other countries.

John's influence was underscored when he was inducted as a Fellow of the College of Law Practice Management in 2013, in recognition of his 25 years of demonstrated expertise in law firm leadership and management. Founded in 1994, the College honors those who "inspire excellence and innovation in law practice management." Membership is by invitation only and includes just 200 individuals.

And the College was not alone: in 2016, John was recognized by LawDragon as one of the "Top 100 Consultants and Strategists" to the legal profession; and in 2017, John was recognized as one of the world's top "leaders and influencers" in the business of law by the Association of International Law Firm Networks.

A native of West Palm Beach, Florida, John holds an MBA from The University of Virginia (1985) and a bachelor's degree in Business Administration from the University of Florida (1980). Prior to enrolling in graduate school, John was Executive Director of The Florida Council of 100, an organization comprised of Florida's top CEOs and other business leaders.

September 2018

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# Motivating Young Lawyers to Market

*Jointly Presented Webinar - October 8, 2019*

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## Learning Outcomes

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- Identify ways to motivate young lawyers within your firm to develop engage in business development activities
- Develop ways to create an individual marketing plan for young lawyers to follow
- Discuss tips and tricks around training, support, tracking time, and more

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## Cynthia P. Voth

- President, Legal Marketing Association
- Director of Client Engagement & Innovation
  Miller Nash Graham & Dunn
  155 lawyers – Seattle, Washington
- Marketing Director, Graham & Dunn
- Pomona College
  - BA, English

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## Marisa Gonzalez Eubanks

- Director of Marketing
  Rumberger Kirk & Caldwell
  90 lawyers – Orlando, Florida
- Past Chair, LMA's Orlando City Group
- Senior Marketing Manager
  Akerman LLP
- University of Florida
  - BA, Advertising

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## Francis H. Sheppard, Esq.

- Managing Partner
  Rumberger Kirk & Caldwell
  90 lawyers – Orlando, Florida
- Best Lawyers in America
  Florida Trend's Legal Elite
- Florida State University
  - BS, Finance
  - JD

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## Katie Bryant, CLM

- Executive Director
  Udall Shumway PLC
  30 lawyers – Mesa, Arizona
- Association of Legal Administrators
  - Past Director
  - Chair, Business Partner Relations
  - President, Arizona Chapter
- University of Minnesota
  - BS, Accounting

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## John Remsen, Jr.

- President
  TheRemsenGroup
- President and CEO
  Managing Partner Forum
- Fellow,
  College of Law Practice Management
- University of Florida
  - BS, Finance
- University of Virginia
  - MBA

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## What Young Lawyers Want

- Collegial Workplace
- Compensation
- Work/Life Balance
- Mentoring by Senior Lawyers
- Client Exposure
- Flexible Schedule
- Making Partner

Source: *Bright Insight - 2018*
Cushman Wakefield, ALM, Law.com

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## Ten-Year Career Goals

- Law Firm Partner – 45%
- Not Sure – 20%
- In-House Counsel – 16%
- Non-Legal Position – 10%
- Public Sector – 4%
- Judge – 2%

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Source: *Bright Insight - 2018*
Cushman Wakefield, ALM, Law.com

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# THE MPF 2019 LAW FIRM LEADERSHIP SURVEY RESULTS

JUNE 2019

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THE MPF 2019 LEADERSHIP SURVEY RESULTS

## SURVEY METHODOLOGY

- Confidential, online survey with 40 questions
- 167 law firm leaders participated
- Firms ranging in size from 10-200 lawyers
- Conducted in April 2019
- Powered by TheRemsenGroup

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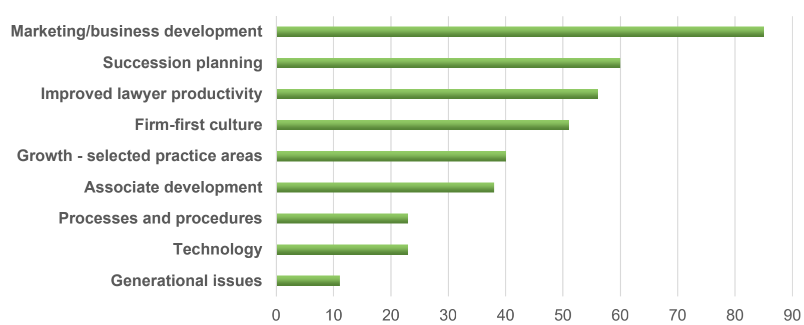
THE MPF 2019 LEADERSHIP SURVEY RESULTS

## What are your firm's most important strategic priorities?

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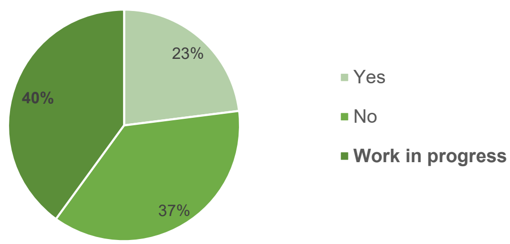
THE MPF 2019 LEADERSHIP SURVEY RESULTS

**Does your firm provide marketing and business development training for its associate attorneys?**

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## Conference Participants

- 105 managing partners and firm leaders
- Leading firms ranging in size from 9-250 lawyers
- 30 US states, DC, Puerto Rico, Canada, BWI and Turkey
- 49% of you have been here before

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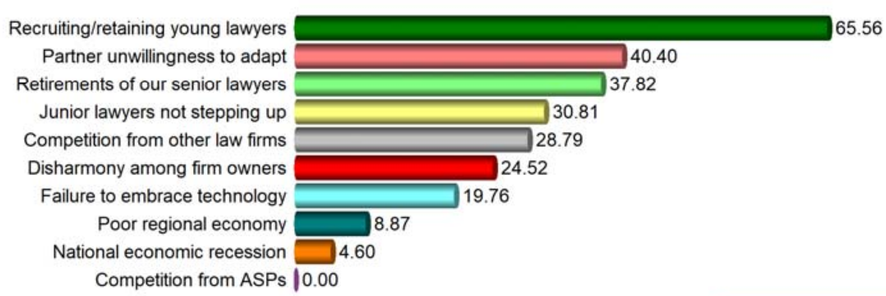
**From the list below, what are your top three concerns for the future of your firm? (THREE PASSES)**

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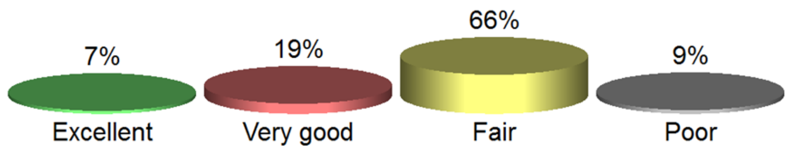
Is your firm doing a good job identifying and grooming its future leaders?

1. Excellent
2. Very good
3. Fair
4. Poor

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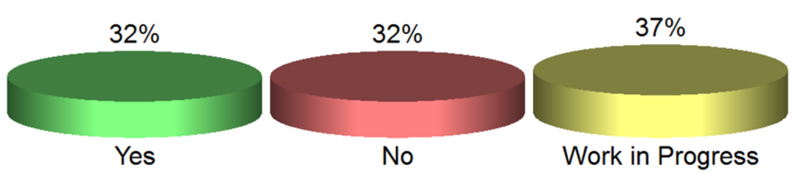
Does your firm provide leadership training and development for its lawyers?

