



Why Lawyers Really Struggle
for Work-Life Balance

Six Steps to a Successful Law Practice and a Happier Life

DUSTIN COLE

About the Author



Dustin Cole is Master Practice Advisor and President of Attorneys Master Class. With more than 25 years of practical, in-the-trenches work with attorneys and firms across the country, he specializes in helping firms increase their efficiency and capacity, become more effective team managers, and create more effective marketing programs.

He has provided CLE programs on practice management, marketing, succession and transition planning and risk management for more than 75 state, local and specialty bar associations, and has trained more than 11,000 attorneys in more effective marketing and operations.

He has been a keynote speaker at nearly every state bar solo and small firm conference, has contributed to several state bar law practice manuals and has written articles for dozens of publications.

Cole is a regular contributor to Attorney at Work. Other helpful articles can be found on his blog, www.resipsalawyer.com

Information on his support programs can be found at attorneysmasterclass.com, and he can be reached at 407-830-9088 or Dustin@DustinCole.com.

The Real Reasons Why Law Practices Don't Work

Depression, drug and alcohol abuse, heart disease, divorce and suicide. No one would argue against the need for the legal profession to shift away from the unhealthy work models that place lawyers at risk. In this guide, however, I want to examine the root causes of these harmful models and present a process for building a more successful law firm and a happier life. Otherwise, it's like telling someone with a broken leg "just try to be more careful walking, and take a lot of aspirin." Palliative, but not curative.

Is Your Practice Stuck in the Past?

What's my definition of a practice that doesn't work? In a phrase, it's one with a structure that has not changed significantly since its earliest days.

When a practice is new, it's easy for the attorney to keep track of and stay on top of a few files, and stay in communication with a few clients. But as the practice grows, the typical response is simply, "I have more work to do, so I have to work harder." So, the attorney keeps working harder, adds a couple of staff, and now has both more work to do and more people to try to manage. Unfortunately, the attorney typically has no managerial skills, nor a plan for growth, except to "work harder, work longer."

Soon, working nights and weekends becomes the norm, along with waking up at night worrying about what didn't get done, and getting calls from irritated clients. "That's just what it takes to have a successful practice."

Young lawyers with lots of energy and a "sacrifice now to succeed later" mindset work long hours, try to keep that ever-expanding number of matters in mind and on their desks, and grow older. Over time, the energy and drive they had at 30 decreases. But the work — if they're lucky — keeps expanding, and every year it becomes harder to maintain the 30-year-old's pace.

Is it any wonder the profession has such high rates of depression, drug and alcohol abuse, heart disease, divorce and suicide?



In This Profession, Success Kills

Law school embeds a “no boundaries” mindset about the practice of law. Big exam tomorrow? Big load of assignments? Work until the wee hours, pull all-nighters and take amphetamines to keep going. Then go out for some celebratory, stress-relieving drinks afterward. Associates in large firms know that mentality continues into practice. Thrown an overwhelming load of work on a short deadline? Work until the wee hours, pull all-nighters, start missing family time and personal time, and go out for a drink after work to relax. Well, “That’s just what it takes to succeed in the practice of law.”

In most larger firms, associates are still working in a kind of extended boot camp, where it’s “let’s see who can survive the pressure.” But for many, the alternative — starting their own firm — can be a nastier edition of the same game. Struggling to make a living. Then seeing the work expand to take over their lives — without an escape clause. They just have to keep working harder as the firm grows, because “I’m making good money, my name is on the door and I have some prestige. I can’t give that up!”

The path to achieving better work-life balance starts with refusing to accept that “this is the way we’ve always done it.” It requires asking a clear question:


“How do we need to operate differently so I can have my nights and weekends free again?”

Six Steps Toward a Successful Firm and More Satisfying Life

Successful lawyers learn new ways to operate their firms so they can keep building their practices while having (or recovering) a life.

At the 20,000-foot level, here are my six steps:

1. Acquire better management skills.
2. Implement better technology.
3. Create and install better systems and procedures.
4. Develop better teams and delegate more work.
5. Build a better market focus.
6. Deliver better legal services.



Notice the placement of the element that is most lawyers' greatest pride: legal services. Last. Why? Because most of the work of any firm is procedural and straightforward. It's not rocket science. And frankly, if you rarely need the rocket scientist, it's cheaper to collaborate with another firm than pay for such expertise. Conversely, if you have a practice that is all rocket science, like appellate or patent law, it's a different animal and one that is harder to grow. The most successful practices deliver non-rocket science services because the market is larger and the services are easier to deliver.

One Cautionary Tale

Most lawyers are cheap. They have a cash-flow mentality: "We can't afford that." They think of cost first and desired result ... well, rarely. So even as they address any one of these six steps, they will tend to reduce their decision to the lowest — or cheapest — level. Then, when early actions fail to deliver the desired efficiencies or revenues, they will discard it as a bad deal and return to the "more work means more work" approach.

Successful attorneys (my standard: one who has a great practice and still has a great life) understand the need to look beyond "costs" to "benefits" that can increase profitability and improve everyone's well-being. For instance, in a rising market, successful attorneys never hesitate to hire a skilled paralegal because they know a good paralegal will be a profit center — they can bill about three times their salary. Successful attorneys never hesitate to make a "capital investment" in people or technology because the goal is a long-term payoff of happier clients and better, more expedited work. And they never stop the quest for a better market focus and a better client base.

Successful Lawyers Don't Get Stuck in "Well, That's What We Do"

Did you get that? Capital investment. It means cost now, return later. It's the difference between a "practice" and a "legal business."

Truly successful firms understand that to deliver the best legal services, to develop the best reputation and establish the best client base, they must have a foundation of great business practices.

