



BY HEATHER SUTTIE

The Fickle File Fairy

Finding your own work beats reliance on a fair-weather friend

IF YOU THINK that work will continue to magically appear on your desk without your helping it land there, you are in for a reality check. At the best of times, the File Fairy is mercurial and can play favourites, but when work becomes scarce and the circle of those who get it shrinks, the doling out of assignments can become ruthless.

In many firms, work is increasingly being pushed down to lower levels in an effort to help manage costs for clients. In some instances, work is bypassing the junior partner and associate tiers, and landing on the desks of paralegals. For those in the associate ranks in particular, this is undermining their sense of self and leaving them scrambling to hit targets for billable hours.

The antiquated process of assigning work may be partly to blame, which is why reliance on the File Fairy must end. Lackadaisical attitudes that assume “work will always be there” must also change, and entitlement needs to be replaced with entrepreneurship. In other words, people need to learn to find their own work.

Over the years, I’ve been noticing that reliance on others for work – rather than developing one’s own business – has become increasingly prevalent within mid-size and large firms. Generally speaking, and particularly with regard to junior lawyers, this problem seems to have some or all of the following symptoms: lawyers aren’t taking initiative because work is being handed to them; they’re being discouraged by those who may see them as a threat; they don’t know how to develop their own work, and aren’t provided with the time and tools to learn these skills.

It’s not just the young ‘uns that have this problem. I’ve spoken with senior partners who, finding themselves suddenly on their own, have no idea how to begin to look for work. By the time they get to me, they’re

literally down to their last file, and are terrified and desperate.

> FINDERS, MINDERS, GRINDERS — AND BLINDERS

In the glory days, many law firms structured their organizations along the lines of finders, minders and grinders. Everyone knew his or her place, and law firm life was hunky-dory. While in some firms, those categories still exist, a new one has also emerged: blinders.

According to a November 2014 survey in *The American Lawyer* magazine, 49 per cent of new partners surveyed didn’t think that bringing in business had any bearing on whether they would be promoted to either an equity or non-equity partner. Rather, 84 per cent believed their promotion was a result of performing first-class legal work, and 60 per cent credited the strength of their commitment to the firm.

This bunch is missing the big picture! Where do they think new work will come from? Clients are the heart’s blood of every firm and they don’t materialize out of thin air. Clients are the result of mutually beneficial relationships, many of which must be nurtured over time. Commitment to the firm doesn’t necessarily mean loyalty to it in good times and bad. And the notion of providing first-class legal work is nonsense. First-class work is an expectation and a bottom-rung achievement. Anything less should get you fired.

> FEAR OF FAILURE

Lawyers are criticized for being risk-averse. But that’s not necessarily risk-averse; it’s more that they are afraid to fail. According to Delee Fromm, a lawyer and psychologist who provides leadership skills training to Canadian and US law firms, denial may play into it, along with her finding that,



typically, lawyers’ personalities are not geared to look for business.

In May 2014, Fromm released her book, *Advance Your Legal Career: Essential Skills for Success*. In it, she sorts lawyers and the work they do into three style categories: surrogate, service and solid: “Surrogate work is when there is not a direct relationship with the client. Service work is when the file is serviced in exchange for financial compensation. And solid work is where there is a genuine relationship based on trust. Most work is surrogate or service in nature; rarely is it solid.”

One of the main factors hindering lawyers from building their own book of business is the priority placed on expertise. Says Fromm, “I think one of the biggest factors is the lack of acceptance by many lawyers that law is a business and that lawyers are professional SERVICE providers. This is due to the focus in law school and law firms on subject expertise. ‘If you are good, clients will come to you’ is a common myth.”

As common a myth, it would seem, as the File Fairy. 🗑️

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