1. Yes
2. No
3. Work in Progress

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Does your firm track the non-billable time its lawyers invest in firm-building activities?
Yes, and it really matters
30%
Yes, but it doesn't matter much
33%
Up to the individual lawyer
16%
No
21%
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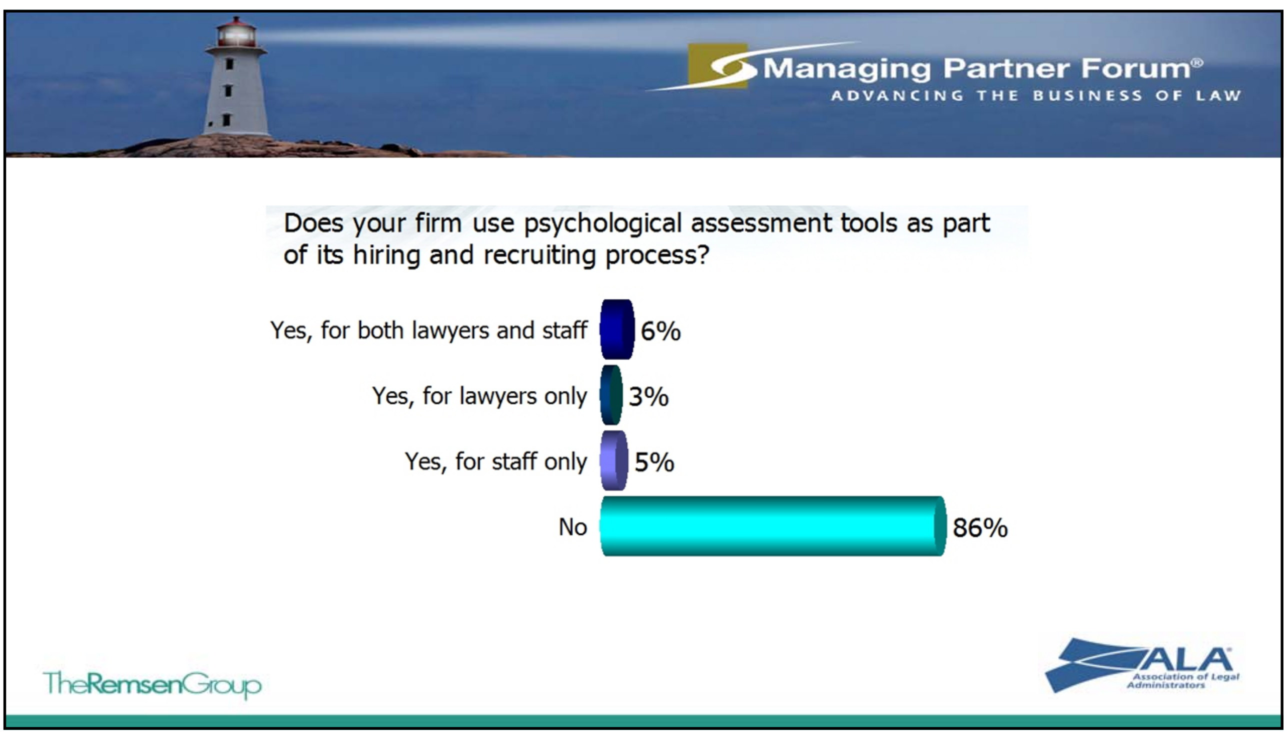
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Does your firm use psychological assessment tools as part of its hiring and recruiting process?
Yes, for both lawyers and staff
6%
Yes, for lawyers only
3%
Yes, for staff only
5%
No
86%
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## Motivating Young Lawyers to Market

**At what stage in their careers should law firms invest in the marketing and business development skills of associate attorneys?**

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## Motivating Young Lawyers to Market

**What are the best ways to train young lawyers in marketing and business development?**

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## Motivating Young Lawyers to Market


**Now let's discuss individual marketing and business development plans. What works? What doesn't?**

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## Motivating Young Lawyers to Market

**What are the best ways to bring team approaches to the marketing and business development effort?**

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## Motivating Young Lawyers to Market

**How can smaller firms encourage young lawyers to do this stuff effectively?**

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## Thank You to Our Panel

- **Katie Bryant** - kjb@udallshumway.com
- **Marisa Gonzalez Eubanks** - meubanks@rumberger.com
- **Frank Sheppard** - fsheppard@rumberger.com
- **Cynthia Voth** - cynthia.voth@millernash.com
- **John Remsen** - jremsen@theremsengroup.com

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# Motivating Young Lawyers to Market

*Joint Webinar - October 8, 2019*

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## 13 Things Your Firm Must Do Today to Attract and Retain Tomorrow's Lawyers

*By John Remsen Jr.*

Let's just get it out on the table. It's true what they say about today's young lawyers. For the most part, "millennials" are wired differently than their senior counterparts.

We've all read and heard read that young lawyers want work-life balance, mentoring, training and lots of feedback. They also tend to move around a bit, spending a year or two at several different firms before settling into a long-term arrangement. And more than half of first-year associates don't see themselves as a partner in a law firm in ten years. Check out Cushman & Wakefield's *Bright Insights* report if you want more data about what 1-3-year associates are looking for in their legal careers.

Needless to say, this is a vexing issue for many firm leaders who expect young lawyers to approach their careers the way they did 30 or 40 years ago. You remember, back in the day when we answered our telephones and it was rare to meet a female equity partner. Back then, many firms proudly exercised the "mushroom theory" of associate development. (In case you were wondering, the "mushroom theory" involves keeping them in the dark, feeding them **** and hoping that some of them will survive to become firm owners one day!)

If you care about succession and the long-term sustainability of your firm, you've got to proactively work on two things: You've got to help your senior lawyers through transition, and you've got to invest in your young people.

On the young lawyer front, realize that they are, in fact, wired differently. Therefore, your law firm must evolve and adapt to the way it practices law and services clients if it wants to be around for the long haul.

So, what's a law firm to do?

Some have adopted a strategy to hire only 5-7-year associates. This way, they're trained, they're profitable and they've figured out what they really want in their careers. Others have invested in their summer associate programs where they can assess law students for a few months before extending a job offer. Two very different approaches to recruiting tomorrow's firm owners.

With 25 years in the trenches, we've now worked with close to 400 law firms and thousands of lawyers. We've seen what works and we've seen what doesn't. Here are thirteen things your firm must do to attract and retain tomorrow's lawyers:

**Establish and Communicate Clear Expectations**
This includes clearly-defined criteria, including both financial and non-financial contributions. For consistency, these expectations need to be communicated in one voice by firm leadership and not left to the individual partners. If you want your associates to invest in any non-billable activities, track the time and reward it.

**Set Forth a Clear Path to Partnership**
Be very clear and put it in writing. Importantly, make sure all firm owners are on the same page in what they're telling the firm's young lawyers. For many firms, we recommend a two-tiered structure (70% of mid-size firms have them in place.) to accommodate work-life balance. Equity partners must be "all in" as owners.

**Provide Regular and Ongoing Feedback**
Young lawyers crave regular feedback – both good and bad. Lawyers tend to focus in the negative, so encourage your more senior lawyers to be constructive with their feedback to recognize the good things, too. Remember to praise in public and criticize in private.

**Invest in Leadership Skills**
Encourage young lawyers to get involved in key organizations and work their way up the leadership ladder. Many state and local bar associations run leadership development programs. Many chambers of commerce run leadership programs, as well.

**Invest in Business Development Skills**
Here's another skill set they don't teach in law school, yet the ABA's Model Diet for Associate Attorneys suggests 100 hours of marketing time per year. For many firms, we recommend individual marketing plans. Almost half say they do and if your firm is one of them, it's important to track the time and reward the effort. Teach your future rain-makers how to fish at a young age.

**Introduce Them to Clients**
Associates want to meet the clients for whom they're working. It's incumbent on your senior lawyers to introduce them to clients by taking them to meetings and allowing them to interact with clients as much as possible.

**Be Transparent**
Within reason, share firm (not individual partner) financials, the firm's top client list and how decisions are made. Lack of internal communication is a serious issue for many firms. Your associates and support staff want to know at least a little something about what's going on.

