

managing a

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Managing a better professional services firm is just one of several booklets in the practicePRO managing booklets series. Other practicePRO resources available to lawyers include: articles and information to assist lawyers in avoiding malpractice claims; "how to" practice aids that assist lawyers in efficient, effective and profitable practices; information on legal technology; education initiatives; and promotion of wellness and balance.

For more information on how you can put practicePRO to work for your practice see the last page of the book or contact practicePRO at 416 596-4623 or 1 800 410-1013.

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in t r o d u c t i o n

Managing a better professional services firm requires that you excel at providing superlative client service. Good technical skills and quality legal advice met the grade in the past. But, times have changed. The legal services marketplace is now more competitive than ever, and the competitors are not just other lawyers. Clients have become more demanding and questioning about the legal services they receive. Technology has profoundly changed how lawyers do their work and serve clients. And, many common legal services have become commodities – with commodity pricing to match.

To survive in this environment, and to thrive in the future, you must understand which services clients value (in some cases this will involve educating clients as to the value of the services you can provide), and deliver those services efficiently, effectively and profitably.

You may need to change the way you do things, communicate better with your clients, evolve your practice and clientele, improve your marketing, break the habit of the billable hour, and make greater use of technology. Strong leadership and a strategic plan are necessary to bring all these things together at the firm level.

If you are successful, your practice and firm will remain competitive and ultimately will be more profitable. If you are unsuccessful, you will find it more difficult to compete, and ultimately may become less viable and less profitable.

This booklet reviews how you and your firm can meet the challenge of providing the best possible client services. The steps detailed on the following pages will not only result in happier clients and a more profitable firm, but also may significantly reduce your exposure to a legal malpractice claim.

Turn the page to start out with a self-assessment that will evaluate the level of professional service that you and your firm currently provide to clients.

The Winter 2006 issue of LAWPRO Magazine – **Delivering on the client service promise** – supplements the content in this booklet. The magazine is available at www.lawpro.ca/magazinearchives.

rate your firm's professional services ¹

| Always | Usually | Sometimes | Rarely | Never | Don't know | To evaluate how well you and your firm do in serving client needs, circle the response that best represents what you do or how you view what happens in your firm. |
|--------|---------|-----------|--------|-------|------------|--|
| 5 | 4 | 3 | 2 | 1 | 0 | Lawyers and staff at our firm strive to reach a high standard of client service and good client relations. |
| 5 | 4 | 3 | 2 | 1 | 0 | Our firm has and follows client service policies and performance standards. |
| 5 | 4 | 3 | 2 | 1 | 0 | I want the service I provide to create an excellent impression of me and my firm, so I constantly look for ways to improve the service I provide. |
| 5 | 4 | 3 | 2 | 1 | 0 | I have signed retainer agreements in all my files. |
| 5 | 4 | 3 | 2 | 1 | 0 | I am on time and prepared for all meetings and client appointments. |
| 5 | 4 | 3 | 2 | 1 | 0 | I create an atmosphere that helps my clients feel that they can ask me a question if they don't understand something or if they want more information. |
| 5 | 4 | 3 | 2 | 1 | 0 | I make an effort to write and speak to clients clearly in language without legal jargon. |
| 5 | 4 | 3 | 2 | 1 | 0 | I have strong technology skills and I am using technology to better serve and communicate with my clients. |
| 5 | 4 | 3 | 2 | 1 | 0 | I return all phone calls and e-mail messages within 24 hours. |
| 5 | 4 | 3 | 2 | 1 | 0 | I keep my work area/office clean and neat because I know clients will draw conclusions about me and my firm based on what they see. |
| 5 | 4 | 3 | 2 | 1 | 0 | I am alert to my client's verbal and non-verbal reactions, and respond to these signals by looking for ways to be more effective. |

¹ The questions in this survey were adapted, with permission, from a series of questions that appeared in "7 Keys to Great Client Service," produced by the Canadian Bar Association's Lawyers Care Initiative in 2001.

| | | | | | | |
|---|---|---|---|---|---|---|
| 5 | 4 | 3 | 2 | 1 | 0 | I show patience and courtesy regardless of the client's behaviour, my mood and my workload. |
| 5 | 4 | 3 | 2 | 1 | 0 | I anticipate issues and events that might affect my clients, and discuss these matters with them. I am proactive, not reactive. |
| 5 | 4 | 3 | 2 | 1 | 0 | I am aware of my client's expectations of me and the work I am doing for them. |
| 5 | 4 | 3 | 2 | 1 | 0 | I know how my clients perceive me. |
| 5 | 4 | 3 | 2 | 1 | 0 | I consider each client an asset to my practice and treat each client as a valued customer. |
| 5 | 4 | 3 | 2 | 1 | 0 | We know why clients choose us. |
| 5 | 4 | 3 | 2 | 1 | 0 | My firm asks for feedback from clients in formal and informal ways. |
| 5 | 4 | 3 | 2 | 1 | 0 | We review client feedback to help us to improve our legal services and find new areas for growth. |
| 5 | 4 | 3 | 2 | 1 | 0 | Most of our clients return to us to and refer their associates, family members and friends to us. |

To calculate your score, add up the total of the numbers you circled.

TOTAL: _____

Rating your firm's professional services:

90-100 Your professional services are exemplary.

75-90 You have a high awareness of the importance of client services, but there is room for improvement.

66-75 It is time to upgrade behaviours inconsistent with providing high-quality client service.

Below 65 You need to carefully review your attitudes, practices and standards on client service and assess how they can be improved.

Use your answers to this survey and the information in this booklet identify and address areas of poor client service.

A cornerstone of professional services is clear, effective client communication. Good communication not only ensures clients are satisfied at the conclusion of a matter, but also significantly lowers your risk of a malpractice claims as, by both count and cost, almost one-half of the malpractice claims that LAWPRO handles involve lawyer/client communication issues. These range from miscommunication to poor communication to no communication at all.

This section highlights how you can take client service and communications to a higher level.

Call or meet with client if news is bad

Because it allows almost instantaneous exchanges of information, e-mail has become the primary mode of communication between lawyers and clients. Although appropriate for many lawyer-client communications, it is not suitable for delivering all types of information.

In the hierarchy of effective communication, e-mail ranks last. At the top are face-to-face meetings, which allow you to respond to the gestures and facial expressions of participants, as well as hear the inflections in their voice. Phone conversations eliminate the visual connection, but enable you to hear (and interpret) the emotion and inflection in the speaker's voice. E-mail has the narrowest communications bandwidth: It is only words on a screen.

When there is significant news on a matter, especially if it is bad news, take the time to call the client, or to meet personally. You will be able to communicate more fully, and better deal with any questions and concerns that the client may have.

Know what upsets clients – and stop doing it

Like you, clients will get upset if they are treated badly or are faced with surprises. Do you appreciate the things that you do that upset or annoy your clients?

- **Not returning phone calls:** This is one of the most common complaints about lawyers. To avoid this problem, set and control client expectations from the very start of the relationship. Establish a reasonable policy on how quickly calls will be returned (e.g. 24 hours, end of the next business day, or whatever is appropriate for your area of law or clients), inform the client of the policy, and abide by it. Set up a mechanism for staff to return calls within the established timeframe if you are not available.
- **Not replying to e-mail messages:** Many clients expect virtually instant answers to e-mail messages. How many times has a client called you five minutes after sending an e-mail and said: "Did you get my e-mail? I wanted to make sure you got it, and I need my questions answered right away". Again, set a reasonable policy on replying to e-mails, inform the client of that policy, and abide by it.
- **Making clients wait in reception:** Do you remember how you felt the last time your dentist made you wait? Don't make your client feel the same way. Get off the phone if a client is waiting for a scheduled appointment. If you are in the middle of a phone call when a client arrives, make sure you are notified in some way that a client is waiting.
- **Long periods of apparent inactivity on a matter:** Clients always want to feel their matter is moving towards a resolution. In some areas of law, such as litigation, there can be long periods of inactivity. Don't assume clients will understand why there is a delay. Make sure they are kept informed of the status of a matter, and when they can expect it to move forward. Send copies of all incoming and outgoing correspondence to the client.
- **Not delivering on promises of performance:** Don't make promises to deliver that you cannot keep. Be realistic in your assessment of what you can accomplish and when. When it comes to deadlines, you can guarantee a happy client if you under-promise and over-deliver.
- **Not delivering on a promised outcome:** Be careful not to promise an unlikely or impossible outcome or resolution on a matter. Extra caution is warranted here as clients will hear what they want to hear when it comes to a promised outcome. To protect yourself, clearly document your advice to clients on what the expected outcome will be.

