

The Technician Trap for the New Millennium

by Dustin A. Cole

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Are you the classic attorney, caught in the "technician" trap of doing, doing, doing, with no vision of how to make your practice grow? If so, you could be heading for a crash.

The Graying of the Profession

Today, some 58% of the profession is over 45 and a 25% is over 55. They were taught in law school that if you "just do good work, the business will come to you." For most of their careers, it worked, because there was a basic scarcity and a high demand for attorneys. Until as late as the turn of the century, the "corner store" model of the law practice was the norm, and it worked, allowing lawyers to cling to the image of themselves as "professionals" and NOT business people. Client development was somehow considered unethical, and anyone who did it was labeled as clearly not good enough for their work to speak for itself.

Unfortunately, the rules have changed dramatically:

- There are now more than 1,200,000 lawyers in the country, one for every 248 Americans - half of whom will never use a lawyer.
- There are some 48,000 new lawyers being churned out by law schools every year, few of whom have found jobs and are hanging out shingles to snag whatever work they can find at whatever fee they can get.
- The internet, do-it-yourself software and online legal services are giving the consumer vastly more options, and are significantly reducing consumer demand for basic lawyer legal work.

More non-lawyers are offering traditionally lawyer-provided services such as real estate closings, estate planning, tax work, simple divorces and bankruptcies.

Scariest Quote of the Year

"Starting in late 2007 and then hitting law firms in September 2008 like a sledgehammer, the supply-demand equation shifted dramatically. For the first time in the careers of most lawyers, there was an oversupply of lawyers for the available work. And, just as in other businesses, whenever that change occurs, services become more commoditized, competition increases and pricing pressure goes up."

-- Bradford W. Hildebrandt, chairman and founder of law firm consultant Hildebrandt Inc.

How Chaos at the Bottom Reverberates Up

The changes also seriously impact the lawyer delivering higher-level legal work. In particular, by impacting other good lawyers:

- Firms are increasingly driven by the rainmakers, with good "technicians" who don't bring in their own business being pushed out of previously secure firm positions into solo and small firms, where they try to compete on expertise - and price.
- Those same firms are replacing the higher-cost older lawyer with younger, less expensive lawyers, often on a virtual and/or contract basis, essentially doing piecework.

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Page 2

The New Definition of Insanity

The old definition of insanity is doing the same thing over and over and expecting different results. Today that definition has changed: doing the same thing over and over and expecting the same results. The old rules don't apply, the old results don't happen. All of this comes at a bad time for the older lawyer considering how to "land" their practices successfully and move toward retirement. In fact, almost half of my current clients are seeking help in to create practices that can land them successfully.

How to Step Out of the Trap: Three Essential Perspective Shifts

To step out of the trap, it's essential that the older lawyer shift his or her perspectives about the practice of law, and begin operating the practice differently.

Perspective Shift One: Accept Change

It is exceedingly difficult for most older lawyers to achieve. It's simply becoming open to the concept of change; a willingness to move out of the groove and explore new ideas, new directions and new ways of approaching the practice of law. The brutal truth is that it's not really a choice. Change won't go away - but the lawyer who doesn't address it very well could.

Perspective Shift Two: Move from Technician to Entrepreneur

This is a new way to think about the attorney's values and purpose that will move the attorney from "technician who has a job" to "owner of a very successful legal business."

The "technician" is seriously at risk for two reasons: first, when there is a lot of work, they have only so much capacity, and are unable to grow their business beyond their personal capability to produce it. The second reason is that the technician is only focused on doing the work, not making sure there is work to do.

The new hierarchy of value is:

- 1. Client Development - the horse that pulls the wagon. Without clients, legal skills are irrelevant. Unlike the "corner store" of the past, the successful lawyer must focus on creating demand, rather than waiting for it to show up.
- 2. Client Relationships - once attracted, the attorney must build and maintain the client's trust, during the work and after, for future business and referrals.
- 3. Planning and Strategy - laying out the plan and steps to accomplish the client's objective.
- 4. Managing the Team to Obtain the Result - "managing" is the key word here. The experienced attorney leverages lower-level work - including the day-to-day oversight and client contact - down to team members and provides quality control and accountability to achieve the result. Without this step the attorney hits the proverbial ceiling on their capacity to handle clients, on their revenues - and on their physical energy to accomplish the work.
- 5. High-Level Legal Work - As the attorney grows their practice, they accomplish only the highest-level work which only they can accomplish. Everything else is delegated to a lower level.

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Page 3

Happily, these basic shifts are congruent with the attorney's long-term desires to create a successful retirement scenario: build a highly successful practice or firm that can provide the retirement scenario of choice. No one retires successfully from a failed firm.

Perspective Shift Three: Move From the Groove

The attorney must be willing to step away from "this is how we've always done it" and move to "what changes are needed to achieve my goal of a successful practice?" This might mean a shift in practice focus, a shift in market area or industry focus, or a willingness to try new methods of attracting business, such as web and internet presence, focused personal referral marketing, heightened presence in key organizations, etc. In essence, the attorney piloting the practice must be willing to turn the wheel in the direction of the road, rather than driving straight and off the cliff because "this is how we've always done it."

Change Agents Resist Change Themselves

How have we come to this - nearly an entire generation of lawyers struggling with change? Strangely enough, these same lawyers are perfectly comfortable with change in their technical world - witness the constant and intensive legal education that is an institutional part of the profession. But when it comes to business, we can credit law schools for doggedly teaching that it's a "profession" not a business, and the "just do good work" approach to practice rather than the practical skills for building a successful legal business.

It would seem to be only a short putt for the traditional practitioner to realize that "profession" and "legal business" aren't mutually exclusive. In fact, only if there is a well-run, successful legal business can the attorney fully deliver on his or her commitments to their clients, their family - and themselves.