**Reward Performance, not Seniority**
Call out and reward high-performing lawyers. Share the performance reports (that reflect both billable and non-billable contributions) and make sure everybody knows why certain lawyers are compensated more than others. Lock-step is a bad idea.

**Invest in Technology**
You don't have to be on the "bleeding" edge, but don't get left too far behind either. Young lawyers like it when they see their firms investing in efficient time and billing software, case management software, CRM, remote access and the like.

**Build a Culture of Teamwork and Collaboration**
According to Cushman & Wakefield's *Bright Insights* Report, firm culture is more important than you might think. Young lawyers are attracted to cultures characterized by teamwork, sharing and collaboration.

**Strive for Diversity and Inclusion**
This is another important consideration if your firm is building for the future. It's become a red-hot topic in recent years and it's the right thing to do. On top of that, your clients want to see it. So do your lawyers and support staff.

**Be Selective in Hiring**
Finally, and perhaps most important, be sure you hire the right people to begin with. Look for candidates who've engaged in extra-curricular activities and have held leadership positions in clubs and organizations. Consider individuals who are the first in their families to get a college degree. We recommend psychological assessment tools to assess and place talent. Mistakes are costly, and the smaller the firm, the more important each individual is to the whole.

**Hire Slower and Fire Faster**
As mentioned above, exercise due diligence when you assess and onboard new talent. Undoing a bad decision is costly and distracting. On the flip side, if you have made a bad decision, cut your losses early if things aren't working out. It's best for all parties to sever ties and move on sooner, rather than later.

Well, there you have it. 13 things your firm should be doing to ensure a profitable and sustainable enterprise.

# # #

## About the Author

**John Remsen, Jr.**
President, TheRemsenGroup

John Remsen, Jr. is widely recognized as one of the country's leading authorities on law firm leadership, management, marketing and business development. In 1997, he formed TheRemsenGroup, which has worked with more than 390 law firms. In 2002, he established The Managing Partner Forum, the nation's richest resource for law firm leaders. He can be reached at 404.885.9100 or JRemsen@TheRemsenGroup.com.

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# TO TRAIN OR NOT TO TRAIN? THAT IS THE QUESTION

by

***Dr. Sharon Meit Abrahams***
*President*
*Legal Talent Advisors LLC*

FEATURED ARTICLE

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LAW FIRM PARTNERSHIP & BENEFITS REPORT

JANUARY 2018

# To Train or Not to Train? That Is the Question

By Sharon Meit Abrahams

A practice group leader calls the head of the professional development department and says, “My practice group needs a team-building workshop.” It would be easy to gather team-building materials, run off to the nearest fancy resort and conduct a half-day session in an effort to create a cohesive work group. Unfortunately, training as a solution is most likely a perceived need rather than a legitimate one. A legitimate training need is when a person or persons do not know how to perform a task, lack a skill or are missing knowledge. These are remedied by training. More often than not, the issue is not a training matter, but rather an outcome of poor management or lack of proper procedures.

**Conducting a Needs Assessment**

True training needs are determined by conducting a needs assessment. The following are starting points:

- review of financial reports;
- collection of poor work product;
- experience of high turnover;
- analysis of exit interviews; and
- receipt of client complaints.

A needs assessment should be conducted when performance is inappropriate or inadequate. This means when one or more attorneys or staff are not doing what they should be doing, or they are doing something they should not be doing. A formal needs analysis can uncover the problem when there is a performance discrepancy, a difference between what someone should be doing and what they are doing. This is called a *skill gap*. The goal is to move from actual performance to desired performance.

In the case herein, the practice group leader believes her attorneys are not functioning as a team: What has given her this impression? Are the hours in the department low, are clients calling to complain, are associates leaving the department? Has she gathered enough information to determine that a training program on team-building is the solution to her perceived problem? Probably not.

There are multiple methods to gather data in an effort to bring the performance gap into focus.

Table 1

**Methods for Assessing Training Needs**

| Data Collection Techniques | Primary Strength | Primary Weakness |
|---|---|---|
| Business data review | Provides objective data | Reflects past situations |
| Interviews | Obtain in-depth information | Usually labor intensive |
| Focus groups | Provides qualitative focus | Direction of discussion may be swayed by informal leader |
| Questionnaires | Narrows direction of investigation | Does not give in-depth information |
| Observation | Provides a reality check | Usually labor intensive |
| Performance data reviews (e.g., performance appraisals) | Establishes criteria | May be confounded by other variables |
| Job requirements review (e.g., job descriptions) | Provides objective data | Usually takes a long time |
| Skills test | Results are easily quantified | Does not measure on-the-job competencies |

**The Questionnaire**

Each of these methods have time and cost variables that will affect their use in a particular organization. The most common, yet least effective, is the questionnaire. It is easy to administer, but results in the least effective data. A questionnaire, to be truly effective, needs to be validated for its reliability, which takes an extensive amount of time and effort to achieve. In some situations, it is possible to find an “off-the-shelf” questionnaire that can assess a training need. One of the best techniques for gathering data is through individual interviews. This is the most costly avenue in both time and labor, but provides the most detailed information.

The key to successful interviewing is in the preparation and the questions asked. Begin the needs assessment by outlining what is already known, and validate any information that is uncertain. Continue the assessment by collecting and reviewing any documentation that is pertinent. Once all the collectible information is gathered, look for “holes” in the data and outline probing questions to ask during the interviews.

When using interviews as a part of a needs assessment, it is critical to ask consistent questions, or more specifically, the SAME question. Close-ended questions uncover factual information. For example:

- Who do you work with in this practice group?
- How many hours do you bill in a month?
- Who gives you work assignments?

General open-ended questions uncover opinions and attitudes, and often result in information that was not originally sought. For example:

- How does the work assignment process work?
- What is your opinion about how the team works together?
- How would you improve the situation?

Collect the answers in a format that can be easily tallied and reviewed. The person analyzing the data should look for common themes in work product or knowledge to determine a training need. No matter which method is used to acquire data, the key is to gather as much information as possible. To verify a performance discrepancy, also review the following:

- documents or reports about work performance;
- established standards for performance;
- evidence showing how problems affect department/organization;
- quantified standards of performance; and
- a pattern that seems to be occurring.