- **Sending clients a very large bill without warning or explanation:** This scenario calls for an in-person meeting and explanation. Better yet, avoid it altogether with a strict retainer policy that requires a sufficient retainer at the start of a matter, regular or milestone billing, and a retainer replenishment at each step along the way.

If you make a mistake or fall down on the level of service you provide to a client, acknowledge it to them, sincerely apologize, and make sure it doesn't happen again.

Voice mail

Although not everyone likes it, voice mail is an essential tool. Used properly, it can help you better communicate with and serve your clients.

To avoid frustrating clients, consider the following points for handling incoming calls:

- **Give callers the option to leave a traditional message:** If your calls go through a receptionist, give the caller the option of leaving either a traditional message or a message on voice mail, so that those uncomfortable with or unwilling to use voice mail are not forced to do so.
- **Be careful with call screening:** If you don't take a call after a client has been asked to identify herself you leave the impression you are avoiding the call. If you don't want to be disturbed, put your phone on hold so the receptionist knows you are not available and can put the client directly to voice mail.
- **Do your calls really need to go through a receptionist?** Most clients will prefer having your direct line.
- **Would call display help you?** Many lawyers who have call display will tell you that they initially thought they would use it to avoid calls. In fact, they typically take more calls because knowing the identity of the caller allows them understand how much time will be involved in the call before they pick it up.

To be of maximum assistance to a caller, your voice mail message should:

- be updated on a daily basis, including details of your schedule;
- indicate when you expect to be back in the office (especially if you are away for an extended period);
- give callers an option to transfer to a live person (your assistant or the receptionist) if they need immediate assistance;
- encourage the caller to leave a detailed message; and
- state your policy with respect to how quickly voice mail messages will be returned (e.g. 24 hours, by end of the next business day), unless the message indicates you are away.

When you leave a message on someone else's voice mail, make the most of it by:

- leaving a detailed message: give the information you want to pass on or ask the questions you need answered;
- stating the date and time of your call;
- indicating if there are specific times when you will be available for a return call; and
- clearly and slowly stating your phone number: most people say their number much too quickly – go extra slow.

This helps the person understand why you called and, depending on the circumstances, will enable him to get back to you with the information you require, even if he must leave a detailed message on your voice mail. If used properly, voice mail can eliminate telephone tag.

A level of service worthy of a tip

From time to time, clients voluntarily give their lawyers a premium – a tip – on a bill. Undoubtedly, those clients received excellent service, and truly appreciated the value in the work their lawyers did for them.

Think about the last time you left an unusually generous tip for wait staff who served you. Strive to deliver that service experience to your client. Anticipate needs, understand expectations, be respectful, be responsive, and ensure the

client has what she needs. You will have happier and more satisfied clients, and you may even get a tip one day.

Don't wait until a matter is completed to ask clients for feedback on your services. Make it a habit of asking how you are doing throughout the course of a matter. Consider using milestones on a matter or each account as a reminder to ask these questions.

Post-matter client services survey

A post-matter client survey is one of the best ways to collect information about what clients thought about the services you provided to them. Make sure your survey is structured to help you identify specific areas for improvement. Ideally, it should include some open-ended questions. You might also want to compare client feedback to your own responses in the self-assessment in first section of this booklet.

For major or top-billing clients, consider sending a managing partner or other senior person to meet with clients on an annual basis to review and assess how the relationship is going, how matters are being handled, and what changes or improvements should be made.

A sample post-matter client survey appears in Appendix 2. An electronic copy of this survey that you can adapt for your firm is available at www.practicepro.ca/servicesbooklet.

Recognizing that the world has gone electronic, some firms have an online survey form on their website. Other firms use online tools such as Zoomerang (www.zoomerang.com) or SurveyMonkey (www.surveymonkey.com) which allow you to do professional-looking online surveys easily and quickly at little or no cost.

Working better and smarter not only helps you deliver better client service, but also makes you more competitive and cost-effective. Delegate tasks wherever possible, empower support staff as part of your client services team, and actively mentor others.

Delegation

Delegation involves getting the job done through others. A governing tenet in every firm should be to push work down to the lowest capable level. You are wasting your time and the client's money if you or others at your firm are consistently doing tasks that lower level lawyers or staff can complete.

Lawyers – and others – typically fail to delegate for any number of reasons, none of which stand up to scrutiny:

- **They don't want to give up control of the matter or client:** This is a bad behaviour often driven by a compensation system that rewards bad behaviours - see page 35.
- **They think they can complete it better themselves:** With proper training, someone else can likely do the job just as well.
- **They think they can complete it faster themselves:** With proper training, someone else can likely do the job just as fast.
- **There is not enough time to properly train someone else to do the task:** This excuse is often cited in conjunction with the previous point – and it may make sense in the rush to get an individual matter done. However, this ignores the longer-term benefits that once that person is trained, the task can be done much more quickly every time it is required in the future.
- **The work was not done properly the last time it was delegated:** This was likely because there was insufficient training or instructions.

Lawyers need to delegate more often, if only to respond to clients who are demanding that work be delegated when and where appropriate to keep costs as low as possible. Clients don't want to pay for inefficiency.

Be proactive and highlight to clients that you use delegation to handle their matters on a more cost-effective basis. If clients initially insist that you do the work, explain the cost benefit of having a junior lawyer or staff person handle tasks. If the client still wants you to do the work, bill him regularly so that he appreciates the cost implications of having you do all the work.

Carefully review your common tasks and make an effort to identify which ones should be delegated. Then apply the following tenets of effective delegation:

- **Pick the right person for the task:** Often the right person can do the work without training. However, don't overlook an opportunity to challenge and engage someone who is willing and interested, and could do the task with training.
- **Don't talk down to the delegatee:** Treat her with respect and as an equal member of the team.
- **Give clear instructions and all required information:** Highlight specific issues of concern; but also paint the bigger picture so that she understands the reasons behind the work that she is doing.
- **Explain any special parameters:** Are there resources to use or not to use, a sensitivity to high fees by the client etc.
- **Make deadlines realistic:** An unrealistic deadline is unfair and frustrating to the person being assigned the task.
- **Establish the reporting mechanism:** Do you expect the delegatee to simply return the completed work, or is she to check in or provide updates as she works through the task.
- **Confirm instructions were understood:** Ask the delegatee to reiterate the task requested.
- **Always provide feedback when the work is done:** Don't just complain when there are mistakes or problems. Say thank you every time, compliment and reward good work, and make sure any criticism is constructive criticism.

Staff are an essential part of the team

Your staff are a critical part of your client service team, especially if you are delegating work to them. Introduce your staff to your clients at the initial interview. As well as having additional people they can contact in your firm, clients will know who else is working on their matter and who they are dealing with if they get a phone call or e-mail from a staff person when you are out of the office or otherwise unavailable.