"Practice" and "business" are not antithetical. They're complementary. Collaborative. Cumulative.

Now, let's dive into those six steps for building your practice while having a life.



Step 1: Better Management Skills

If you “just want to do the law,” I have bad news. If you’re in a small firm, you have a business and you have to manage it.

The purpose of your practice is to allow you to have a good life. If management is last on your list of priorities, you’ll struggle with revenues and personal income, and suffer long hours and stress — all those things that make the legal profession potentially deadly.

Or you can decide to learn how to manage it well and prosper, both professionally and personally.

Let’s Talk Management

Good practice management entails five specific areas:

- Yourself
- Your finances
- Your team
- Your marketing
- Your clients

Managing Yourself

Here’s the truth: If you don’t manage your time, everyone — and everything — else will. Let’s look at a list of self-management problems.

Cellphone communications with clients. Giving clients your cell number is like saying “You’re welcome to stop by my home anytime.” So if you value your personal life, don’t do it. Simply tell them: “The best way to reach me is on my office number or by email. Cellphones are not secure communications, so I keep mine for personal use only.” Any client who won’t honor that will be trouble in other ways. Cellphone communications can also be harder to track for documentation and billing.



Text messaging with clients. Text with clients is bad for business and your personal life. But if you can't resist, or have the type of practice that requires it, make sure you never text anything that could be remotely construed as legal advice. Texting encourages knee-jerk rather than thoughtful responses, and these abbreviated messages are seriously prone to misinterpretation. If you insist on texting, limit it to non-legal responses such as "let's set an appointment to discuss that." Once you open that door, though, expect midnight text messages.

Returning calls. Interruptions are a primary source of lost billable time, so try to take only scheduled calls. Have your team schedule calls to be returned in a designated time block so you can deal with them when you're ready, rather than allowing a call to interrupt you from other tasks. It also makes it far easier to track billable calls.

Phones in general. When the phone rings, it immediately controls our priorities. So when you're in production time, with a client or in a team meeting, put your office phone on DND, and turn your cell off or give it to your assistant. Tell your family that if it's an emergency and they get voice mail, they're to call your assistant or the main office number.

Email. We've become like Pavlov's dog with our inboxes. The bell rings and we're off. Email is one of the biggest distractions and time-wasters. Have your assistant triage your email, then schedule two times a day to deal with the remainder. Turn off your email until you're ready to review it, or at least turn off the messages notification.

Social media. Lose the addiction. Simply avoid it during your workday. If you're using it for marketing, do it during your scheduled marketing time. At the least, schedule time to do it, and don't allow it to distract you.

Studies show you are far more effective if you "batch" like tasks. Set aside specific times on your calendar for doing legal work, marketing, meeting with your team, returning calls, responding to emails, and attending client meetings. Use the power of your calendar to help you stay focused. Scheduling blocks of time to work on specific matters also facilitates tracking billable time.

Managing Your Finances

If you do your own books, stop. Hire someone trained to do them. When you're doing the books, you're not doing billable client work, or marketing to get it, or going home to your family. If you can't afford to pay a bookkeeper, you should be using your time to market



instead of hiding out in the books. Besides, you'll probably save enough in late charges to justify the cost.

If your assistant does the books, get them trained on the proper software and review their work weekly. Employee theft — or disastrous incompetence — can be deadly.

One of the biggest problems with doing your own books is maintaining your trust accounts — often, even to the extent of depositing or withdrawing funds in a timely manner. Trust account problems have lost more than one attorney their ticket to practice. (See [“Would You Pass a Trust Account Audit?”](#))

Managing Your Team

The moment you hire your first team member you're a manager.

- Is your team clear on roles and responsibilities?
- Do you have job descriptions?
- Are you fully utilizing them by delegating everything they can do so you can focus on legal work and marketing?
- Are you over-utilizing them — giving them work they're not qualified to do, overloading them with too much work, or using them as a buffer for clients you don't want to deal with?
- Do you wait until everyone is working at 150 percent capacity to hire, then hire cheap and cheerful rather than more expensive but more qualified *and* valuable?

You can't build a great practice without enough great team members, and without learning to be a good team manager *and* leader. And yes, there's a big difference between the two. (We'll talk more about this in part 4.)

Managing Your Marketing

Most attorney marketing is MBWA: marketing by wandering around. Doing whatever, whenever time permits. And it often comes last, because it's what you least want to do. So build a plan. Personal marketing — to referral sources, prospects and former clients — is still highly effective and cheap. It's not rocket science. There are only four rules:

- **Talk to the right people.** Create a database of your clients and referral sources, and reach out and touch them regularly to achieve top-of-mind awareness.



- **Build trusting relationships.** Be helpful, interesting or informative in your communications. People won't hire or refer to someone they don't trust.
- **Make sure they know what you do.** Sure, they know you do wills. But do they know you handle real estate matters? The biggest reason clients don't return for other services is that they're not aware their lawyer handles that kind of thing! In the same vein, simply telling people you're "a lawyer" or have "a general practice" isn't useful information.
- **Keep in touch consistently over time.** Our lives are busy and memories are short. If I haven't heard from you in a year, chances are I'll take my business to the lawyer I just talked with or received a communication from. Stay in touch. Stay top of mind.

Managing Your Clients

Too often, lawyers allow clients to manage and manipulate them. Good client management starts with client selectivity.

- Will they pay their bill? Get a retainer or partial payment upfront. If they resist or try to bargain, stop. As noted legal author Jay Foonberg says, "It's better to NOT do the work and not get paid."
- Will they be reasonable to work with? Respect your advice? Treat you and your team courteously? Miserable clients create miserable lawyers and staff. They're the first ones to file a grievance or malpractice suit. Don't accept or tolerate abusive clients. Life's too short.
- Is the work within your skill set? Many a malpractice claim has stemmed from taking the wrong work.