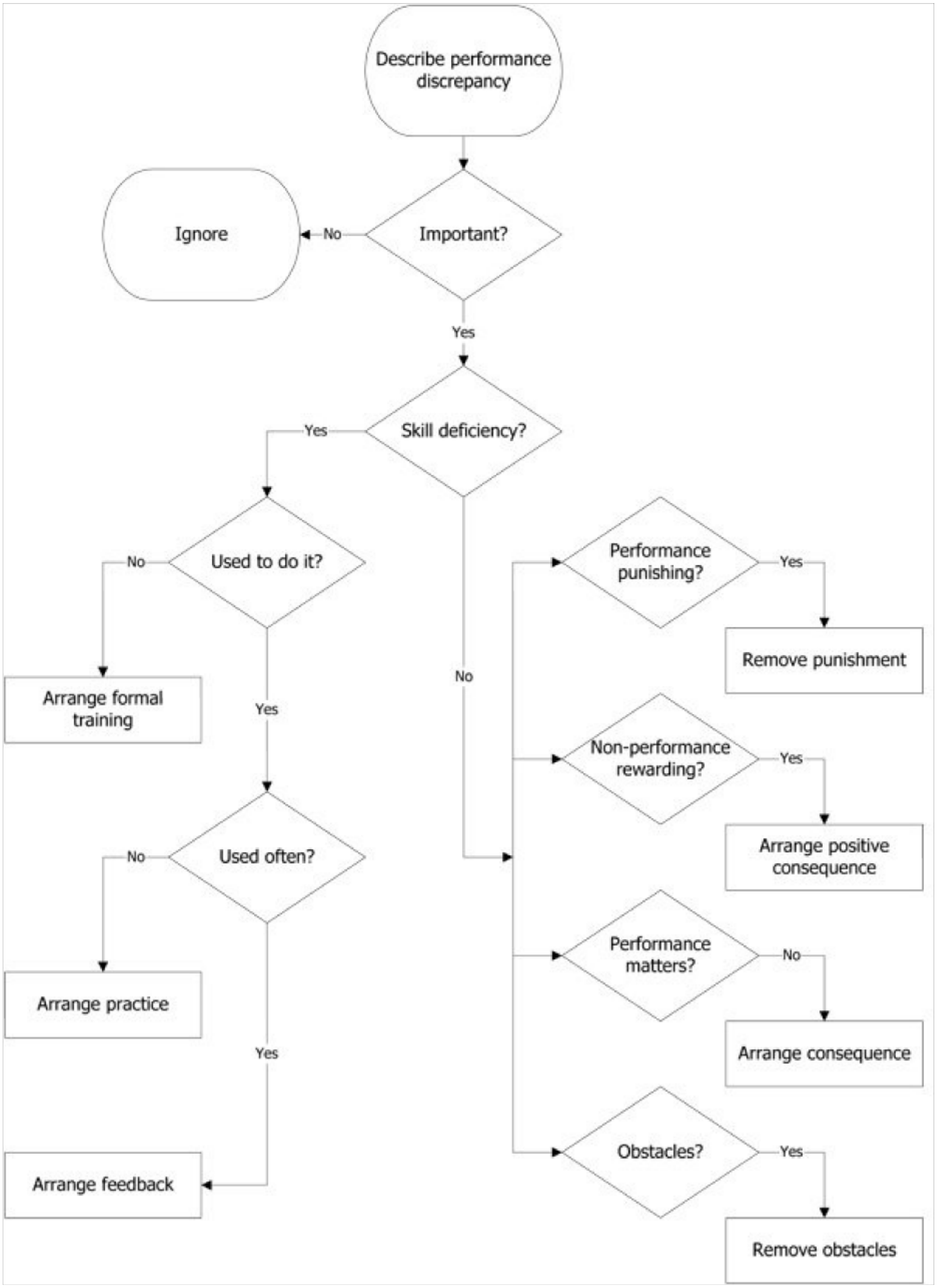
If it is determined that the performance discrepancy is serious enough to warrant action, then training solutions should to be explored.

**Analyzing the Data**

In the team-building matter from above, the data showed that everyone liked one another well enough, but that work was not disseminated equally across the attorneys in the practice area. This caused friction among the attorneys whose billable hours were low. It was determined that a training program was not the solution to the problem. A review and revamping of the work assignment process was the key to building a productive team.

Management and supervisory level attorneys have the difficult task of guiding and overseeing work product from individuals. Often, attorney managers notice a performance problem, but have little experience in assessing the discrepancies. Using a modified form of the Mager Pipe model of performance analysis, the manager can pinpoint which direction to follow. That model (pictured right) points out that performance discrepancies often fall into a management or supervisory issue and are rarely training issues.

Attorney managers turn to training as a solution for many non-training issues. Using the Mager Pipe model to focus on the real causes of performance problems will allow the attorney to solve performance problems more effectively. If the practice group leader who made the team-building request had looked at the Mager Pipe model, she would have noted that the lack of teamwork was not a skill gap, but rather there was an obstacle impeding her team's performance, namely the assignment process.



## Conclusion

A needs assessment can seem a daunting task because it is such a broad effort, but in the end, it can save time and money. The key is to conduct the assessment within a manageable time frame, allowing review and evaluation of the data prior to designing possible solutions. It might turn out that you do not need to do any training after all.

***** **Dr. Sharon Meit Abrahams**, a member of this newsletter's Board of Editors, serves as Director, Professional Development/Diversity & Inclusion for Foley & Lardner LLP.

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# HOW TO ENGAGE YOUR MILLENNIALS

by

Dr. Larry Richard
*LawyerBrain LLC*

FEATURED ARTICLE

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# HOW TO ENGAGE YOUR MILLENNIALS

By Dr. Larry Richard

These days, in most law firms, your associate classes are composed of all, or mostly all Millennials, or those individuals born in the two decades after 1982. Both research and common sense tell us that we have a problem: Millennials tend to change jobs much more frequently than any previous cohort. This means that they may depart before they are profitable for a law firm, and they're less likely to be as committed while they're there.

How can you get Millennials to stay longer and be more committed while they're at your firm? The answer is to boost the level of their psychological engagement.

I've written before about "engagement" – the desirable mindset that characterizes employees who "go the extra mile," look forward to work, "good-mouth" their firm and their colleagues, and are generally good corporate citizens and highly motivated workers. Gallup research consistently shows us that less than one in three workers in the U.S. are "engaged." We have very little hard data from law firms, but based on my many conversations with law firm leaders, it's almost certainly lower than the national average.

Why does this matter in your law firm? Elevated engagement produces many payoffs, such as:

- **Longer tenure:** Engaged lawyers stay at the firm longer. This means they are more likely to stay with your firm past their economic break-even point, i.e., the point at which the net cumulative revenue they produce exceeds the net cumulative cost that you incur hiring and training them.
- **They work harder:** Engaged lawyers work harder, think about work when they're away from the office, and go the extra mile.
- **They're more motivated:** Engaged lawyers don't need to be "incentivized" – they do the work because they want to.
- **They're more conscientious**: Engaged lawyers are more likely to think "firm first," to reach out to help others, and to be good role models for younger members of the firm.
- **They're more satisfied:** Engaged lawyers have higher levels of job satisfaction. Should they eventually leave, the odds are good that they will become goodwill ambassadors down the road.

How do you increase engagement in Millennials? Some firms have tried superficial fixes – *e.g.*, on the assumption that Millennials like technology, firms increase their spend on whiz-bang devices, devote more resources to using social media, or, on the assumption that Millennials like work-life balance, introduce more flexible rules that allow more lifestyle choices. There's nothing wrong with these interventions – they may actually be seen positively by Millennials – but it's important to understand the psychological principles at work here. Once you do, you'll see that there are some deeper and more durable steps that you can take.

Let me put these practices in context: Back in 1959, a psychologist named Frederick Herzberg developed the "Two-Factor Theory of Motivation"; it's been validated in hundreds of studies over the years and is still considered good psychology today. Herzberg proposed that workplace motivation is a function of two things – the first he called "hygienes," and the second he called "motivators." Hygienes are things that employees want, and when they don't have them, they become unhappy with their job. Hygienes typically include things like having a nice work environment, having the right tools to do your job, being paid fairly, receiving reasonable perks, etc. Notice that they're all extrinsic, *i.e.*, external to the psychology of the individual. The items that I referred to above as "superficial fixes" would all constitute "hygienes" under Herzberg's theory.

His theory says that while a hygiene can cause dissatisfaction when it is missing, the opposite is not true – that is, when you give someone the basic hygienes, it doesn't affirmatively motivate them. It merely prevents dissatisfaction.

Conversely, "motivators" affirmatively motivate people, but their absence is not necessarily *de*-motivating. It's just that without them, there is little reason for an employee to become engaged. What fits into the "motivators" category? All of the principles and practices that we're about to discuss. You'll notice that they're all *intrinsic*, and all evoke a positive emotional experience in an ongoing way.

## THE MILLENNIAL ATTITUDE

Let me introduce you to these principles by first offering an important foundational idea: The attitudes that Millennials share – about technology, about lifestyle, about how committed they are to work, about how long they plan to stay at their job, about their work ethic, about the amount of feedback they need, etc. – are largely *learned* attitudes. Shared experiences with their peers, saturation messages from the media during their formative years, and societal role models have all contributed to the attitudes that we see in Millennials today. Such learned attitudes can be quite durable, but there is one thing that can override them: Evoking hardwired, innate human needs that all people respond to. And that's what the process of building psychological engagement really is about – implementing principles and instituting practices that evoke deeply held desires that are innate in all of us, and anchoring those practices into the culture of your workplace. And, to use Herzberg's nomenclature, all of these principles qualify as "motivators."