Foster a culture at your firm that encourages a strong work ethic and excellence in client service. Make your staff an integral part of your client services team by doing the following things:

- Always be nice to them.
- Treat them as equals and work as a team with them.
- Engage them with meaningful and challenging work.
- Empower them with responsibility.
- Always say thank you.
- Give positive feedback on good work, not just complaints when there are mistakes or poor work.
- Through greater responsibility, recognition and compensation, reward those who regularly go the extra mile when it comes to serving clients.
- Share perks from clients with staff.
- Consider placing a plaque in the lunch room or reception area listing the names of staff that have reached long-term service milestones.

An engaged and empowered staff will be more action-oriented and willing to put extraordinary effort into their work.

Mentoring

Client service and communication skills are not taught at law school, and are hard to learn in practice. Mentoring is one of the most effective ways to pass on skills, knowledge and wisdom from one person to another; it also can accelerate the process through which these critical communications skills are learned by junior lawyers and firm staff.

The traditional style of mentoring was a one-on-one relationship in which the primary goal was a one-way transfer of knowledge and information from an authoritarian source to a passive recipient. Today many mentoring relationships have evolved to become more focused on learning.

Learner-centred mentoring is a dynamic and two-way relationship that involves critical reflection and full participation by both partners. The mentor assumes a role of a facilitator. The mentee becomes a proactive and equal partner, helping direct the relationship and set its goals. The mentee can also have multiple mentors over a lifetime, and even concurrently. Mentoring will happen face-to-face, by telephone, or even e-mail.

If your firm doesn't have a mentoring program, consider developing one, and encourage a strong mentoring culture at your firm. If your firm has a mentoring program, use it. For a broader perspective and/or help on other personal issues, consider getting a mentor outside your firm.

Being involved in a mentoring relationship requires an investment of time and effort. But this investment provides an enriching learning experience that will pay generous dividends to all who participate.

Managing a mentoring relationship booklet (www.practicepro.ca/mentoring-booklet) is useful for both mentors and mentees who are looking for practical advice and insights on how to prepare for, structure and participate in a mentoring relationship.

Making the most of meetings

Meetings are a fact of life for all lawyers as they are a necessary part of dealing with clients and operating a law firm. Unfortunately, meetings are often an unproductive use of time, as too often nothing of substance happens or gets decided. People go to meetings solely because they feel obliged to go, not because they get anything from attending.

Before you call a meeting, ask yourself: Is there really merit in getting all these people together? If the meeting is only for informational purposes – as are many regularly scheduled management or departmental meetings – ask yourself if the meeting could be avoided (or at least shortened) by simply distributing appropriate information to the attendees.

Call a meeting only when a group of people must get together to discuss matters, brainstorm ideas or make decisions. Make the meeting as useful and productive as possible by doing the following:

- Establish a goal or outcome for the meeting.
- Circulate a detailed agenda. It should have a list of items and the time to be spent on each item. Include supporting materials and circulate all materials early enough so all meeting participants can review the information prior to coming to the meeting.
- Come prepared: This means reviewing the materials circulated with the agenda.
- Arrive on time.
- Start the meeting on time.
- Turn your Blackberry and cell phone off – right off (this includes the vibrating ringer). Computers can multi-task – humans can't.
- Let everyone have their own say (but not if they are simply repeating what others have already said).
- Listen to others to develop new perspectives – especially if they have different views.
- Remember, it is OK to disagree: Not everyone has to agree with everyone and everything.
- Follow the agenda times and keep the meeting focused on the issue at hand.
- Appoint a “secretary” to track decisions and actions items.
- Assign specific individuals to action items.
- Establish deadlines for action items.
- Bring your calendar so you can commit to the date for the next meeting.
- End the meeting on time.
- Circulate minutes afterwards so everyone has a list of action items and to whom they were assigned. Do this immediately afterwards (even if the minutes have to be formally approved at the next meeting – in this case circulate them as a draft).
- Make sure there is follow-up on action items.

Stress, wellness and balance

Stress will cause you to perform at less than peak levels, and adversely affect client service. A stressed lawyer might be rude or lose his temper with a client. In the extreme, stress can cause challenges to physical or mental wellness, as well as addictions (alcoholism, drugs, gambling, sexual and Internet). Stress and stress-related problems are frequently contributing factors on LAWPRO claims. For all these reasons, all lawyers should proactively take steps to reduce the stress in their lives.

Managing Stress

Assess how well you are coping with stress by asking yourself if you frequently:

- Neglect your diet and exercise.
- Let work impact on personal and family time.
- Race from one thing to the next through the day.
- Arrive late for work and important meetings.
- Try to do everything yourself.
- Have difficulty in making decisions.
- Are not getting important work and personal tasks done.
- Keep everything inside.
- Blow-up easily and take anger out on those closest to you.
- Get too little rest.
- Exhibit addiction-like behaviours.

Answering “yes” to a significant number of these questions indicates that you are under stress, and this stress is affecting your client service. For assistance on managing and coping with stress, visit the Getting Stress Hardy workshop in practicePRO's online COACHING CENTRE (www.practicepro.ca/occ).

If you or someone you know is having difficulties with stress-related issues, contact the Ontario Bar Assistance Program (www.obap.ca) for confidential peer support and/or professional counselling.

Staying healthy

Taking steps to manage stress is just the start. Staying healthy is also an essential part of maintaining a productive and successful law practice. Good health boosts your energy levels, and helps you feel better about yourself. Consider the following three ways you can achieve a better-balanced and healthy lifestyle:

- **Stay fit:** There are many benefits of physical fitness, including the prevention and treatment of chronic diseases.
- **Eat healthy:** You are what you eat! One way to assure a healthy lifestyle is to make informed choices regarding the foods you eat.
- **Volunteer in your community:** Working as a volunteer lets you give something back to your community, and can contribute to greater life satisfaction.

See the Wellness section of the practicePRO website for self assessment tests and other resources to help you manage stress, and achieve a healthy and balanced lifestyle.

building a better clientele

As your practice grows and evolves, you will find yourself wanting to be more selective with respect to the clients you take on, and which ones you would like to keep.

Screen clients at start of matter

Difficult and demanding clients are a fact of life for many lawyers. Some will be unhappy with the progress of the case, no matter how hard you have worked or how good the results are. Some may ignore your advice; others will treat you and your staff badly. This can be frustrating and upsetting to a lawyer. Difficult clients are also a concern because they are more likely to do the three things that distress lawyers most:

- not pay the lawyer;
- complain to the Law Society about the lawyer; or
- bring a malpractice claim against the lawyer.

It doesn't take long for most lawyers to learn to recognize the difficult client. Often it is obvious in the first interview, and even in the phone call to set up that interview.

The following questions will help you ferret out difficult clients:

- Am I the first lawyer dealing with this particular problem for you?
- How many lawyers have you consulted or retained about this problem?
- Why did you leave your previous lawyer(s)?
- Who are your previous lawyers?
- Can I talk to your previous lawyer(s)?
- What stage is this problem at (particularly if the problem is in litigation)?

Lastly, explore the potential client's expectations. If the client has unreasonable or unrealistic expectations about the time, results or costs involved in resolving a matter, the warning bells should go off.

Learn to listen to and trust your instincts when it comes to recognizing difficult clients. If you sense a problem client, consider not accepting a retainer from him.

How to turn down a potential client

Turning away a client who you cannot represent or are not interested in representing can be awkward. Consider these non-specific and inoffensive ways to turn down a potential client, even before an appointment has been made:

- "My calendar is full and I could not give your case the prompt attention it requires."
- "A conflict of interest prevents me from taking your case (and the nature of the conflict is confidential)."
- "My experience is limited in this area of law and I can't properly represent you in an area that is unfamiliar to me. Let's get you to another lawyer who is better able to represent you."

Asking for an outlandishly large retainer on the assumption that the client won't be able to pay it is not the best way to turn away clients. This approach not only sends the wrong message, but can also backfire if the client does come up with the retainer and you are stuck representing someone you didn't want to.