In addition, effective initial client education is critical to a good client relationship and getting paid. Understand that most people don't have any idea how the whole attorney thing will go, so they get nervous and distrustful. If they're not told how the process will look, they'll make it up for themselves — and you get to be wrong.

There is a specific structure for good client education and intake. It should explain the process, detail how clients will be communicated with, offer an estimate of the timeline, and explain each team member's role and other specifics of the relationship.

Your retainer agreement is a critical part of that education. Does it further a good relationship or frighten with legalese and obtuse language? New clients should leave happy they hired you, not worried and confused. (Part 6 has more on good client service.)



Step 2: Better Technology

Technology can be your ticket to a profitable, well-balanced law practice. Don't lose ground.

Choosing and using technology well is essential to an efficient, growing practice with satisfied clients, a happy team — and less stress. If you haven't reviewed your firm's needs against your current technology, especially operations software, in more than two years, I can almost guarantee your practice's needs have changed and that your operations — and profits — are suffering. A firm that is not constantly evolving is losing ground.

The Technology “Duh” Factors

Technology can be your ticket to a successful, profitable practice — or it can be a debilitating nightmare. Let's start at ground level with what I call the “duh” factors.

- **Duh Factor 1:** You don't regularly back up your data.
- **Duh Factor 2:** You back up but don't check that it was successful.
- **Duh Factor 3:** You have multiple computers running various versions of Windows and Office.
- **Duh Factor 4:** You have multiple versions of documents on multiple computers (no document-drafting protocol) and have sent out the wrong version more than once.
- **Duh Factor 5:** You allow everyone to save stuff to their own local drive.
- **Duh Factor 6:** Everyone has their own Outlook or other calendar, which isn't fully shared.

To evolve your technology, instituting officewide protocols to eliminate the “duh's” is a good place to start. (More on improving procedures in part 3.) Next is evaluating the software you need to run your practice.



Basic Software Categories

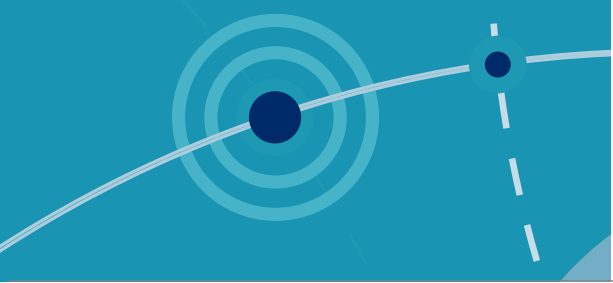
Essentially, there are six basic types of software for operating your law practice:

1. **Office function software.** This includes Microsoft Office, the Mac Office suite and several other compatible products. And yes, there are alternatives, including the Google suite.
2. **Practice management (or case management) software.** This category includes Clio, MyCase, Zola Suite, Firm Central, Needles, TrialWorks and about 50 others. Some are better for small firms, others are for the big kids.
3. **Document assembly or document automation software.** Many document assembly products are for specific practice areas, such as real estate, estate planning and family law, and some are general, such as HotDocs and ActiveDocs. Many practice management software providers say their programs include document assembly, but beware: This may mean simple merge forms and far more limited capabilities than true document assembly programs.
4. **Time and billing software.** This category includes Tabs3, PCLaw and Timeslips. However, the days of free-standing time and billing programs are waning as many more practice management programs include time and billing functions.
5. **Research software.** This encompasses Westlaw, LexisNexis, FastCase, Casetext, Case-Maker and more. Even Google has a decent (free) research tool, Google Scholar.
6. **Accounting software.** QuickBooks and FreshBooks fall into this category, of course. The problem is that most accounting packages are not made specifically for legal needs. Many of the newer practice management programs offer built-in accounting software, but make sure it is fully functioning accounting software and not merely time and billing. A widely used old standby is Tabs3, which has acquired Cosmolex practice management software. One of the best of the newer practice management programs, Zola Suite, has a full accounting package, with an optional integration with QuickBooks.

The Technology Everyone Needs

We sometimes forget what underlies everything we do on a computer. The operating system. One of the primary advantages of updating to the latest operating system isn't the new bells and whistles. It's the upgraded security.

Whether Windows or Mac, you need to have the best basic security protection you can get. And you don't have it if you're using an older operating system. If you are using an



older operating system — Windows XP or Windows 7 (saints preserve ye if you're still using Vista) or version 10.4 or lower on a Mac — you are setting yourself up for being hacked, or a systems crash.

So what other software do you need? Depends.

Why You *Don't* Need That Sparkly, Shiny Software

Let's get real. If you have a practice with less than, say, 25 open files and most are transactional or short-term such as criminal or DUI matters, you don't need much in the way of practice management tools. At this stage, let's say a good digital filing system, calendar, task management system and email manager. You have those last three in Outlook — at least in the latest version.

So for you, the path to greater productivity is to study up on the software you have. Learn how to use it to its capacity. Read tech blogs, check out the [ABA Legal Technology Resource Center](#), watch [videos like those from Legal Office Guru](#), listen to podcasts from legal technologists on [Legal Talk Network](#), and get hands-on training.

Why You *Do* Need That Sparkly, Shiny Software

If you're still at the above stage and plan to grow, the time to put the procedures in place to help you grow safely and profitably is *now*, while you still have a smaller number of files, and a smaller staff. Too many lawyers struggle to stay afloat with 100, 200 or more files without changing how they operated with 25 to 30 matters. The results are predictable: missed deadlines, errors, unhappy clients, grievances and malpractice suits — and an attorney who has a heart attack at 40, a divorce at 45, and a drinking problem at 46.