There are five such principles and practices that you can use to build engagement of *all* your lawyers (in fact, of all your law firm personnel) and in the process, you will not only increase their tenure and commitment, but you will build greater morale and a more collaborative workforce. Here are the principles:

1. **Autonomy/Self-Determination:** People like to have the feeling that they have some latitude to make choices, and that they have some amount of discretion in how they do their work.
2. **Meaning & Purpose:** People want to know that their work matters, that it makes some sort of impact, or is even inspiring. And if that impact helps society, an institution, or other people in some way, it generally matters even more. In addition, people also thrive when they see steady evidence of regular progress towards a meaningful goal.
3. **Social Connection:** This is a complicated one because it embraces at least three separate lines of research: (*i*) People want to collaborate and team up with others in pursuit of a common goal; (*ii*) People want an opportunity to have camaraderie and to form friendships in the workplace; and, (*iii*) People want to be "included" and feel a sense of belonging, acceptance, and to be part of something larger than themselves. Lawyers tend to overlook this entire category as a motivational tool, especially (*ii*) and (*iii*).
4. **Competence, Mastery & Achievement (*i.e.*, the work itself):** Young lawyers want to know that someone is not merely "giving me an assignment," but is, at the same time, "*genuinely* interested in helping me to become the best, most proficient lawyer I can be." People thrive when they develop a sense of mastery and competence around something, and then get to use that strength every day. This is amplified when they feel someone in a supervisory role genuinely cares about their development.
5. **Respect & Gratitude:** People blossom when they are treated with respect and gratitude, and they shrivel when they are disrespected, or worse, ignored.

For each of these principles, there are both institutional practices that a law firm can institute, as well as simple but powerful behaviors that an individual supervising lawyer can enact when interacting with the lawyer being supervised.

## INSTITUTIONAL PRACTICES

What can law firms do to create an environment in which engagement flourishes?

Law firm leaders can implement systemic changes that establish these five principles as policies. Keep in mind that these principles are all based on solid scientific research, not my personal opinion. There are many such possible changes – here are five simple examples to get you started:

1. **Autonomy/Self-Determination:** In designing any program – from a training program to a timekeeping system to a process for submitting claims for reimbursements – be sure to give some thought to how much discretion your associates have when they participate in that program. Even adding modest tweaks that give them simple choices can increase their subjective sense of autonomy. People like to have choices; they don't like being boxed in or micromanaged. Another way to evoke this principle is to invite associates to provide input into the design of such programs.

2. **Meaning & Purpose:** Does the firm have a meaningful mission statement? Does it have a statement of values? Does it live up to its values? Does it have a pro bono program? Have you created a culture in which it's the norm for a partner to explain the context of an assignment to an associate (so associates can see the impact their efforts will have)? Have you established any regular events that allow associates to see firsthand the positive impact of their work product in the client's business? All of these can add a sense of meaning.
3. **Social Connection:** Have you created a culture of collaboration? Does your comp system reward or discourage teamwork? Do any of your workplace policies inhibit the formation of friendships, fraternizing, or informal relationship-building? Do you have a formal orientation program for new associates and for laterals (partner or associate)? Does the program intentionally include steps to convey a sense of inclusion to participants? Do you train your partners to role-model an "inclusive" mindset when they interact with associates? Do you convene frequent face-to-face retreats, especially of smaller working groups such as practice groups or client teams?
4. **Competence, Mastery & Achievement:** Do your leaders role-model an attitude of "development"? Do you train your supervisory attorneys in the basic principles of how to engage associates? Do your training programs help your associates identify their strengths? [*Note*: There are several excellent tests that measure strengths, including the Clifton StrengthsFinder (Gallup), the VIA Inventory of Strengths, and the R2 (formerly Realise2) from CAPP in the UK.] Do you encourage supervising attorneys to try to identify the strengths of each individual associate and to give associates as much opportunity to use their key strength(s) on a regular basis?
5. **Respect & Gratitude:** This is all about (*i*) attitude (respect) and (*ii*) the *genuine* use of two simple phrases – "Please" and "Thank you."

## INDIVIDUAL PRACTICES

What can the supervising lawyer do to build engaged associates? (The key here is the "supervisory relationship." Gallup's research makes a very strong case that people are "hired by companies, and quit a supervisor." Each of these behaviors can be easily taught to lawyers in supervisory roles, and they're simple enough that you can put them into practice immediately.) Here are five very simple actions you can take:

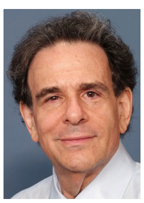
1. **Autonomy:** Don't micromanage associates. Always try to give them some form of choice in as many ways as you can.
2. **Meaning & Purpose:** When you give an associate an assignment, always provide enough context so associates see the potential meaning and impact of their contribution.
3. **Social Connection:** First, be sure you don't impede the formation of friendships. Try to foster and encourage social connections, and make small but noticeable efforts to genuinely help associates feel included. Additionally, supervisors should be role models for collaborative work rather than engaging in self-aggrandizing or isolating approaches to working with others.
4. **Competence, Mastery & Achievement:** In assigning work, pay attention to your attitude – in addition to using the associate to get work done for your client, are you also genuinely paying attention to the developmental needs of the associate and helping that associate increase his or her mastery of the skills needed in practicing law? Are you genuinely interested in seeing the associate develop and become more skilled?

And are you actively helping to provide *regular* authentic evidence to that associate of their progress towards mastery? Have you given any thought to this question: What skill or talent does this associate do just about better than anyone else? Is there a way to encourage the regular use of that skill?

5. **Respect & Gratitude:** My advice for supervising lawyers on this element is identical to my advice to firm leaders – adopt "an attitude of gratitude," and liberally (and genuinely) use "Please" and "Thank you."

Notice that I've used the words "authentic" and "genuine" repeatedly in the preceding summary. All five of these suggestions will fail miserably if done in a mechanical way. The key is to genuinely mean it. It's all about attitude. This may sound simple to say, but it's a big lift when trying to teach highly skeptical lawyers to think differently. The good news: The science is strong, these behaviors really *do* make a difference, and the stakes for failing to engage your Millennial associates are quite high, so even the most skeptical lawyers may feel the tug of rationality.

If you are a leader in a law firm, you have two broad tasks. First, apply these "individual" interventions to yourself whenever you find yourself in a supervisory role, guiding, developing, or mentoring younger lawyers. Second, be an advocate to implement the "institutional" versions of the five principles that I've described above within your firm. The combination of an individual and institutional effort will yield huge payoffs, not just in more engaged and longer-tenured Millennials, but in your own personal job satisfaction.

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Dr. Larry Richard is the founder and principal consultant at LawyerBrain LLC. A former trial lawyer, he also holds a Ph.D. in psychology and is considered the leading expert in the psychology of lawyers. His blog, *What Makes Lawyers Tick*, is read by law firm leaders across the AmLaw 100. You can find him at www.lawyerbrain.com.


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# Young Professionals: Cultivate the Habits of Friendship

## By David Maister

Most young professionals realize early in their careers that, at some point, skill in generating business will be an important determinant of their success. However, many believe that, in the early stages of their career, they do not have much opportunity to develop these skills.

This could not be further from the truth. True, few clients will trust someone still "wet behind the ears" with their business, but it is never too early (or, for that matter, too late) to begin the process of learning how to earn and deserve trust.

The way most clients choose among professionals is essentially identical to the way people choose their friends. At the point of selecting a professional to work with, clients go with providers who can (a) make them feel at ease; (b) make them feel comfortable sharing their fears and concerns; (c) can be trusted to look after them as well as their transaction and (d) are dependably on their side.