The nicer you are in turning down a retainer, and the more potential resources you can provide where appropriate (such as the numbers of the lawyer referral service, other lawyers that could take on the matter, for social services), the less "rejected" the potential client will feel.

Although a client has the right to end a solicitor-client relationship at will, the lawyer does not have the same freedom. Every effort should be made to comply with Rule 2.09 of the Rules of Professional Conduct which sets out when and under what circumstances a lawyer may, or shall, terminate such a relationship and what a lawyer's obligations are upon discharge and/or withdrawal.

Know when to fold

Difficult clients can consume huge amounts of lawyer and staff time. For ideas on how to better deal with different types of difficult clients, review the *Dealing With Difficult Clients* paper written by family law lawyer Carole Curtis. It is available at www.practicepro.ca/difficultclients.

In some lawyer-client relationships, there comes a time when the client no longer has confidence in the lawyer's advice or strategy, or is taking too much lawyer and staff time (most of which is not billable). That's the time to suggest that the client find another lawyer. If you are transferring an active file, you must comply with the Rules of Professional Conduct, ensure that the client is not disadvantaged, and that all material needed to allow the client to move forward with the matter is released (even if the client owes you money).

To systematically deal with difficult clients and improve their practices, some lawyers will terminate the retainer for their most difficult client on an annual basis (e.g. each January 1st).

Some lawyers find rainmaking very natural and easy, others struggle with it, and some are oblivious to the need to market their services. But in today's competitive environment, a marketing and client development plan is essential. The most successful rainmakers are using both traditional marketing activities, and new marketing opportunities available through the use of technology and the Internet.

Large law firms have a complex marketing infrastructure that includes marketing committees and budgets. They market at several levels, including firm, practice area and individual lawyer. For an excellent outline of the steps necessary to create a detailed firm marketing plan, see *The Lawyer's Guide to Marketing Your Practice*, Second Edition². This book has practical ideas, checklists, and sample marketing and action plans to help firms implement a successful, multi-faceted, and profit-enhancing marketing plan.

An individual marketing plan is often more about a commitment of time than a financial one. Marketing legal services does not lead to instant results. Not everyone needs legal services at the moment. Good marketing does pay off, but generally only slowly and with a steady effort over the long haul. Therefore is it critical that you market yourself on an ongoing basis, even when business is good.

A marketing plan for an individual lawyer³

Solo, small and large firm lawyers should spend some time each month developing potential sources of business. Start with a plan that includes written goals so you can evaluate your success or failure.

Your individual marketing plan need not be lengthy or complex. The following six-month marketing plan will be suitable for most lawyers:

² Edited by James A. Durham and Deborah McMurray Published 2004, ABA LPM Section.

³ This marketing plan was adapted from a plan that appeared in *Marketing Magic for Lawyers*, by Jim Calloway, originally published in the Oklahoma Bar Journal, Vol. 71, No. 26, September 9, 2000.

Each week:

- Call a client and just say hi (and don't bill them for the call).
- Take at least one person who has referred cases to you or one potential client to lunch (or even just a coffee).
- Call clients on their birthdays.
- Send a handwritten note of appreciation to every client whose file you close. It should include an outline of your other practice areas and a client satisfaction survey (see page 49).
- Send clients copies of newspaper or magazine articles that they might find interesting. You can do this in a matter of seconds and at no cost with e-mail.
- Send a handwritten thank you note to anyone who refers a client to you.
- Send a thank you note to someone who did something nice or beyond the call of duty for you.
- On Friday record all of your marketing efforts so you can see how you are doing.

Each month:

- Attend at least one civic, church or community meeting.
- Try to meet at least five new people.
- Make a telephone call to an old friend you haven't talked to in a while and just chat.
- Spend some time touring a client's place of business at no charge to the client.
- Send someone that you know who received some good press a copy of the newspaper article along with a congratulatory note.
- Attend a CLE program and sit with some lawyers who you do not know that well.

During the next four months:

- Schedule a public speaking engagement. Consider telling your clients about it or sending the local newspaper a press release in advance.
- Read a book on either marketing or law practice management (See the books listed in Appendix 1).
- Host a small dinner party with your spouse or partner for some people that you don't often see.
- Present a CLE program or do some other volunteer work for the Law Society, the OBA, CBA or your local bar association.
- Schedule a meeting with a major client – off the clock – to talk about longer-term strategy and goals, and how you might help this client reach these goals (and do this once per year on a ongoing basis). This will help you meet other employees of the client and build a stronger and longer-term strategic relationship with that client.
- Schedule a time to review the last four months of your marketing efforts.

At the end of six months:

- Sit down and review everything you have done during the last six months of the plan. Note any areas of success or failure, and identify new marketing ideas.
- Revise and update your old plan into a new six-month marketing plan.

These ideas are inexpensive and relatively simple to implement; as well, many are just nice gestures. Being nice is a good way to get new business, too. If you are in a big firm, this plan should fit in well with any existing or new firm plan.

No matter how you proceed, if you want to improve your marketing efforts you must have a written plan with target dates for completing goals and projects. Your marketing plan should reflect your individual strengths and your unique situation. If you feel you are a great public speaker, arrange

speaking engagements. If most of your business comes from lawyer referrals, attend local bar association meetings, serve on bar committees and attend bar social events that could result in new business. If your practice focuses in a narrow area, such as entertainment law, you need to be in places where people who may need those legal services congregate.

Networking

Networking is an essential part of marketing, as well as your own personal development. Meeting regularly with other non-legal professionals, and people in other walks of life, broadens your perspectives and provides insight into others' issues and concerns.

Never join a civic, non-profit or social organization just to make new business contacts. If you believe in a group's mission and goals, then by all means participate, and perhaps you will meet someone who can be a client or business source. If you do not believe in an organization, you will more likely fail to complete some assignment or just be an uninvolved, apathetic member. People will see through you and this is more likely to damage your reputation than to enhance it.

Use your client's goods or services (and don't ask for discounts). Build bridges and relationships by introducing your clients to each other, and by sending referrals to them. These efforts will be returned to you in kind.

Don't be afraid to ask your clients for referrals. You would be surprised at how often your clients won't think of referring work to you, or may assume you don't want referrals from them. Lawyers often hesitate to ask clients for work because it may look like they are struggling financially or need to find more work. This concern shouldn't prevent you from seeking referrals from clients.

Prepare an elevator speech

All lawyers should have their own carefully planned and crafted “elevator speech.” An elevator speech should grab someone’s attention and say a lot in relatively few words. It is not a direct sales pitch. Don't get caught up in telling the listener how great your services are. Rather, describe what you do, and show passion for it. You are marketing yourself and/or your firm in a way that will make people want to know more about you, not put them off.

Include an introduction, emphasize the benefits you provide or solutions you offer, and showcase your uniqueness or how you are different from the competition. Write and rewrite your speech, sharpening its focus and eliminating unnecessary words, legal jargon and awkward constructions. Consider including a compelling “hook” or intriguing aspect that will engage the listener, prompt him or her to ask questions, and keep the conversation going.

Generally, your speech should not be longer than 30 to 60 seconds. In some circumstances, a longer pitch may be appropriate. Develop different versions – length and content-wise – for different situations or audiences.

Memorize and practise your speech. It should sound effortless, conversational, and natural. Let your personality shine through.

When delivering your speech, be warm, friendly, confident, and enthusiastic. A smile is the best way to show friendliness and enthusiasm, while a strong, firm voice the best way to express confidence. Don't rush through it, pause briefly between sentences. Maintain eye contact with your listener.

Wrap up earlier than you were planning if you see the listener's eyes glazing over or interest waning. End with an action request: Ask for a business card or find out if the listener would like to hear more. Turn the table on the listener and ask what he does. This will show that you are interested in him, and may help you gain an appreciation of where your services might be required.