And if you are already growing and struggling to keep up, it's time to take the leap. The practice that is not evolving is dying. And sometimes the attorney is too.

If your practice involves complex matters and multiple parties, and you have many other people working on the same matters, you'd better have good case management software. And you'd better be fully digital. Otherwise, you are severely limited in your capacity and efficiency and you will, in time, make a mistake, miss a deadline or lose important documents or information.

Why You're Probably Wasting Time and Money Right Now

When I walk into a firm for an operations review, my rule of thumb is that whatever software they have — practice management, research, document assembly, even word pro-



cessing — they're probably using about 25 to 30 percent of its capabilities. And rarely has this been far from the truth.

Why? Because of any or all of the following:

- They bought the wrong software from a good salesperson.
- They didn't pay for the maximum training for every user.
- They don't train new employees — they let existing staff train them informally.
- They didn't buy the maintenance and support packages.
- They haven't created a detailed user manual or procedures protocol.
- They don't have an in-house problem-solver guru who knows the software intimately.
- They don't exercise quality control to make sure everyone is using the software in the correct, standardized way.

One of my favorite trial practice software programs, Needles, simply won't sell its software without a training and support package because they know from experience the client won't have the best experience with their software and will blame them.

It reminds me of one of my favorite admonitions regarding new client intake: If you don't explain upfront how the process will work, who they will talk to, about how long it will take, and about how much it will cost, clients will make it up for themselves, and you'll get to be wrong.

How to Choose and Use the Best Software

See “Why You're Probably Wasting Time and Money” above. Do the opposite.

What Type of Practice Management Software Do You Really Need?

The first need is usually to track time and get the bills out with the least pain. It's one reason for the wild popularity of Clio and MyCase. They make billing easy. If you have either program, though, take time to learn their many other capabilities. The most valuable, in my opinion, are the calendaring, task management and merge forms/template forms capabilities. Clio has an advantage in that it interfaces directly with Office 365. MyCase has template forms capabilities but uses its own word processor, which may create issues in document management.



Don't make the mistake of buying software that isn't designed for your type of practice. If you have an estate planning practice, you probably don't need general case management, and your calendaring can be handled neatly with Outlook. What you may need instead is good estate planning and document management software.

These are my basic requirements for case management software capabilities:

- Time tracking and billing
- Robust calendaring, including automated scheduling of statutes of limitations and critical deadlines
- Robust task management capabilities
- User-friendly case and matter management screen
- Full integration with Office 365
- Easy-to-use template merge forms capabilities
- Fully integrated email functions (i.e., doesn't rely on an Outlook "hook")
- Secure client communications portal
- Full accounting capabilities or full integration with QuickBooks
- Sophisticated document management and versioning
- Customer relations management (CRM) capabilities
- Full-feature mobile phone integration
- Credit card payment processing
- High-level data security

Frankly, few programs have ever met all of these requirements, which is why I have never endorsed any practice management software.

The Bottom Line

Good use of technology should be your first point of leverage to create greater efficiency and manage your clients, your matters and your team more effectively. As I said earlier, if you are not constantly evolving you cannot grow. Bear this information in mind as you review your current software or look to your next evolution.



Step 3: Better Systems and Procedures

Systems that work “most of the time” aren’t good enough to grow. You need consistency, accountability and quality control.

Merriam-Webster defines “procedure” as “a usually fixed or ordered series of actions or events leading to a result.” Their example: “followed the procedure for replacing the broken part exactly as the owner’s manual instructed.” And it defines “system” as “a method worked out in advance for achieving some objective.”

How many times have you tried to program a new piece of technology — for instance, a new smart TV — without the manual? How’d that go?

How many times has a team member forgotten a task or step in a matter? How often have you done the same?

Move Past Tribalism in the Law Office

Many staff — and lawyers — live in a so-called workplace tribe. They learn tasks by dint of verbal instructions from others, akin to tales around the campfire. Unfortunately, “tribal memory” can be dangerous.

“I don’t need to write it down,” a good team member will say. “I’ve done it for years. I know how to do it.”

Sure. But what about the next person who does it? What about those crazed moments of crisis when team members are distracted or interrupted, or when someone else has to step in to do their job? What about a task that hasn’t been done for months?

And what if they — here’s one of my favorite phrases — “get hit by a bus”? Or take parental leave, or are distracted by family emergencies, or by caring for an elderly parent?

Yes, most firms operate on “tribal memory,” and it works most of the time. But it regularly causes problems, inefficiency, inconsistency and occasionally a malpractice claim. In a law office, “mostly right” isn’t an option.



A few years ago I conducted an operations analysis on an impressive firm with 19 paralegals, each assigned to care for a group of condo associations. The firm had originally spent a bundle customizing their case management software, but they never created a procedures manual, and the staff experts and many team members had departed. So, I discovered, every paralegal had been “trained” verbally by others who themselves had been “trained” by their predecessors. The resulting gaps in knowledge were frightening. I would ask a paralegal if they used the software for so-and-so, and often their answer was, “Can it do that?”

It was “tribal memory” on a grand scale. You can imagine the inefficiency and loss of productivity — not to mention the risks.

In part 2, I discussed maximizing your use of technology. But written procedures are, in many ways, even more important. Without memorializing your procedures, you’re at the mercy of that “tribal memory.”

When you add a new hire, how many days around the campfire does it take until they are fully up to speed and doing things correctly?

When a task hasn’t been done in weeks or months, how do you ensure that it’s done right?