Creating these feelings in others begins with the correct attitudes (few people can make others think they care when they don't) but also require the development of conversational and interpersonal skills, which only come with practice.

If you have an active social circle and people like being with you in your personal life, the odds are that you will have a significant advantage in learning the skills and habits of business development. If, on the other hand, you're a social recluse personally, you will find it more difficult to get clients to see you as the trusted advisor they wish to work with.

Two key points must be stressed. First, none of this means that you can be anything less than excellent technically. The issue is not whether you are competent or trustworthy, but whether or not you are *both*.

Second, it is not necessary (or even always advisable) to actually make your clients your best friends. Friendship skills, while useful in both personal and professional life, can be put to different purposes. But first you have to develop them.

**Making Friends**

I had to learn these lessons the hard way. For years, I have worked for clients who have been gracious enough to invite me to dinner the evening before or after my work with them. They weren't trying to get more work out of me; they just wanted to be sociable.

However, after a long day's work, the prospect of still being "on duty" has not been attractive to me. It's not that I don't like my clients, but that I prefer to unwind by being alone. I'm not *that* sociable by nature. (I don't drink, I don't like sports. I like the Bee Gees. You get the idea.).

This is something I now regret. I have missed a lot of opportunities to form relationships with interesting people, and I know it would have helped me a lot professionally to make the gesture occasionally. I have tried to make up for it by being attentive and dedicated to my clients on the work issues during work hours, and to some extent that has been effective.

But I know I missed something important due to my social habits. At a minimum, I have undercapitalized on the many opportunities given to me to build profitable and fulfilling long-term client relationships.

## A Talent For Friendship

There are people in this world who have a talent for friendship. My (late and very lamented) friend Roger Bennett, with whom I went to Harvard Business School, was so good at friendship that, in his 40s he was still in regular touch with people he went to school with at age 12, with people from all walks of life, tastes, social standing, income levels and preferences.

Roger could talk sports with some people, switch to an intellectual discussion of philosophy with others, share cooking tips with a third group. Lots of people considered Roger their best friend, and few people did not enjoy his company.

Yet he was never anything but himself. He was not a chameleon, acting differently just to blend in. He fit in everywhere because he was interested in a broad range of things.

The actress Angelina Jolie was interviewed on television and asked if she had to like the characters she was portraying in order to act them well. Her answer was brilliant. She said something like: “You can’t love everything about everyone. But there must be something there. The key is to find that one small slice of overlap between you and them, and focus intensely on that overlap, ignoring everything else.” I don’t know about acting, but that sounds like a perfect recipe for human relationships to me.

Someone can be your friend if you have *anything* in common. You don’t need a majority of things in common. There are none so lonely as those who dismiss others as “not my kind of person.” If someone else has to match you to be your kind of person, you will have few friends.

Notice, it’s not about pretending. It’s about actually working hard to find the area of mutual interest or common ground, whatever that might be. People can get very lazy at this, or unpracticed in doing it with politeness and sincerity.

For example, if I am in the wrong mood, I can find table talk at a dinner party to be an effort. I say to the person my left “And what are your hobbies?”

"Oh," he or she might reply, "I love mountain climbing."

At this point I have to fight an overwhelming desire to turn immediately the person on my right side to save me from having to ask a follow up question with the first person. Mountain climbing! Ye gods, this is going to be a long night!

Other people can and do immediately think of three or four follow-up questions ("Where do you go? Do you climb alone? What got you started in this?") and can keep posing additional questions all evening long.

By the end of dinner, their table companion, who has done nothing but talk about himself or herself the whole time has come to think of the questioner as an enjoyable person to be around. He or she will look forward to meeting again.

So it is with business development and client relations. The most trusted advisors in every profession are not those who have a ready answer for every client problem, but those who can, through questions and conversational style, put the other person at ease, make them want to tell you about themselves and engage in a dialogue.

And just as in personal life, it is done not by trying to be impressive, but by learning how to show a genuine interest in other people and keep them talking, not primarily doing the talking yourself.

Can this habit be abused? Yes. Will it work if you are only faking it? No. Can you leave it out? No.

Surprisingly, it also turns out that you are also more likely to build a bond with someone by letting them help you than being too keen to try and help them. My wife, Kathy, is involved in a variety of handcraft groups. She reports that some of her most dedicated friendships began when she confessed her (relative) weaknesses and accepted help from others, whereas those she helped often resented (a little or a lot) having to seek out or accept her input.

Again, this matches client relationships and business development. You will accomplish more by saying to potential clients "I'm not sure I understand why you are doing things the way you do, could you explain it to me?" than you will by saying "If you'll just shut up and listen, I'll tell you the right answer to your problem."

As professionals, we sometimes think that, to be impressive, we must demonstrate our competence by never revealing our weaknesses or areas of ignorance. This belief is incorrect. One of the ways you build friendships is to let people help you. Developing the self-control to do it that way is a lifelong learning process!

**Start As You Mean To Begin**

When I was young I thought that the way you made friends was by turning yourself into an interesting person. Eventually, I learned the truth: You don't make people want to spend time with you because they feel good about *you*. You do it by making them feel good about *themselves* when they are with you.

For example, do people feel comfortable around you? (No, she's always trying to be the center of attention.) Do they enjoy themselves when they are with you? (No, he's always trying to win arguments and prevail.) Do they feel they can let their guard down and tell you how they really feel and what they are really worried about (No, because when I do people are always trying to take advantage of me. I don't trust them to be really interested in me.)

None of this means you need to make people feel good by engaging in false flattery, which is soon detected and rejected. It means that you learn to talk and act in ways that make people feel comfortable and safe around you. They feel that you are *on their side*. That you can disagree and have lively debates without taking things personally, because the friendship matters more than anything else.

It turns out to be the same in business development. The key to getting hired is not convincing the client things about you ("I'm terrific, trust me!") but being convincing that you will look after them.

It's also worth pointing out that, with people, you get points for trying. It's like a romantic relationship. You don't have to be perfect. Your partner just wants to see that you're sincerely trying to do the right thing. Your motives are more important than your abilities.

**Friendship Attitudes and Behaviors**

Abilities, however, do count and that's where getting started early matters.

Suppose you wanted to be good at building romance, excelling at getting another person to work with you to build a mutually beneficial, mutually supportive relationship. What characteristics would make you good at this? Most of us have discovered that whether it be love, friendship or work, people respond best when they believe you are *considerate, supportive, understanding and thoughtful*.

These are easy words to say, but being viewed this way is not trivial. You actually have to earn the reward through your social habits. Many of us want to be considered as supportive, but that doesn't mean we know what to do in order to be seen that way.

For example, to be seen as considerate you have to be able to remember to follow up with things that people told you about their lives last time you met, thus proving that you listened and paid attention. The classic example of this in business is to send along a newspaper clipping or article that you find that responds to something the other person made reference to.

To achieve the desired effect, this must not come across as, and must not be, a formulaic gesture. You don't "cheapen the currency" by doing it all the time, and you must ensure that the clipping or article actually *is* useful so that you are not immediately seen to be making phony gestures.

It also helps to follow up with questions about what you were told last time you met, as long as you are skilled in phrasing your query ("How did it all work out with that guy you met?") so that it comes across as concern and not as overly intrusive.

This is a delicate issue of language, which needs to be done differently with different people. They are not inherent talents, but habits of social intercourse. Habits that can only be developed with practice.

Social courtesy works in personal and business life. It is remarkably effective to remember to telephone your host or hostess the day or week after a party to say something like “I just wanted to say thank you for the party the other night. I had a great time. What time did you eventually get to bed after clearing up the mess we all made?”

Exactly how formally or informally this will be expressed is different in different parts of the world, and among different types of people, but the habit of expressing appreciation (and judging just how much is enough without being false) can – and must be – developed over a lifetime.