Rather than saying “I am a family law lawyer,” try:

“My name is Courtney Filer. I am a senior partner at Start Over and Associates law firm. I am certified by the Law Society of Upper Canada as a specialist in family law. I try to protect my client’s legal and property rights when their marriage breaks down; and I help them deal with the many issues that you typically find when marriages or relationships fail.”

Or, rather than saying “I am a will and estates lawyer,” try:

“Hi. My name is John Goodbye and I am a wills and estates planning lawyer at the Say Goodbye and Associates law firm. I have more than 15 years of experience in helping individuals plan how to dispose of their estates in a way that will reduce taxes and ensure as much as possible reaches the hands of beneficiaries. I also do a lot of work helping clients with business succession planning.”

Yellow pages advertisements

Most firms advertise in one or more yellow pages directories. In many cases, these ads are the firm’s single largest marketing expense – and a core part of their marketing efforts. But too often firms do not take the time to create yellow pages advertising that really works. With their eye on costs, they focus on the size of the ad, and/or whether or not to include colour elements.

To create an ad that works – one that generates calls – you need to better understand your audience, your environment and what makes for a good yellow pages ad.

Step 1 is to know:

- Who your potential customers are;
- Who your competitors are;
- Which content works most powerfully;
- How to speak effectively to your audience;

- How you can prevail by marketing over, under, and around your competitors; and
- How to transform readers into callers.

At its simplest, you are trying to get people to call you by offering them exactly what they are looking for. Going through this process is useful as you will have to go through similar steps to create just about every other firm marketing message.

Step 2 is to understand what a great yellow pages ad looks like. In *Effective Yellow Pages Advertising for Lawyers, A Complete Guide to Creating Winning Ads 2nd ed.*⁴, Kerry Randall lists six key elements for creating high-performance ads. They are:

1. Strong headlines that command attention and engage readers;
2. A laser sharp focus; a willingness to ignore most readers;
3. Arresting, eye-captivating illustrations or photographs;
4. Clearly identifiable differences (from competitive advertisers);
5. Relevant copy (text) that covers less than 50 percent of the ad space; and
6. Professional looking, clutter-free layouts.

The right ad helps to grab and engage potential clients. You want to make sure the ad is focused on delivering a message to a core group of the best potential clients. Too often yellow pages ads are bland and general so that they appeal to the broadest range of possible clients. For long-term practice development, you want to focus on bringing in the best potential clients, not any and all clients.

⁴ Published 2005, ABA Law Practice Management Section.

Branding

Although many law firms don't realize it, they have their own brands. What is your firm's brand, and what does it say about the lawyers in your firm and the professional services they provide?

In marketing, a brand is the symbolic embodiment of all the information connected with a product or service. A brand typically includes a name, logo, and other visual elements such as images, fonts, color schemes, or symbols.

More importantly, a brand also encompasses the set of expectations associated with a product or service. When you buy a can of Coca-Cola, a Starbucks coffee, or a MacDonald's BigMac, you have very specific expectations as to what you are purchasing.

You should be aware of your firm's brand, and work it into your marketing messaging. Branding can be very complex. A reputation for Cadillac service (which is good) can also imply Cadillac pricing – which may scare away price-sensitive clients.

For more ideas on how you should develop and build your firm's brand, see the *Bring Your Brand to Life* article by Liette Monat and Paule Marchand in the Winter 2006 LAWPRO Magazine (www.lawpro.ca/magazinearchives).

Marketing yourself with your office

Although you may not realize it, your office and reception area speak volumes about you and the quality service that your firm provides. What impression of you does your office, desk and reception area give your clients?

Sit in the client's chair in your office for three minutes and ask yourself the following questions:

- Is your office neat and tidy?
- Is your desk clear of files and documents from other matters when you meet with a client? A cluttered desk distracts both you and your clients.

- Have you personalized your office with pictures of family, artifacts or items that reflect your hobbies or interests?
- Does your office layout give you the option of a separate room for meeting with clients? This allows you to meet with a client in a clean desk.

Your reception area is the first part of your firm that clients see when they arrive, and the last thing they see when they leave. Sit in your reception area for three minutes and ask yourself the following questions:

- Is it professional, neat and presentable?
- Is your receptionist presentable and professional?
- Are your reception relief people equally presentable and professional (or do they consider time at reception as a break and read a book or magazine)?
- Can clients see what is on the reception computer screen? If so, consider relocating it or putting a privacy filter on it (so that it is only visible in a narrow field of vision looking at it straight on).
- Can clients easily eavesdrop on what your receptionist is saying on incoming telephone calls? Is your receptionist discreet in dealing with this?
- Is the receptionist desk clear of client files and documents?
- Is there water or fresh coffee?
- Are there toys for children? This can be appropriate for some firms, inappropriate for others, and in some cases, appropriate for some clients of a firm but not for others.
- Are reading materials current? Anything older than three months should be tossed out.
- Do you have newsletters or brochures that cross-market your firm's services?

Technology and the Internet offer law firms numerous marketing opportunities – many of which complement and augment traditional marketing techniques.

Most personal and business clients are technology savvy and web-literate. In a matter of minutes, they can find out everything they need to know to decide if they want to retain you, all without personally contacting you, or in many cases, without looking at the yellow pages. To survive and compete, you and your firm need to establish a strong presence on the World Wide Web.

Google yourself

Google is currently the world's most popular search engine. Millions use it every day – many of whom are looking for a lawyer, or seeking information about a lawyer. In all likelihood, your new and current clients have Googled you, as have the other lawyers and staff at your own firm, your competitors, and even your friends and neighbours.

Googling yourself is a good way to learn how the rest of the world sees you through the eyes of the World Wide Web. For the uninitiated, you Google yourself by searching your own name on the Google search engine site. Try it and see what you find.

- Go to www.google.com.
- Enter your name in the search box, and then hit the Enter key. Putting double quotes around your name forces Google to search for pages that include your exact name.
- Search the different variations of your name, full name, middle initials etc.

Potential, new and current clients are going to judge you by the information you just found.

A firm website should be the cornerstone of your web presence, and should complement your overall marketing strategy. Nothing is more important than the quality and quantity of the content that appears on a site. Practical and relevant information will bring people to your site. Get your name on other websites by writing articles, speaking on CLE programs, and participating as a volunteer in various organizations.

Blogs

Web logs, or blogs for short, started out as simple, online diaries. A blog is really nothing more than a website on which items are posted on a regular basis and displayed in reverse chronological order. Blogs have now gone mainstream. Thousands of new ones are created every day.

Blogs can function as a simple firm website; but at a higher level, they can make you much more visible on the web. They will help you rank higher in search engine results and they let you automatically push content out to other blogs and websites via an RSS feed (Real Simple Syndication), a function built into blogging software.

Law-related blogs are sometimes called “blawgs”. Several lawyers and firms have created a very significant presence on the web by using blawgs. A listing of popular blawgs appears at www.blawg.org.

Tools such as TypePad (www.typepad.com) make it easy to create a blog at a nominal cost; Blogger (www.blogger.com) lets you build a blog for free.

Electronic newsletters

A newsletter is one of the best ways to market to current and potential clients. And the Internet can help you avoid the cost and drudgery of distributing a paper-based newsletter as you can use e-mail to instantly distribute an e-newsletter electronically. A variety of software programs make it easy to create professional-looking newsletters.

E-newsletters don't have to be done that often – three or four times a year is fine. Include content on interesting recent developments in the law, information about your recent activities, and any other content that could help clients and markets your services. For more information on building a presence on the web, see the *Have You Googled Yourself Lately?* article in the December 2004 Issue of LAWPRO Magazine (www.lawpro.ca/magazinearchives).

