



**Seven Secrets Every Lawyer
Must Know to Survive
and Thrive... Even in a Recession**

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2009 is shaping up to be a red-ink year for lawyers and law firms. As of mid-March 2009, nearly 3000 lawyers (plus over 4000 staff members) have been laid off. And that's just the announced layoffs in large law firms. When the total is revised to include smaller firms and "stealth" layoffs, the number likely rises by at least 30% and probably more.

But there's another side to this story. Not all lawyers or law firms are suffering. Some are holding their own – and some are thriving. It's easy to dismiss a lawyer's success during difficult economic times as simple good luck or being in the right place at the right time. Some might even be tempted to believe that the successful lawyer has a golden touch, some quality or skill with which he or she was born that others lack. But that's just not true.

What is true is that successful lawyers have spent time and energy developing themselves, their skills, and their practices. They've worked hard to determine how to be in the right place at the right time with the right skills, and they are willing to take the uncomfortable steps that other lawyers deem unimportant. Through trial and error, or through extensive study, they've hit upon what works.

If you ask one of these lawyers how she did it, she'll likely tell you that it hasn't been easy. She's had to spend hours working not just in her practice but also *on* her practice. What's more, she'll probably tell you that she wasted some of that time going



down dead-end routes, pursuing ideas that just couldn't work. The end result? Worthwhile. The process of getting there? Painful.

And that's exactly why I'm so delighted to offer you this report. I've distilled the seven secrets that thriving lawyers know. By learning these tactics now, you'll arm yourself with the ability to succeed regardless of the economic conditions. You'll find ways to get what you need, whether it's new clients or a new job. If you're starting your own practice, this information will help you to distinguish yourself from lawyers who've been in practice for years, and it will help you to make your practice profitable in the shortest time possible.

Most importantly, you'll experience financial success as well as greater satisfaction in your practice, in a business model that's sustainable over the long term. By reading this report, you're placing yourself ahead of the other lawyers who are using trial and error to figure out what lawyers need to know to succeed in today's economy. In other words, you've got a shortcut in your hands, so use it well!

Before you delve into the seven secrets, I need to offer a word of caution. What you're about to discover may sound simple. These steps are simple. The tricky part is implementation. As you're reading, if you find yourself thinking you know this stuff, ask yourself this: *Am I using this approach today?* If you aren't implementing these secrets, you don't really know them. And if you don't really know them, if you don't use them every single day, you can't get the results you're seeking.



Now, on to the Seven Secrets Every Lawyer Must Know to Survive *and Thrive*...
Even in a Recession.

Secret #1: Don't Get Sucked In.

Don't get sucked into the news. Did you notice your own reaction when you read the layoff figures at the beginning of this paper? Did you feel the pain of nearly 8000 layoffs in less than three months, or the fear at the prospect of being affected by the layoffs or the economic conditions that caused them? There's no question that there's a great deal of pain inherent in our professional lives now. News reports and blogs are full of stories about good people who've done everything right and are now unemployed, perhaps even (for now) unemployable. Sole practitioners aren't immune, either: there's nothing between a solo lawyer and the end of his or her practice except the attorney's own skills and business savvy.

During a regular client call a couple of weeks ago, "Bill" (not his real name, of course) shared that he had friends who'd been laid off and other friends who'd been looking for work for months and were excited to get a job waiting tables just so they could pay their bills. He reeled off the latest statistics about layoffs, and he told me that he felt sure that his firm was considering taking action as well. His tone was glum, and his fear was palpable. Eventually, he told me that he'd developed the habit of checking legal news sites several times a day to see where the latest bloodbath had taken place. I asked how that made him feel, and he laughed bitterly before answering, "Educated."

I recommended that Bill stop marinating in the bad news. Yes, we all need to know what's happening in the economy, in the news, and in the legal industry, and in our own legal communities. Being ignorant will deprive you of information you need to make rational decisions about how to move in your career and your practice. But spending lots of time staying on top of the very latest bad news does nothing but limit your perspective – and deplete your energy and your wallet.

It's a well-documented fact that fear sells. Newspapers (online and print) almost never put good news at the top of the page, and the teasers for television news reports always highlight something new and frightening, something that could hurt you, something that you need to know to stay safe. Some law firms and businesses are doing well now, some perhaps even better than ever, but you won't see headlines about them. News reports won't lead in with a story about a firm that's experiencing unprecedented growth. Don't get sucked into the news. Knowing the gory details about the layoffs and other negative news won't make you safe. It'll just make you worried, and it will prevent you from looking for and thinking about the lawyers who are doing well. Don't allow the news to manipulate your perspective.