Similarly, it is remarkably powerful to call clients after a business meeting to say something like: “I just wanted to let you know how much I appreciate the opportunity to work with you. Thanks! See you next time, as planned.”

Done with a sensitivity to local culture and phraseology, such a call can go a long way to making the other person realize that you do not just see him or her as a “business contact,” but as a person with whom you want a friendly relationship. Not everyone will reciprocate, but the majority of people will.

If you do not develop the habit early in life, the act of making such a telephone call after a meeting could feel awkward and you will either leave it out or do it poorly, not quite creating the casual, comfortable “just a quick call between us friends” atmosphere that you wish to create.

For example, my old friend Roger was very good at working at staying in touch with everyone. He didn’t need an excuse to telephone. He would just pick up the phone to ask how everything was going. He did that to all his business clients as well as his friends. To him, there was no difference, and one context was no more difficult or embarrassing than the other. It was just the way he dealt with people.

To be viewed by other people as *supportive* also takes thought and careful attention to language. It is important to remember that friends don’t judge each other. They don’t evaluate. They don’t point out each others’ weaknesses. Even when asked directly (“Do I look fat in this?”), friends work hard to find the language that deflects criticism (“I like the other dress better.”)

Suppose that your friend has a child that is badly behaved. You don’t say “Your kid is a little horror!” nor “You’re raising that kid incorrectly”, even though both statements may be true. Instead, a friend might say something like “Have you ever thought about doing or saying ‘such-and-such’ to little Ashley?”

Having the ability to respond with the right phrase in real time takes practice, as do all social skills. Can you recall how difficult it was to find the right words and tone when you first wanted to signal to someone that you might be interested in a date? Can you imagine what it would be like if you still had to do it the same way today as you did that first time?

So it is with business development. If the first time you try to convince someone that you are interested in them and their business and want to help is when it is urgent for you to win business, you will be under too much pressure to learn it fast. Better to start practicing now, when there is less pressure for immediate results and more room to develop your own style, discovering what works for you.

**Cheers! Skol! Salud!**

In almost every society, ancient and modern, the cultural norm is to build friendships over food and drink. There is no more culturally accepted way to develop a friendship than to share a meal.

You want to be good at business development later in your career? Start inviting the people that you meet in the course of your work (whether they are powerful client executives, administrative assistants or anyone else) for coffee, lunch, a drink.

Ask them about their work lives and their personal lives. Do it as an exercise in developing your "curiosity muscles." Do it as an exercise in asking good follow up questions about what people tell you. Do it to develop your ability to understand other people who are not like you. Do it now.

If your reaction is that doing so will not pay off for you immediately and therefore is not worth doing now, then you are missing the whole point about human relationships and you are going to be very bad at getting people to entrust you with their business.

If you only do things when it pays off for you in the short term, your attitude will be readily transparent. People will see that you view them "instrumentally," interested in them only to the extent that you can get what you want. And if they detect this in you, they will give you what you want less often.

The key to business development success is making people believe that you are truly interested in a two-way relationship, and that you are willing to earn and deserve your relationship. You must first make deposits in the "trusting relationship bank" if you wish to make withdrawals later.

You will actually need to be willing to get interested in people and initiate relationships, and that means being willing to ask someone out for a drink without being self conscious about it. And the only way to get to that stage is to have a history of doing it!

One of the most important habits of friendship is taking the initiative and doing the inviting, not just waiting to be invited. Do you remember that from adolescence? The way you get people to ask you out for a drink is to ask them out for a drink first. If it feels uncomfortable the first time, and an act of tremendous courage, well, it is.

We all need to get to the stage that we can talk to someone we're interested in (a client or a romantic prospect) without being frozen into inaction by our hopes and fears. The guidelines are well known. Keep it casual, keep it small, take it a step at a time, but get out there and start meeting people.

Yes, we hated it when our parents told us to do that as children and it doesn't make it any less terrifying today, but the habits are identical and you don't get better at them by going to a training program.

**More Friendship Habits**

People good at friendship work hard at developing joint habits and routines, whether it's as simple as discussing "last night's game" or going to the same place each time for a cup of coffee. For my friend Roger and me, regular sessions of playing cribbage (the card game) became our way of cementing and celebrating our bond. I rarely played the game with anyone else.

Good friends go out of their way to celebrate each others' small triumphs and make it their business to be there in times of need for their friends. They stay alert for any opportunity to help, in ways big or small, without keeping track of who has done how much for whom. That's *exactly* what happens in effective business development.

Clearly, there is more to say about friendship skills, but my purpose here is not to report everything you have to learn. Goodness knows, I have only learned a little of what I should have. The key lesson is that it is learnable. You don't have to be a natural to get better at this.

And, for goodness sake, start earlier than I did!


David Maister is the author of *Managing the Professional Service Firm* (1993), *True Professionalism* (1997), *The Trusted Advisor* (2000) (coauthor), *Practice What You Preach* (2001) and *First Among Equals* (2002) (coauthor.)

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## Your Guide to Develop Your Individual Marketing and Business Development Plan …and Why Every Lawyer in Private Practice Should Have One

*by John Remsen, Jr.*

In my humble opinion, every lawyer in private practice – regardless of how many years practicing law – should consider having an Individual Marketing and Business Development Plan. Here's why:

**You Will Seize Control of Your Career**
Creating and implementing your Individual Marketing and Business Development Plan enables you to seize control of your career. In time, it puts you in a position to attract and retain clients you enjoy, and matters you find challenging and interesting. You will also be less dependent on others to feed you. There are two kinds of lawyers in private practice: lawyers with clients, and lawyers who work for lawyers with clients. Which would you rather be?

**You Will Make More Money**
Rainmakers make more money – *often a whole lot more money* – than non-rainmakers in just about every law firm in the US. Chances are you've heard the terms "finders, minders and grinders." Trust me; the action is with the finders.

**You Will Have More Clout in the Firm**
Lawyers who bring in business also have more power within their firms. Over time, they emerge as firm leaders, influencing important decisions about the firm, its policies and procedures, and its future direction.

**How Much Time Should You Invest?**
Of course, *implementing* your plan is the key to success…and it takes time. Non-billable time. I recommend that Partners invest 200 hours a year, and 100 hours a year for Associates. It's critical you do a little bit every day. Fifteen minutes here. A half-hour there. Effective marketing and business development is not a "start-stop" process. It's about habits and it's like an exercise regimen…results come with consistency over time.

**What Types of Things Should You Do?**
Partners should visit top clients at the clients' places of business each year. Associates should focus first on honing their legal skills and "credentialing" activities. For all attorneys, lunch once a week with a client, prospective client or referral source is a good habit. Joining and being actively involved in a well-chosen organization is another good thing to do. Article writing and speech giving are good activities, as well.

**Make the Commitment to Yourself**
Of course, developing and implementing your Individual Marketing Plan requires non-billable time. And, herein lies the dilemma for many lawyers. Non-billable "marketing time" is not rewarded -- and sometimes not even measured -- in many law firms. No matter, you should invest the time anyway. In his book *True Professionalism*, David Maister states that billable hours are for today's income, but what you do with your non-billable time determines your future. I couldn't agree more.

**Just Do It!**
The following pages set forth our outline for an effective, well-focused Individual Attorney Marketing Plan. Before the New Year begins, I suggest that you take the time to review this outline, develop your Personal Marketing Plan, and commit to its implementation. Only you can do it. Do it for you!

Happy marketing!

April 2018

TheRemsenGroup
Smart Strategies for the Forward Thinking Law Firm

## INDIVIDUAL ATTORNEY MARKETING AND BUSINESS DEVELOPMENT PLANS

**Guidelines for an Effective Plan**

Here are a few guidelines to help you develop your Individual Marketing and Business Development Plan. Of course, one of the main purposes of a written plan is to focus your time and attention on meaningful activities that will enhance your professional reputation and allow you build relationships with persons in a position to hire or refer you.