Market yourself with an e-mail signature

Don't miss out on an excellent opportunity to market yourself in the hundreds of e-mails you send out each year. Most e-mail programs have a signature feature which automatically adds text to the end of every message you send.

In Outlook you create a signature by clicking on Tools, selecting Options, clicking on Mail Format and clicking on the Signature button. This will open up a window that will give you a box for entering a signature, and options for configuring it. After you have created a signature, it will appear automatically in every new e-mail message that you create.

Your e-mail signature should include your name, job title, and phone and fax numbers (including area code). Don't forget to include your e-mail address, firm website, and any other relevant contact information. Also take advantage of this opportunity to market yourself. Include a reference to an upcoming event you are speaking at, or a link to an article on your website. Here is a sample e-mail signature:

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breaking the billable hour habit

The almighty billable hour has become the foundation of billing, accounting and compensation systems at most firms. It is also the root of undesirable behaviours in many firms. To remain competitive and profitable in the long term, lawyers and law firms must break the billable hour habit. They must rethink how legal services should be packaged, priced and sold to clients, and how firm compensation systems can be improved.

Hourly billing creates the illusion that the hours that a lawyer spends on a matter, multiplied by an accepted hourly rate, produces a bill that equates with the value of the services provided in the eyes of the client (or at least that's the way that lawyers would like to have clients see it).

This is dead wrong. Think about it. You aren't selling your time to your clients – you are selling your legal knowledge and experience. Clients value a resolution to their problem or the answer to their question, not the time you spent getting it.

Clients of all types are increasingly skeptical about measuring value by multiplying hours worked by a billable hour rate. They find it especially hard to swallow at the commencement of a matter when they have no idea what the number of hours will be.

Consumers of legal services want alternatives that will give them greater certainty in knowing what their legal fees will be so they can better budget for and manage their legal expenses. Large companies and bulk consumers of legal services are using the volume of their work to force their lawyers to charge for their services in alternative ways. Competitive pressures have caused many common consumer-type legal services to become fixed-price commodities.

Alternative billing

Flat or fixed fees are but one form of alternative billing. Alternative billing can take many other forms, including:

- **Flat and mixed fees:** Some parts of the matter have flat fees, others parts are billed at special or usual hourly rates.
- **Capped fees:** The client pays an hourly rate but pays no more than a specified maximum amount.
- **Variations on hourly rates** (these are usually offered where there are large volumes of work, and/or a performance or completion bonus), including:
 - percentage discounts: discount on standard hourly rates;
 - reduced hourly rates: rate is less than full rate;
 - blended rate: client pays the same rate regardless of who does the work.
- **Contingent fees arrangement:** Fees are paid at a set rate or percentage based on the outcome of the matter.
- **Some combination** of the above types.

Implementing an alternative billing strategy will require an upfront investment your of time and energy, based on solid record-keeping. To make alternative billing work you must do the following:

- **Be doing similar work:** This makes you more effective and efficient as you are repeating the same steps each time.
- **Use prior work product and/or document automation:** This allows you to use technology to do the work more efficiently (you are not reinventing the wheel each time).
- **Complete a cost analysis:** Time dockets are still necessary as you have to know how much it typically costs you to complete the work so you can establish a price that produces the desired profit level.

If you go through these steps for a given type of matter (e.g. uncontested separation agreement with no kids and no property; uncontested separation agreement with no kids and property; uncontested separation agreement with kids and property, etc.), you can determine how much time an average or typical matter takes. Use this information to calculate a flat fee that will give you a reasonable profit in most cases (and certainty to the client as to their legal expenses).

If you are not comfortable quoting a flat fee, you can build in some protection by including various contingencies so that you can charge more if the matter involves more work. Quoting a set fee with a few escape clauses in a retainer is going to seem much more positive to a client than “it depends on how much time the matter will take.”

Look at your own practice to understand how you can better communicate the value in your services to your clients, and how you might use alternative billing. No billing strategy is perfect. The trick is to pick the one that best fits your practice.

Reworking firm compensation systems

Because most firm compensation calculations are based largely on billable hours and billings, a firm that introduces alternative billing will also have to overhaul its compensation system. Despite the change this entails, moving away from billable hours-based compensation can benefit a firm in many ways.

Billable hours-based compensation fosters the illusion that working more hours is the same as working better and harder. This illusion is strengthened in a firm that uses an “eat-what-you-kill” compensation system. Billable hours-based compensation also encourages undesirable behaviours such as padding dockets, hoarding clients and files, and not cooperating or sharing knowledge with fellow firm lawyers.

An alternative billing regime doesn't reward time-keeping. Instead, it rewards lawyers for due diligence, talent, creativity, problem-solving, experience, efficiency and technological aptitude. It discourages inefficiency, redundancy and technological apathy.

For more information on alternative billing, firm profitability and firm compensation systems, see the following books, all published by the ABA LPM Section:

- *Winning Alternatives to the Billable Hour 2nd Ed.* : Strategies that work
By James A. Calloway and Mark A Robertson (2002).
- *The Lawyer's Guide to Increasing Revenue: Unlocking the Profit Potential in Your Firm* by Arthur G. Greene (2005).
- *Compensation Plans for Law Firms 4th Ed.* By James D. Cotterman (2004).
- *Results Oriented Financial Management: A Step-by-step Guide to Law Firm Profitability 2nd Ed.* By John G. Iezzi (2003).

the technology imperative

Today more than ever, technology is fundamental to professional client services. It permeates all aspects of law firm operations and client relationships. It is critical for managing and sharing firm knowledge, and automating the creation of work product from that knowledge.

Technology also levels the playing field, allowing smaller firms to do the work that was once the sole domain of larger firms. For example, litigation support software enables a small firm to manage complex matters involving thousands of documents – without the manpower that once would have been needed.

Clients too are driving this technology imperative for law firms: Clients expect their lawyers to be technology literate, and in many cases are selecting firms based on their technology prowess.

Management of knowledge

Knowledge is the lifeblood of every law firm. Firm knowledge includes client and matter information, firm work product and precedents, the legal knowledge of lawyers and staff, billing and accounting data, and firm management and operations data.

Technology enables all staff in the firm to share and leverage this knowledge. Many firms have basic computer systems that include: network and Internet-enabled computers on every desktop; telephone and e-mail for internal and external communications; and integrated trust accounting and time & billing and general ledger software to properly manage and account for trust funds and docketing. But this is just scratching the surface.

The truly technology-enabled firms of today are almost paperless. They use scanners to create electronic copies of all matter-related documents. After being scanned, some important original documents are kept, all others are sent to the client or destroyed. In these firms, everyone can access all the information and documents they need without ever leaving their desks. This is accomplished with practice management software.

Practice management software programs are powerful tools that make any law practice more efficient. They are far more advanced than a basic contacts/calendar database such as Microsoft Outlook: In one database they contain most of the information needed to operate and run a law practice. When used properly, a practice management program unifies all of the data about a matter and client into a single point of reference. This includes: every person involved with the matter, appointments, tasks, deadlines, phone calls, e-mails, correspondence, and in some cases, integrated docket and billing information. With a few clicks of the computer mouse, any lawyer can find out about the status of a given matter.

In small- and medium-size firms, the most widely used practice management software products are Amicus Attorney (www.amicusattorney.com) and Time Matters (www.timematters.com)⁵. PCLaw has basic practice management functionality. There are dozens of other practice management software products, some of which are designed for larger firms.

Document automation

Most lawyers in most practice areas generate the same (or very similar) documents over and over again. Document automation lets you increase the speed, accuracy and consistency of document production by allowing you to automate the intelligent creation of documents. This intelligence involves properly incorporating text and clauses, along with client data, into more or less final form documents. In some cases you provide the intelligence, in some cases it is programmed right into the document itself.