Write It Down to Make Sure It’s Done Right, Consistently

Remember the “Whatever for Dummies” books? They aren’t really for dummies. They are for people who want to learn or accomplish something quickly and efficiently without having to figure it all out for themselves.

Your firm should have a procedures manual for a new hire (or an old hire doing an infrequent task) with “for dummies” instructions and checklists for doing the dozens of things that they will have to do.



Finding Time to Build Your Procedures Manuals

Of course, you don't have the many hours it would take to create procedures manuals. And you don't have to take that time. Here are two suggestions:

- Assign one procedure at a time to a staff member, and tell them to write down the steps the next time they do that task. Make sure they take the assignment seriously — give them the “hit by a bus” line and explain that it is for the purpose of training the next person hired as the firm grows. Your job, then, is to be the quality control and editor, not the developer.
- The next time you hire, ask the person being trained on a task — phone answering, scanning, etc. — to write down each step in “for dummies” format. Have the trainer review it and send their edited version to you for final review.

Where to Start? The Beginning

Visualize your practice as a long funnel: Prospects and clients go in one end, and work products — and happy clients — come out the other. Start a list of procedures in roughly a timeline order. Something like this:

- Phone answering, call handling and message taking
- Appointment setting
- Prospect conference preparation
- New client intake
- Client information gathering
- Physical and digital file opening and setup
- Timekeeping and time tracking
- Deposition and meeting scheduling
- Court filing
- Document handling: scanning, digitizing, naming, filing and attorney notification
- Specific legal processes for each practice area, such as estate planning, criminal defense, workers' comp
- Client file closing
- Client follow-up and reviews



Start with phone answering. It's one of the most important “touch points” with prospects and clients alike. Today you may have a great receptionist, but that is where a temp or part-timer might sit, so you want to ensure the process is always done exactly the way you want it done — today, not next month. That's done by handing them a “for dummies” checklist and explanation of the procedure so they can do it right the first time.

Procedures for Matters Go Live

There is a real bonus to having a good, written list of procedures: Those for specific legal processes can be easily translated into task lists in your case management or practice management software. Many, including Zola Suite, Practice Panther, Clio and MyCase, allow you to create a standard task list “template” that can be placed into a matter. Later, you can customize the template to fit the specific situation.

Think about it: This means your “operations manual” (which often gets ignored) is available at a keystroke right in your software. Even better, procedures can be translated into a specific to-do list in a matter, with tasks assigned to team members and timelines and deadlines built in. Powerful and efficient.

Procedures Mean Consistency, Accountability and Quality Control

With written procedures, you have the ability to double-check that each step has been done. And once you incorporate them into your case management software, you can quickly check the status of a matter without having to walk down the hall for a conference, or wade through a paper or digital file. That also means you can effectively manage more work and more team members.

Remember the old adage: If you don't have the time to do it right, you'll have to have time to do it over.

Processes and procedures, written down and followed, are the solution to doing it right the first time.



Step 4: Better Team-Building

You'll never have a successful practice if you don't hire the right team and invest in training — theirs and yours.

Few people went to law school because they wanted to be a manager. In fact, many went because they never wanted to be a manager. But without strong support from others, your ability to deliver services and build your practice is severely limited.

Without at least one good team member, your practice is a merely a job — a job that evaporates when you are not present, and which has little or no value once you retire.

With a good team member, your practice starts to become a business: Work is done, clients are communicated with and money is made — even when you are not present. And your business begins to have an intrinsic value beyond yourself.

The Value of Delegating

What is the purpose of a team?

- To delegate what you hate to do
- To delegate to someone who has more or different skills than you
- To delegate to someone who can make you more efficient
- To increase your firm's capacity
- To decrease your stress and frustration
- To delegate to someone who can make you more money

In a word, the purpose of a team is leverage — sharing the workload, pushing work down that doesn't require your skill level, and supporting good client communication.

Of course, the wrong team can turn a practice into a nightmare. It's no wonder so many attorneys say "I've tried hiring staff — they just make things worse. I'll never do that again." A successful practice requires skill in building the *right* team.



What Stops Lawyers From Hiring?

By far, the most common objection to hiring is: “I can’t afford it.” This comes from a cash-flow mentality — looking at cost rather than value. The reality is that a new hire should be a profit center, either billing two to three times what they’re paid or taking work off your desk so you can bill more.

A good team member can make your life easier and make you money by:

- Taking nonbillable work off your desk so you can move work more efficiently and bill more
- Doing billable work that does not require your skills, fully or partially paying for themselves
- Doing tasks such as bookkeeping, calendaring, file organization, and meeting preparation that free you up to be more productive
- Doing work you hate or are not good at
- Helping you stay organized and efficient
- Helping you deliver better, more responsive client service
- Serving as a “second set of eyes” to increase accuracy and reduce errors
- Helping move work more quickly to get paid faster

And the cost at risk isn’t necessarily a year’s salary. It’s one or two months’ pay — if the experiment is unsuccessful, the new hire can be let go.

The Hidden Factor: “I don’t know what to have them do because everything is in my head.” Remember the difference between a business and a job. Hiring is an opportunity to systemize your practice. It requires you to write your first clear job description (you need this) and create a procedures manual. If this sounds like a big task, the easiest way is to have your new hire write down the steps of every task they do for your review, to assure work is done in a standard fashion. Now the next hire can step into a well-defined role with a clear job description and written procedures for their tasks. (See “Systems and Procedures: How to Make Your Practice Work Well, Consistently.”)

The Bluster Factor: “I don’t need staff because I have great technology!” Great technology doesn’t substitute for a second pair of eyes for quality control, a second pair of hands to do nonbillable work, and a second person to communicate with clients.



