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STOP THINKING LIKE A LAWYER

By: Jim Durham

SPEND THE BULK OF my time teaching lawyers how to get and keep more clients, and inevitably, at some point in the business development training programs I conduct, the conversation turns to rainmaking. When I initially ask lawyers to list what gets in the way of their business development efforts, the answers—time, compensation, lack of firm or partner support, a weak firm reputation, and inadequate legal expertise—inevitably put the blame and responsibility on someone or something other than the attorneys themselves.

After an effective training program, the same lawyers admit that it was their own fear that got in the way, along with a lack of appreciation of the client's point of view, misconceptions about selling, and failure to understand the importance of client service. But even after those obstacles have been addressed through training, many attorneys fall into old habits. Why?

Willingness to change and a plan of action are not always enough. Rather, two obstacles stand in the way: a dearth of relevant training as part of one's legal education and a failure to understand personality types and communication styles.

LAW SCHOOL VERSUS THE REAL WORLD

Most of what law students and attorneys are taught about being a lawyer runs counter to the demands

of the marketplace. Law schools focus on developing students' analytical skills, which are only a part of the equation. Overall, the emphasis of legal education is inconsistent with the relational, creative, and team-oriented attitudes that define successful attorneys. As I am repeatedly told by clients: Creative problem-solving and responsiveness are at the heart of client satisfaction. This means solving the client's problem, not some theoretical legal problem.

In many ways, legal education promotes the idea that there is only one way to do things. Whether it's the way exams are written, the way memos are written, the style of argument taught in moot court, or the way one dresses, learning to be a lawyer is largely about conformity and process. Not much is said about developing practical or creative solutions, little or no work is done in teams, and individual academic performance, not a service orientation, is what distinguishes students.

The pattern of impractical training continues after law school. Virtually everything a new associate learns at a law firm reinforces the belief that meticulously drafted documents, high billable hours, and scholarly research are the sole components of successful professional development. At many firms, associates with a demonstrated ability to get business are perceived as not as smart as their peers or somehow not up to the standards of practice

expected at that firm. One reason is that they spend time developing relationships and serving clients, so they have less time to work for the partners who judge them. Another is that they do not always produce for their own clients the kinds of lengthy, labor-intensive documents that many partners expect them to create.

I am reminded of a negotiation that a friend of mine, an associate, had with an associate from another firm on behalf of a professional athlete who was asked to endorse a charity golf tournament. My friend knew the sponsor—the other attorney's client—quite well. The athlete and the sponsor had had a business relationship for a couple of years that was going very smoothly.

My friend told the associate that it was his understanding that both parties merely wanted a back-of-the-envelope, letterlike agreement. Nevertheless, the first version of the contract drafted by the sponsor's attorney was a lengthy, single-spaced, overbearing document that ignored the practical reality of the situation. I am sure the associate's supervising partner found this contract to be excellent, but it was impossible to sell it to the athlete. The athlete was horrified by the document that was proposed, but the sponsor's attorney kept insisting that he was doing what his client wanted. After considerable back-and-forth, hand-wringing, and frustration on the part of the

attorneys, the deal was scuttled.

Several weeks later, the sponsor saw the athlete at a tournament and asked why the deal had fallen through. The athlete's response said it all: I just want to have a letter of agreement between you and me that you can use my name, you'll pay me for it, and you promise to run a first-class tournament. The sponsor responded that that was essentially all he was looking for, along with an assurance that the athlete would not endorse any competing event.

The sponsor and the athlete called my friend on the spot, and asked him to draft the letter as the athlete specified. He did so with less than one page of additional clarifications and representations, and faxed the letter to each party. They executed it within a couple of days without any further attorney involvement.

Ironically, if the sponsor's lawyer had used this practical approach at the outset of the discussions, it may very well have damaged his standing with the partners in his firm and been a setback in his career. There is no doubt in my mind that many partners would judge my friend's approach as sloppy and find his contract lacking in scholarly distinction. Clients, however, typically prefer the more practical approach to business deals, and are fully aware that it may entail more risk.

An attorney who is successful in the marketplace knows the difference between a situation that demands a comprehensive agreement full of checks and balances, and one where something less is called for. Unfortunately, as attorneys, we are taught to think of ourselves primarily as advocates and analytical experts, rather than problem-solvers. We are

trained to find what is wrong with a situation, rather than what is right with it.

Furthermore, attorneys are led, to some degree, to believe that what we do is so unique and special that we can substitute our own hypotheses and judgment for the client's expressed needs. (Indeed, one client I interviewed complained that lawyers were going through the motions of listening to him. They proved it, the client said, by pursuing their own strategy, which reflected little of his input.) We focus too much on our own agenda, while displaying a detachment and lack of personal concern that can appear arrogant to clients whose specific needs are not met.

AND THEN THERE ARE THE PERSONALITIES

Historically, the type of person drawn to the legal profession tends to be someone who prefers working alone, using lots of hard data, looking at details, and thinking about all of the options. Once most attorneys have gathered sufficient data and have had enough time to think about it, they want to get things done quickly and as independently as possible.

This is fine when the attorney and the client have exactly the same personality type, but that is seldom the case. Most attorneys either do not understand or do not want to bother accommodating clients' varying communication styles, but top rainmakers do this instinctively. Many lawyers deeply believe that their technical skills alone can and should satisfy the legal and business concerns of most clients. Why, they feel, should they bother learning unknown and difficult relationship-

building concepts that are not really necessary?

But lawyers who modify or at least suspend this belief are often surprised. When they learn and apply some relatively simple skills of observation, listening, and communication, they see that they are not difficult and can be quite effective. These include such commonsense practices as matching (reflecting a client's body posture, speaking pace, and voice modulation) and meeting management (accounting for differences in participant behavior and communication preferences).

As important as these concepts may be, however, an understanding of them alone does not produce all the attitudes necessary to strengthen client relationships. The personal styles and professional expectations that most attorneys brought with them to the practice of law (some would call it baggage) can only be changed with ongoing individual coaching and support.

Lawyers who want to succeed will not accept business as usual. They will find the will to change—even in the face of these obstacles. In the long run, by making the changes that are being demanded by the marketplace, attorneys will have a more satisfying and rewarding professional experience. And even if the changes do not result in immediate dollars in the door, the financial rewards will surely come eventually.