It takes time to learn and implement document automation. However, this up-front investment more than pays off as even complex documents that would take many hours to create manually can be created in just a few minutes. This ability to create documents more quickly makes you far more competitive and profitable.

⁵ For a detailed comparison of these two products see *Practice Management Software Face-off: Amicus Attorney vs. Time Matters*, a paper from ABA TECHSHOW 2005 (www.practicepro.ca/faceoff).

Extranets and virtual legal services

The days of client visits to the lawyer's office are numbered. With personal digital assistants, Blackberries, cell phones and laptops, lawyers can be mobile and always connected. They can work on a matter anywhere, anytime, and access any document they need. Digital dictation lets them send dictation back to the office. Tools such as GoToMeeting (www.gotomeeting.com) and Writely (www.writely.com) make it possible to simultaneously review and edit a document with multiple clients, even if they are on opposite sides of the globe.

Some firms are now implementing extranets to provide greater levels of service to clients. At the most basic level, an extranet is a private website for securely communicating and sharing information with clients. They can be used to:

- Share case information, including details on the current status of a case;
- Share case-related documents in document repositories that can be searched and viewed on-line by both lawyers and their client;
- Track calendaring – key dates and hearing and trial scheduling are shared online;
- Provide firm contact information;
- Provide remote access to various firm resources including reference manuals, research materials, databases and matter information; and
- Share time and expense information.

Extranets vary dramatically in their design and implementation. Custom-designed extranets can have complex client-specific functionality and are expensive. Web-based services can provide basic extranet functionality at a fraction of the cost.

Extranets can help you strengthen your relationship with an existing client, or attract a new client. They also provide a powerful competitive edge: They allow you to differentiate your firm from the majority of law firms who do not offer extranets; they position you on the leading edge of technology, and demonstrate that you are an innovator when it comes to communication and information-handling techniques.

For more information on extranets, including the steps that you can take to plan and implement an effective extranet, see the *Lawyer's Guide to Extranets: Breaking Down Walls and Building Client Connections*⁶.

⁶ By Douglas Simpson and Mark Tamminga. Published 2003, ABA LPM Section.

Leadership and strategic planning

Much of this booklet focuses on the steps that individuals can take to improve the service they provide to clients. Ultimately, client service must also be addressed with changes at the firm level. This requires strong firm leaders, and the discipline of a strategic plan.

Leadership

Every law firm needs a leader. This is true for a solo practice, a Bay Street firm, and every other firm in between. Leaders must have vision. They see the future, and inspire members of the firm to get there. They look beyond dealing with management squabbles and internal politics and see the bigger picture. A leader is more than a partner who simply manages a firm.

Most firms with more than a dozen or so lawyers also need leaders in a variety of roles – department heads, committee chairs, practice or industry group leaders, and so on.

Dedicated and strong leaders are essential for building a better professional services firm. Does your firm have the leaders it should? Is your firm developing and properly training potential future leaders? Are you a potential leader? These are some of the characteristics that make a good leader:

- **Integrity:** Everyone must have unconditional trust in the honesty of a leader.
- **A willingness to walk the talk:** Leaders lead by setting the standard for conduct and client service by their own actions.
- **A deep understanding the business of law:** Running a firm is very different from running an individual practice.
- **Consistency:** Leaders who change direction frequently lose people's confidence and have no credibility.

- **A willingness to admit mistakes:** We all make mistakes, and we learn from them. Owning up to missteps gains people's respect.
- **Humility:** Leaders must be able to relate, communicate and connect to every lawyer and staff person at the firm.
- **Team builder:** Leaders build a strong team by engaging and challenging members of the firm.
- **The ability to listen:** Good leaders must be willing to handle opinions contrary to their own and be willing to appreciate new points of view.
- **Decisiveness:** Leaders are willing to make decisions and stick to them. People lose confidence in a leader who is indecisive.

Strategic planning

Law firms of any size, especially very large ones, don't change easily or quickly. But change is essential for development and growth, and not only in the area of improving client services. A strategic plan can focus and direct the members of a firm towards common goals and improvements. It will set out concrete goals and steps for improvement.

Creating and executing a strategic plan requires structure and deliberate action. *The Lawyer's Guide to Strategic Planning*⁷ outlines five principal questions to consider, at both the overall organizational level and within each practice group or department:

1. **Who are we?** Generally, planners must look inward at the organizational level and analyze the current resources available, such as office space, technology, staff, practice areas, financial performance, and other areas of internal operations. Staff of all levels should participate so that they are engaged and committed to the plan.

⁷ By Thomas C. Grella and Michael L. Hudkins (published 2004 by the ABA Law Practice Management Section)

2. **Who's out there?** Planners need to get a handle on the marketplace, including current and potential clients, and competitors such as other law firms and emerging substitute legal service providers. The strategic planning process should help identify a unique competitive position of the firm, which in turn can be used to position the firm as different from, and better than, rival firms.
3. **Who do we want to be?** Integral to the process is the development of a vision of what the firm wants to look like at some point in the future. What will the firm look like in seven or 10 years? Firm planners must ask themselves what the future of the firm should be, and establish a mission statement, a vision statement, and written goals.
4. **How do we get there?** Planners then create action plans that detail the tactics or steps that the firm members will take to reach the stated goals. Each action plan must be assigned to someone in the firm who is assigned responsibility for implementing that plan. Part of the process is determining if the firm has the necessary personnel to achieve its goals.
5. **How are we going to execute our plan to get there?** As part of its overall plan, the firm needs to have in place a way to periodically check its progress so that it can make a shift or strategic move if and when circumstances warrant. Strategic planning is not static: It is a fluid, never-ending process that requires an on going commitment to the process from all members of a firm.

Strategic plans aren't just for firms. A personal strategic plan will help you focus on your long-term personal goals; the structure and deliberate action imposed by a formal plan can help you attain those goals. You can create a personal strategic plan by asking yourself personalized versions of the preceding five questions.

h o w c h a n g e t a k e s p l a c e

In a perfect world, you could show up at your office tomorrow, apply everything you have learned from this booklet, and instantly have happy clients and the perfect professional services firm.

Unfortunately, it's not that easy. Change is not a one-time event. Change is incremental. It takes time, and effort.

For change to happen, you must make a commitment to change, and change one thing at a time. Don't give yourself a self-improvement hang-over by trying to tackle fifty changes at once. This will guarantee frustration and failure.

Start by recognizing a problem or issue that should be addressed. Start small – take baby steps. Pick the smallest things that will make the biggest difference.

Break bigger projects or changes into smaller steps. You will find it is easier to begin and successfully complete each step; and you'll be amazed at how easily you can complete larger tasks by doing this.

No doubt, you are extremely busy. Billable work for clients has a high priority and will win most of the time, but it shouldn't win all of the time. Budget time for change. Set aside a bit of time, each day, each week, each month. Make an appointment with yourself – in your calendar – and don't break that appointment. It's the only way to avoid the "I'm too busy" excuse.

With small steps, over time, you can make big changes.

Passion is the key

Finding your passion can help you make changes. To find true personal satisfaction, you have to have a true passion for what you do. Identify your special skills and unique talents. Figure out what type of work you really enjoy, and what type of clients you really want to serve. Knowing what you want will give you passion for what you do.

And passion is the ultimate key to excellence in client service and a successful and profitable practice.

s u m m a r y

LAWPRO encourages you to strive for the highest possible level of professional service at your firm. Take time to identify and understand the current weaknesses in client service. Carefully review and implement the suggestions outlined in this booklet.

Work to improve your lawyer/client communications skills. Look for ways to work better and smarter. Develop and expand your technology skills. Improve your clientele and expand your practice with some focused marketing. Create your six-month marketing plan and start to build a presence on the World Wide Web so people can find you there.