In fact, great technology can increase your efficiency, but you will still have a ceiling on your time and energy — and therefore a ceiling on your income. Besides, I have never encountered a techie lawyer who wasn't working long hours, weekends, and from their hotel room on vacation.

And as a side note, many prospective clients view an attorney with no staff as unsuccessful (and therefore not a good lawyer).

The Personality Factor: "I don't want to take the risk." Most attorneys are risk-averse and afraid to hire because it seems like a permanent decision. Again, you can hire on a trial period and, if it doesn't work out, you can fire the person and return to your former manner of operation.

The Chicken Factor: "I wouldn't be able to fire them if they didn't work out!" Sadly, I have encountered dozens of firms with unacceptable staff members who are still present — and getting paid — because the lawyers can't bring themselves to fire them. It requires a perspective shift from "I can't be that mean" to "the business I own requires a more committed and more skilled team member."

A New Hat When You Hire: Manager

The moment you hire someone — whether full time, part time or on a contract basis — you take on a new and important role: Manager.

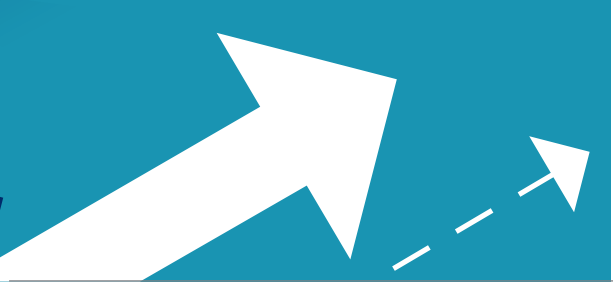
Without adding "manager" to your job description, your practice will never reach its potential. In fact, you will likely commit yourself to a career of stress, frustration and long hours — or a career of just "getting by."

It's not just adding the title to your resume, though. To succeed, you must focus on learning the skills to manage people well, or at least reasonably well.

Essential Traits of a Good Manager

Google conducted an experiment some years ago. It eliminated all managers. That's right: It was a disaster. Afterward, they studied what attributes constitute a good manager and concluded that a good manager should:

- Be a good coach.
- Empower the team and not micromanage.



- Express interest and concern for team members' success and personal well-being.
- Be personally very productive and results-oriented.
- Be a good communicator — listen and share information.
- Help the team with career development.
- Have a clear vision and strategy for the team.
- Have important technical skills that help advise the team.

In short, the real role of a manager is to serve the team in such a way that they can accomplish their work successfully. A manager is a facilitator for the work of those they manage.


Here are my more specific additions:

- Clearly define the team member's job description, roles and responsibilities.
- Provide written procedures and guidance for accomplishing their jobs.
- Provide appropriate equipment, facilities and technical support.
- Provide clarity on assignments — exactly what and by when.
- Maintain accountability for tasks to be completed.
- Provide positive feedback and encouragement.
- Provide regular performance reviews with specific feedback.
- Provide specificity on benefits, including days off, leave policy and overtime.
- Compensate competitively and provide incentive and “good job” bonuses.

What Makes a Great Team Member?

Hiring isn't easy. Here are important attributes of exceptional team members:

- A strong work ethic
- Dependable and consistently follow through
- Consistently willing to go “above and beyond”
- A positive “can do” attitude
- Consistently seek to learn, improve and grow
- Self-motivated and work effectively with little supervision

- 
- Take pride in their work
 - Supportive of others in the workplace
 - Communicate effectively — willing to ask questions to be clear on their tasks
 - Flexible and adaptable

Did you notice that “has the specific skills needed” is not on the list? While very important, a skilled person without many of the above qualities is far less desirable than a person with lesser skills but who fits the above profile.

How to Hire the Right (or Wrong!) Team Member

Here’s how to get the *wrong* person in place:

- Hire when you’re in crisis.
- Hire purely on the recommendation of a colleague without checking references or skills.
- Hire cheap.

And here’s how to get the *right* person in place:

- Provide a clear job description.
- Provide a written offer that includes leave, benefits and other compensation.
- Do a personality profile (personality type must match the position requirements or the team member will always struggle, be stressed and may leave abruptly with a trove of unfinished work left behind).
- Hire when you are not in crisis.
- Do a formal background check.
- Check all references, then talk with others in firms or businesses of the references, and, if possible, where the candidate worked before.
- Check social media.
- Give a test project or ask technical questions that should be within the applicant’s skill set.



Finally, here are surefire ways to regret your hiring decision, while blaming the team member for issues that you should have addressed.

- Don't give them any training — throw them into the job to figure it out for themselves.
- Be inaccessible for questions, and irritable when they ask.
- Don't give them any feedback on their performance.
- Give them poor or no instructions or deadlines on tasks.
- Yell at them when they make a mistake.
- Just say “do it over” when they hand in a task that is poorly or incorrectly done.
- Be out of the office frequently without notice.
- Give them their paychecks late.
- Never say “thank you” or “great job.”

It's Up to You

Bottom line: You are responsible for your candidate's success. You:

- Wrote the job description (or not)
- Wrote the ad
- Did the interviewing
- Did the training
- Provided the supervision, feedback and mentoring

Remember, a great team lead by a good manager equals a successful and growing practice.



Step 5: Better Market Focus

Become a successful “small town” lawyer in the big city — or wherever you choose. Think trust and affinity.

Young people go to law school as idealists: “I want to help people.” But they come out of law school with a different view: “I want to be a litigator,” or “I want to do estate planning.”

