



BY HEATHER SUTTIE

Change by Degrees

Lawyers are advised to make changes to their practices steadily and consistently, and avoid overanalyzing



BY NOW, most of us in the legal field have come to realize that developing new ways of delivering legal services is really the name of the game, particularly if there's a desire for the firm to stay solvent. The question is: what needs to change first, and how can this be accomplished?

Generally speaking, and more so lately, I'm finding that lawyers and firms want to talk about how changes apply strictly to themselves. They want to know exactly what to do, when to do it, and how long it will take to bring results. While a desire for instant gratification is nothing new and certainly not limited to lawyers, this myopic view and notion of quick-change artistry seems removed from reality.

The reality is that change is different for everyone and usually happens once the lawyer or firm has reached the point where they can't stand another minute of whatever is causing them pain. The remedy takes as long as it does and results happen when they do. Then, in a peculiar twist of fate, it often happens that once results are consistent and become adopted long-term, those who experienced the original pain and smiled through gritted teeth during the change seem to forget the root cause and adopt the familiar mantra of, "But we've always done it this (new) way."

Change usually doesn't happen fast. It

requires goal-setting, diligence and consistent effort. But if you don't do anything, nothing will happen. Or as Eric Shinseki, U.S. Army General (retired) more pointedly put it, "If you dislike change, you're going to dislike irrelevance even more."

WHAT MAKES LAWYERS TICK

Speaking at this year's annual meeting of the Canadian Bar Association, lawyer and psychologist Larry Richard indicated he understood what makes lawyers tick. His data showed that lawyers are trained to think skeptically, are low in psychological resilience that leads to avoidance of being criticized, and possess a high level of abstract reasoning.

"In short, we love the 'thinking' part of responding to change," said Richard, "but not necessarily the 'taking action' part. In fact, lawyers are often prone to over-analyzing the pros and cons of any suggested action, which ironically can lead to inaction."

WHAT MAKES CLIENTS WALK

While it's inevitable that some clients will walk away, a couple of key factors will help keep them put: service trumps price and industry trumps practice.

Having conducted client feedback interviews for years, it's fair to say there are three major risks that can cause a client to quit a firm: not taking a keen interest in a client's business and continuing needs, lack of prompt response, and failure to communicate regularly, especially when dealing with an active issue. Fees are rarely the reason clients leave. In fact, some respondents have said they are willing to pay higher fees if service is exemplary and work is sterling.

Clients are interested in their industry, not your practice. If you must organize internally by practice area, fine. But externally — which is all any client really cares

about and should see — position your services according to industries and not imaginary sectors dreamed up to fit self-interests. Instead, use the North American Industry Classification System (NAICS). It is the gold standard for sector identification and not arguable because the classifications are self-assigned by each client, who will always know her or his business better than anyone.

WHAT MAKES THINGS WORK

The conversation around change and how to go about it can be as formal as a full-up client-feedback program or as informal as a chat. Because many firms do not ask for input, those that do are head and shoulders above the competition. Clients who are invited to offer their thoughts and ideas for improvement are happy to actively help firms make changes to keep the client-lawyer relationship healthy.

As for how lawyers can address the challenge of effecting change for themselves, "There's no one single magic bullet," Richard says. He suggests applying multiple methods simultaneously. Among the most important are strong leadership and role-modelling at the top, using pilot groups of early adopters who can provide social proof to colleagues that change is possible and positive, and "above all, the articulation and dissemination of crystal-clear goals that have an inspiring quality that not only engage the head but the heart as well."

Albert Einstein once said that we cannot solve our problems with the same thinking we employed when we created them. So, perhaps the trick is to make changes constantly, consistently and by degrees. And try not to overthink it. ☺

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