Work with others at your firm to make any firm-wide changes that improve the level of service that you offer. Assist the leaders in your firm by creating a long-term vision through a firm strategic plan.

These steps will help you build a better professional services firm. Your clients will be happier clients, and your practice more competitive and profitable. As a bonus, the steps outlined in this booklet may also significantly reduce your exposure to a legal malpractice claim.

In six to twelve months, re-do the self-assessment in the first section of the booklet to see how you are doing.

Lastly, go now and make an appointment for change in your calendar.

Appendix 1 lists other resources that can help you manage a better client services firm.

Websites:

Law Society Practice Management Guidelines -

<http://mrc.lsuc.on.ca/jsp/pmg/executiveSummary.jsp>

Guidelines to assist lawyers in conducting various aspects of legal work, including management of files and client information.

Law Society Best Practices Self-assessment Tool - www.bestpracticeslaw.ca/

This online tool will help you assess your strengths and growth opportunities in five core areas of practice management.

LawPracticeToday Webzine - www.lawpracticetoday.org

Created by the American Bar Association (ABA) Law Practice Management Section, almost 500 articles on various law practice management issues (free – no membership required).

ABA Law Practice Management Section Books

The ABA Law Practice Management Section has dozens of excellent books on law practice management topics, including firm management, practice finances, technology and marketing. For a complete list see <http://www.abanet.org/lpm/catalog>.

The most popular LPM books on client service-related issues include:

The Successful Lawyer By Gerry Riskin (2005)

Practical and helpful advice for lawyers at any size of firm and any stage of practice from an internationally recognized expert on practice management. Available as book and/or CD-ROM.

How to Start and Build a Law Office, Platinum Fifth Edition, By Jay Foonberg (2005)

One of the ABA's all-time best sellers, everything you need to know to create a successful practice.

Flying Solo: A Survival Guide for The Solo and Small Firm Lawyer 4th Ed.
By K. William Gibson (2005)

Another one of the ABA's all-time best sellers, just about everything you need to know to create a successful practice.

Through the Clients Eyes: New Approaches to Get Clients to Hire You Again and Again, 2nd Ed. By Henry W. Ewalt (2002)

Sound advice and fresh ideas on how to develop and maintain excellent client relationships.

Law Office Procedures Manual for Solos and Small Firms, 3rd Ed.

By Demetrios Dimitriou (Subscription)

Information and precedents to guide you through setting office policies and procedures.

Successful Client Newsletters: The Complete Guide to Creating Powerful Newsletters By Milton Zwicker (1998)

If you don't want your client newsletters to land in the circular file, use this practical, how-to guide on creating an impressive, successful publication.

Marketing Success Stories: Conversations with Leading Rainmakers 2nd Ed.

By Hollis Hatfield Weishar and Joyce K. Smiley (2003)

A collection of anecdotes from talented and creative lawyer marketers.

The Lawyer's Guide to Marketing on the Internet, 2nd Ed. By Gregory H.

Siskind, Deborah McMurray and Richard P. Klau (2002)

Loads of information on how you can effectively and efficiently market your law practice on the Internet.

Women Rainmakers' Best Marketing Tips, 2nd Ed. By Theda C. Snyder (2003)

This book, despite its title, is for both men and women and contains well over a hundred tips you can put to use right away.

Other Books

Managing the Professional Service Firm By David H. Maister
(Free Press, 1997)

Many consider this book the bible for operating a law firm.
He has written several other books that also contain excellent content.

First Among Equals: How to Manage a Group of Professionals

By Patrick McKenna (Simon and Schuster, 2002)

A "playbook" for managing lawyers and a professional services firm.

Good To Great: Why Some Companies Make the Leap ...and Others Don't

By Jim Collins (Harper Collins, 2001)

A best-seller that will give you new perspectives and a roadmap for
improving your firm.

Magazines

Law Practice Magazine, Published by ABA Law Practice
Management Section

An excellent magazine with all sorts of LPM content (free to members of
ABA LPM Section).

appendix 2 – Sample post-matter client survey

An electronic copy of this survey is available at www.practicepro.ca/servicebooklet

CLIENT SERVICE QUESTIONNAIRE

(Insert your firm name or logo here)

How were you referred to our firm?

- Know lawyer or staff member personally. Name _____
- Referred by someone. Name _____
- Yellow pages ad
- Saw firm advertisement or brochure. Where? _____
- Other (please explain) _____

Why did you select our firm?

- Convenient location
- Firm reputation
- Lawyer reputation
- Personal relationship with lawyer/staff member
- Business relationship with lawyer/staff member
- Cost of legal services
- Recommendation (please explain) _____
- Other (please explain) _____

What is your opinion about the following?

| | Very Satisfied | Somewhat Satisfied | Somewhat Dissatisfied | Very Dissatisfied |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| Overall level of satisfaction with our service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Convenience of the office location | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ease of reaching your lawyer by telephone | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Promptness in returning telephone calls | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Promptness in returning e-mails | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lawyer clearly explained everything | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lawyer courtesy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Staff courtesy and helpfulness | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kept fully informed about my case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Settlement amount, if applicable | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Amount of attorney fees | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lawyer's responsiveness when I wanted to meet | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lawyer's concern about me as a person | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lawyer's belief in my case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Would you recommend our services to your family, friends or colleagues:

Yes No

If you would not recommend our firm to another person, please state your reasons, especially if not detailed elsewhere in these questions:

4. What could we have done to be more responsive to your legal needs?

5. Do you have any suggestions on how we could improve our written and verbal communications (telephone calls, correspondence, personal meetings) with clients?

6. If there was one thing you could change about the legal process you were involved in – whether in our office or the legal system – what would it be?

7. What suggestions do you have for improving the way we charge for services and our billing process?

8. What suggestions do you have for improving the way our office staff assisted you?

9. What additional services could we offer to make your legal representation more complete?

The questionnaire is anonymous unless you chose to include your name here:

Thank you for taking the time to complete this questionnaire! Please use the attached envelope to return the completed questionnaire to my office. It was our privilege to represent you. Please let us know when we can be of service to you in the future.

appendix 3 – Other tools and resources from practicePRO

practicePRO provides lawyers with a variety of tools and resources, in both print and electronic formats, designed to help your practice grow and thrive.

The “managing” series of booklets

These booklets provide insights and checklists to help lawyers better manage the risk associated with specific practice issues. Titles include: *managing the lawyer/client relationship*; *managing conflicts of interest*; *managing the practice of investing in clients*; *managing a mentoring relationship*; *managing practice interruptions*; *managing the finances of your practice*; *managing the security and privacy of data in a law office*; and *managing a better professional services firm*.

LAWPRO Magazine

LAWPRO Magazine is published quarterly and mailed to all lawyers in private practice in Ontario. More than 100 articles from past issues are available in PDF format in the LAWPRO Magazine archives (www.lawpro.ca/magazinearchives).

Practice aids

On the practicePRO site you can find many helpful practice aids, including: general and area of law specific retainer precedents; a transition provisions and summary table of limitation periods for The *Limitations Act, 2002*; an independent legal advice checklist, and a sample law office privacy policy.

The Online COACHING CENTRE (OCC)

The OCC is an online, self-coaching tool, comprising more than 150 modules, to help lawyers become more productive and effective in their professional and personal lives. Topics covered include: communicating powerfully; managing stress; overcoming procrastination; managing practice more efficiently; developing new business opportunities; and capitalizing on emotional intelligence.

Wellness resources

The practicePRO website provides links to assessment tools, guides and resources to help lawyers address wellness and balance issues.

Technology resources

practicePRO helps lawyers integrate technology into their practices through a variety of technology resources and articles.

For more information on how you can put practicePRO to work for your practice contact us at 416-596-4623 or 1-800-410-1013 or practicePRO@lawpro.ca or see our website at www.practicepro.ca.

www.practicepro.ca



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