They’ve started believing their purpose and their skills are one and the same. That’s why most lawyers, when asked what they do, will say “I’m a litigator” or “I do estate planning” or, worse, “I’m a lawyer.”

That thinking is wrong. Dead wrong. In fact, the lawyer’s skills are just tools. Important ones, but not the lawyer’s real purpose. Your purpose is still “to help people,” to help clients achieve a benefit or result. Lawyering skills, like the ability to negotiate a settlement or write a brief, are just the vehicles that help get the clients to their goal.

Where a Lot of Boats Founder

So, the next logical question is who should you be helping?

For the lost and undirected, the answer is “Anybody who needs my services.” This is where the boat begins to sink, or at least founder. Because marketing to “anybody” isn’t possible — unless you have a few million dollars to throw at it annually.

And let’s face it. Even attempting to market your skills is a tough way to go, too. Scores of competent litigators and estate planners and real estate attorneys are already out there marketing their skills. Besides, many are more skilled and have more credentials (and often more money) than you.

You may be good, but you’re not unique. So how do you compete?

Surprisingly, it’s not about becoming “the best.” It’s about becoming the most trusted.



Wisdom from the Successful Small-Town Lawyer

The most successful lawyers in smaller towns are known, either personally or by reputation, as a “trusted advisor” regardless of their practice area. (See David Maister’s seminal book “The Trusted Advisor.”) They’re the first person many area residents think to call for advice (and maybe services) for any legal problem.

The successful trusted advisor in a small town gets all the legal calls first, no matter the nature of the problem. These lawyers get to pick what they can help with, and refer the rest to other attorneys. And that builds a big “refer back” group.

Focus: Creating Your “Small Town”

Even if you’re in a big city, you can become a trusted advisor in a small town. Here are a few examples.

A decade ago, a Chicago client called for help in building her business practice. In our conversation I learned that she was ethnically Serbian; her parents had emigrated in the 1950s and opened a grocery store that became the de facto center of the Serbian community. So I asked, “How are you marketing to the Serbian community?” Her answer floored me. “What do you mean?” she said. The huge advantage of targeting a specific community is that it’s very definable. You can identify every publication, radio or TV station, community center, church, service organization — even other businesses — that serve that community. You can identify and build trust relationships with leaders in that community that result in referrals. And that makes your marketing efficient, even cheap, because your reach is smaller and clearly delineated. After less than a year, my Chicago client essentially owned the (60,000-plus) Serbian community. She was high-profile in key groups, knew all the community leaders and influencers, and had become the “trusted advisor” within the community.

Several years ago, I worked with a new lawyer in a city with a population of over 2 million. He was two years out of law school and wanted to practice business law. His wife was from a leading Argentinian family in the area, and he had lived in Argentina and spoke Spanish. We worked to identify all the groups, organizations and leaders in the Argentinian community and discovered that there was a population of more than 35,000 ethnic Argentinians, several newspapers, websites and blogs — and over 40 churches with a significant Argentinian component. We developed a campaign for him to speak at as many of those churches as possible about setting up and running a business in the U.S., and how to avoid potential minefields in the immigration and naturalization laws. Despite his age, his aggressive focus



on the Argentinian target market started to position him as one of the trusted advisors in that community.

One of the most powerful and focused lawyers I've worked with is a woman with a disabled son who fought years of battles with school boards to gain the accommodations for her son that the laws provided. From her experience, she decided to represent other parents fighting the same battles. Today she is one of the very few experts in this nearly untrammelled field and has a national reputation. Sometimes a small town is built from very personal experiences.

So “market focus” means finding your own small town in the big city. Or owning your *actual* small town by becoming the “Trusted Advisor” instead of just a lawyer.

Who Do You Have an Affinity With?

Identify a specific group you have some affinity with: special interest, ethnic, religious, business or other groups. You are ... a veteran. A Native American. Married to a Costa Rican. Second-generation Irish. Involved with environmental issues or politics. A member of a Catholic, Baptist, Lutheran or other church or temple. Parent of a special needs child or have a family member with a disability.

That's your target market. A smaller, more definable group you have some honest connection with.

In targeting an affinity group, you don't start cold. You start with an intrinsic advantage: something in common. You're not a stranger, you're one of us. People are more trusting of, and like to do business with, people who are like them.

The most powerful form of marketing is and always has been personal. Building reputation and long-lasting relationships. That's hard to do when you're trying to market to “anybody,” but far easier when you have something in common with members of an affinity group.

One of the great advantages of focusing on an affinity group is that you effectively reduce the competition. There may be dozens of lawyers in your area who practice what you do. But you're the only one, or one of only a few [fill in the blanks] lawyers, who share my interests, concerns or ethnicity.



And as your practice grows, you needn't be confined to your small town. The reputation and referrals you build will pull you naturally into a wider marketplace — but one still driven by referrals, reputation — and trust.

So Stop Trying to Market to Everyone

Stop trying to compete with the more experienced, higher-profile, big-spending lawyers. Find your own “small town.” You'll not only find prosperity, but also greater practice satisfaction and balance.



Step 6: Better Client Service

*Notice I didn't say "being a better lawyer."
That's not what I mean.*

Most prospects don't really know how to evaluate your skills as a lawyer. They only know what a friend told them about you, or what you said about yourself on your website or in an ad. And at the end of their initial meeting with you, they will likely decide on a visceral level if they "liked you" or "felt good about you."

In other words, their decision to hire you and trust you with their matter will be based on an emotional — and to a large degree unconscious — response to you.

Did You Earn the Client's Trust?

The question to ask yourself is: After you have finished their matter, do clients feel as positive about you as they did at the beginning? Most often, that's more a question of good client communications and service than of legal performance.