Your Individual Attorney Marketing and Business Development Plan should:

- **Play to Your Strengths and Personality**
  Not everyone is cut out to be the glad-handing social butterfly. Instead, you can help organize a firm event or write an article series for a trade publication.

- **Be Consistent with Firm Goals and Objectives**
  Ideally, the firm first determines its strategic marketing goals and objectives. After that, individual attorney plans are developed to support and achieve them.

- **Focus Your Attention**
  Your time is valuable and should not be frittered away on random acts of lunch and golf. Rather, you should focus your attention strategically in activities that will enhance your credentials and allow you to build relationships with key individuals. A plan helps you be more proactive and eliminates distractions.

- **Be Simple and Realistic**
  Your plan should be realistic and achievable. Avoid the natural tendency to spread too thin. Keep it simple. Pick your top priorities and get them done.

- **Be as Specific as Possible**
  We’re talking who, what, where and when...not general statements about getting closer to bankers or CPAs.

- **Motivate You**
  …to do the things you need to do to achieve long-term success for both you and the firm. But mostly for you.

- **Evolve Over Time**
  Take a look at your plan every month. Are you doing what you said you would do? Take pride in your progress. Make adjustments as needed.

April 2018

## Marketing and Business Development Program

Attorney Sign-Up Sheet

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**Name:** ____________________________________________________

**Practice Group:** ____________________________________________________

**______** **YES! Count me in!**
**I want to participate in the Firm's Marketing and Business Development Program.**

As a participant in the program, I agree to participate in the following ways:

1) Attend Initial Session on ____________.

2) Submit and gain approval of my Individual Marketing and Business Development Plan by the Firm's Marketing Partner (and/or Chair of my Practice Group) by ______________.

3) Regularly attend and participate in the Firm's monthly marketing meetings.

4) Put forth my best effort to achieve the goals and objectives set forth in my Individual Marketing and Business Development Plan.

5) Submit my Monthly Marketing Report at the end of each month to the Firm's Marketing Partner (and/or Chair of my Practice Group).

6) Record the time I invest in marketing and other non-billable contributions to Firm goals and objectives.

7) Adopt a sharing and team-oriented approach to marketing and business development wherever possible.

8) Comply with occasional requests for assistance in the implementation of Firm and Practice Group goals and objectives

**Signature:** ________________________________________________

**Date:** ________________________________________________

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## INDIVIDUAL ATTORNEY MARKETING AND BUSINESS DEVELOPMENT PLAN

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**NAME OF ATTORNEY:**____________________________________________

**AREA(S) OF PRACTICE:** ____________________________________________
(the fewer, the better)

**TARGET AUDIENCE(S):** ____________________________________________
(the fewer, the better)

### YOUR TOP FIVE CLIENTS

List below your top five clients over the next 12 months. They need not be the biggest in terms of current revenue, but they have the potential to generate desirable future work. <u>What do you plan to do over the next year to grow the relationship?</u>

| Client Name | Contacts(s) | Estimated Fees Over Next 12 Months |
|---|---|---|
| 1) ____________________ | ___________________________ | _______________ |
| 2) ____________________ | ___________________________ | _______________ |
| 3) ____________________ | ___________________________ | _______________ |
| 4) ____________________ | ___________________________ | _______________ |
| 5) ____________________ | ___________________________ | _______________ |

### YOUR "A" LIST

Next, list below ***<u>at least</u>*** 15 key contacts with whom you will proactively build and enhance your relationships over the next 12 months. These contacts may include existing clients, prospective clients and/or referral sources and be sure to include contacts(s) from the clients you listed above.

Recommended relationship building activities include Client Site Visits (for clients and referral sources), ongoing personal contact, hand-written notes, regular meeting dates, invitations to Firm-sponsored seminars, entertainment, holiday card/gift, birthday card, add contact to Firm's mailing list, etc.

## YOUR "A" LIST (Cont'd)

| **Name** | **Company** | **Relationship Building Activities** |
|---|---|---|
| 1) ____________________ | ___________________________ | _______________ |
| 2) ____________________ | ___________________________ | _______________ |
| 3) ____________________ | ___________________________ | _______________ |
| 4) ____________________ | ___________________________ | _______________ |
| 5) ____________________ | ___________________________ | _______________ |
| 6) ____________________ | ___________________________ | _______________ |
| 7) ____________________ | ___________________________ | _______________ |
| 8) ____________________ | ___________________________ | _______________ |
| 9) ____________________ | ___________________________ | _______________ |
| 10) ___________________ | ___________________________ | _______________ |
| 11) ___________________ | ___________________________ | _______________ |
| 12) ___________________ | ___________________________ | _______________ |
| 13) ___________________ | ___________________________ | _______________ |
| 14) ___________________ | ___________________________ | _______________ |
| 15) ___________________ | ___________________________ | _______________ |

**Activity Codes:** G= Golf, FG= Football Game, BG= Baseball Game, L= Lunch, D= Dinner, CSV= Client Site Visit, HP= Holiday Party, etc

## ORGANIZATIONAL INVOLVEMENT

List below the organizations to which you belong, your current level of involvement and your goals during the next 12 months.

| **Bar Associations**<br>(List organizations by name) | **Current Involvement** | **Goals for Next 12 Months** |
|---|---|---|
| | | |
| | | |
| | | |

**Industry Associations / Other Organizations**

| | | |
|---|---|---|
| | | |
| | | |
| | | |

## SPEECHES AND SEMINARS

List below any speeches you intend to present, or seminars at which you will speak during the next 12 months.

| **Organization** | **Topic** | **Date** |
|---|---|---|
| | | |
| | | |
| | | |

## BY-LINED ARTICLES

List below any by-lined articles you intend to write during the next 12 months.

| **Publication** | **Topic** | **Date** |
|---|---|---|
| | | |
| | | |

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## ABA's "MODEL DIET"
## FOR ASSOCIATE ATTORNEYS

| Activity | Number of Hours per Year |
|---|---|
| Billable Client Work | 1,900 |
| Pro Bono Work | 100 |
| Service to the Firm | 100 |
| Client Development | 75 |
| Training and Professional Development | 75 |
| Service to the Profession | 50 |
| **TOTAL** | **2,300** |

Source: American Bar Association
Compilation includes all types and sizes of law firms

## ONLINE PRESENCE AND SOCIAL MEDIA

Indicate below the online networks and directories where you maintain a current and active profile.

| | | | |
|---|---|---|---|
| LinkedIn | ____ | Martindale-Hubbell | ____ |
| FindLaw | ____ | Chambers | ____ |
| Best Lawyers | ____ | Twitter | ____ |
| Facebook | ____ | AVVO | ____ |
| Other | ____________________________________ | | |

## OTHER CONTRIBUTIONS TO FIRM'S MARKETING GOALS AND OBJECTIVES

Please list below any additional contributions you intend to make to the Firm's marketing program over the next 12 months.

## YOUR STRENGTHS AS A MARKETER

Finally, please rate what you think your strengths are as a marketer on a 1-10 scale with 10 as the highest score.

| | **Poor** | | | | | | | | | **Excellent** |
|---|---|---|---|---|---|---|---|---|---|---|
| One-on-One Interaction | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Organizational Involvement | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Personal Networking | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Public Speaking | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Writing Articles | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Event Organization | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Other (please specify ____________________) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

**TIME COMMITMENT**

Please indicate the total number of hours you intend to devote to marketing and business development activities over the next 12 months.

_____________ hours

**BUDGET REQUESTED**

Please indicate the dollars you are requesting for marketing and business development activities over the next 12 months.

**$ _______________**

**SIGNATURE:** _____________________________________________________

**DATE:** _______________________________