If you don't figure out this part of your practice, you will always struggle because you will spend your time putting out fires, dealing with upset clients and answering bar complaints.

Consider this: Bar associations across the country consistently report that at least 50 percent of all grievances relate to communications issues. The flip side is that between 70 to 80 percent of those grievances are dismissed as without merit. This is because the bar found those lawyers didn't commit a sin — there was no malfeasance, no failure to apply the law, no legal incompetence. There was only a "failure of relationship" and a loss of trust.

Failure of Relationship Equals Failure of Reputation

To stretch a statistic, in one report 55 out of 100 clients who hired a lawyer were disappointed, or even angry enough to want revenge. How many more were unhappy — just not unhappy enough to file a grievance?



Most lawyers will say that the most important asset they own is their reputation. Yet every day, clients say they have lost faith in their lawyers. And, as the old adage goes, a happy client will tell three people. An unhappy client will tell 33 people. So every day, lawyers are losing a piece of their most valuable asset — their reputation.

How can you keep things running smoothly, guard your reputation and ensure that you create more “raving fans” and fewer “raving enemies”?

Focus on Every Touch Point

My guiding principle is simple: Every time you touch a prospect, client or referral source, you are either *increasing* or *decreasing* their trust in you.


So what do I mean by “touches”?

The vetting process. Before they hire you, those touches begin with what others say about you, what they read on your website or in your advertising and, increasingly, what is said about you in online reviews.

First contact. Next, it’s about what happens when they call to make an appointment. Are they greeted warmly and professionally, and is their request handled positively? Or do they get a harried, cold or even unfriendly voice and grudging service? Do they get voicemail or one of those awful robot menus? The more difficult their first contact, the more likely they are to change their mind or arrive for their initial meeting with trepidation.

First meeting. When prospects or new clients arrive at your office, how are they greeted? Do they have to wait until someone notices they’re there? Is there a little sliding glass window like at the doctor’s office? Are the chairs comfortable? Are they offered refreshment? Is their appointment honored on time? Or do they wait, ignored, for 20 minutes or more, until someone comes out and says, “The attorney will be with you shortly.”

You get the picture.



All these early contacts form impressions that set up that initial meeting for success or failure. Even if prospects with a less than positive impression do decide to hire you, they will tend to be more hesitant and questioning — and likely more difficult to work with. They will be looking for negatives — whether valid or not. And they will be more likely to file a grievance.

In Part 3, we discussed the importance of creating better systems and procedures for your practice so that work gets done efficiently. Creating systems that shore up your intake and client communications processes are critical to ensuring exceptional service — and maintaining trust.

A Different Kind of Trust Account

Throughout the relationship, you are making deposits to or withdrawals from your client's emotional bank account. Consistent positive deposits pay off with trust and understanding when you have a difficult moment or something goes astray. Withdrawals create mistrust.

If you don't start the relationship off positively, when something negative happens, it becomes a “see, I thought so” moment.

What Does Your Process Look Like?

One of the most interesting parts of my work is being a “secret shopper.” We enter the firm as a prospect, observing the entire initial contact and interview process. Let's walk through a typical process.

You're hired! So the prospect hires you. Do they leave the meeting with a good picture of what will happen next? Do they have an idea of how long the process might take, the possible costs, and who they will be working with besides you? Did they meet your team so they won't get upset when they get a call from a stranger? I often say that if you don't tell the client how things will go, they'll make it up for themselves — and you'll get to be wrong.

Now, the matter is underway. You're copying the client on lots of paperwork. Does it make them fearful and baffled, or do you convey all those papers with sufficient information to support their trust instead of scaring them?



Next, it's time to send a bill. Remember that your bills are a critical part of your communications. And, like all the other pieces, they create deposits or withdrawals from the client's emotional bank account. The client wants to know two things: Where are we with my case, and how much do I need to pay you? An endless list of "0.5, 3.2, 6.1" line items with cryptic explanations doesn't communicate that. In fact, it too often raises questions and challenges. This is especially serious when you are slow to bill. The more time that elapses between, say, a phone call and the billing line item for it, the more likely the client is to query it. And every query (let's call it what it is, a challenge to your integrity) is a withdrawal from their emotional bank account.

A Few Good Tips on Billing

I recommend sending each monthly bill with a cover letter that offers a brief summary of actions and progress on the case. In fact, you might consider replacing the itemized billing with a memo followed by a bill that simply summarizes the types of charges — attorney time, paralegal time, miscellaneous charges — and offers "detail on request." If the summary informs them in a way that maintains their trust and allays their fears, you may never be asked for more detail.

One common mistake is the no-bill month. As in, "No reason to send a bill because nothing happened this month and there are no charges." Wrong.

Remember, a bill is an important client communication. The client wants to know "where are we, and how much did it cost?" When there is no bill, clients get nervous and wonder if you forgot them. Also, you should never miss the opportunity to send the kind of bill clients love to get: the "no charge this month" bill.

Communicate With Every Client at Least Once a Month

For the sake of trust, you should make this a hard rule. Hopefully, this is a personal "touching base" phone call or email. But at least send that informative and positive bill.

Contingency firms are no exception. You may have hundreds of cases, but the client has only one. And they're thinking about it constantly. If you're not communicating regularly, they will start calling — challenging you — to find out "what the @#&% is going on with my case?"



Lack of communication puts the emotional bank account in the negative. Lawyers get sued by unhappy clients even when they got the client what they believe was a good settlement because the client lost trust in the lawyer.

Make Every Touch Count

The takeaway? Every time you touch a client or prospect, you are either increasing or decreasing their trust in you. Make sure you make every touch count — and make those touches frequent enough to keep those perceptions positive.



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