But don't bury your head in the sand. Spend some time checking into the news, focusing on your community and on the news that will have the most impact on your clients and your practice. Look for implications of the news, and think about how you might respond to trends you notice. Be choosy about to whom you listen and how much time you spend learning scary details. Don't allow yourself to soak in the bad news.



Secret #2: Be ruthless with your time.

Another reason not to spend time making sure you're up-to-date on the full details of the latest bad news is that you simply don't have the extra time to waste. "Good things may come to those who wait, but only the things left over by those who hustle." Often attributed to Abraham Lincoln, this quote may help you to see the way you use your time from a fresh perspective. Especially in a recession, when you may need to retool your practice and to spend more time reaching out to clients and colleagues – and even more so if you're just beginning your practice – you don't have a moment of time to waste. Every moment you spend on unprofitable activities takes away from time you could spend generating some profit, whether that profit is represented in dollars, in the satisfaction of enjoyable recreation, or in energy created by much-needed rest and exercise.

Become ruthless in your use of time. This is not the same as using good time management skills, though the two do overlap. Time management is devoted to ensuring that you're efficient in what you do. Being ruthless with time is dedicated to ensuring that you're effective in what you do and that what you do is moving you toward the result you want. Keep a sharp eye on the value of your activities, and be sure to consider that value before you continue an activity. Hold your objectives firmly in mind, and train yourself to ask regularly whether the activity at hand is moving you toward those objectives. If the answer is no, it's time to shift to something that will advance you toward them.



Secret #3: Listen, listen, listen.

One complaint that clients often have about their lawyers is that some lawyers take on the role of the expert too quickly, offering solutions before fully appreciating the problem or the desired outcome. You will be most effective in offering assistance (whether to a potential client or a potential employer) if you first ask questions and listen carefully to the answers you receive. Listening telegraphs that you respect the speaker and want the information he or she is conveying, and it creates the impression that you are seeking to understand what your conversational partner needs. Only when you fully understand can you offer a full solution to those needs. And by ensuring that you understand before you speak, you'll distinguish yourself from other lawyers without even opening your mouth.

Skillful listeners know the three levels of listening and how (and when) to access each. Most of us spend most of our time in Level I listening. In Level I, we hear what's said and listen through a filter of, "What does this mean for me?" If you're ever had a conversation in which you're sharing an experience and your partner keeps responding by sharing an analogous experience (or if she responds to every story by "one upping" it to tell an even more notable story about herself), you've experienced Level I. When talking with someone who's listening at Level I, a speaker may feel that the listener isn't really listening at all, only hearing the words enough to decide how to respond to them. Talking to someone who's listening at Level I can be deeply frustrating as a result, and a Level I

listener will almost certainly miss important information while composing his own response to what's being said.

Level II listening occurs when the listener is focused entirely on the speaker and is working to understand what the information being communicated means for the speaker. Level II is other-focused, and it conveys a deep respect for the speaker and a desire to see what the speaker sees. Listeners engaged at this level are working to put the speaker's words together to understand the complexity of a situation from the speaker's perspective. Skillful lawyers spend most of their conversation time with clients and potential clients engaged at Level II, weighing every word to grasp the speaker's full meaning.

In Level III listening, the listener pays attention not just to the speaker's words but also to her tone of voice, the speed of her speech, her word choice, her body language, and other non-verbal modes of communication. A Level III listener focuses attention on what's being said and how it's being said. Level III is the deepest level of listening, and operating at that level affords the lawyer access to tremendous amounts of information that he can then use to craft a response that will meet the speaker's concerns. The skill of Level III listening is not easily acquired, but the investment of energy and focus pays significant returns.

A lawyer who listens primarily on Level III will gain a full understanding of a situation and, as a result, will be able to craft a solution that truly meets the needs expressed. Listening on this level and delivering results that exceed the client's



expectations will, over time, help the lawyer to move to “trusted advisor” status, in which the client trusts the lawyer to hold the client’s interest paramount throughout the representation. At trusted advisor status, the lawyer becomes (to some degree) a partner in the client’s business or life, someone to whom the client feels comfortable turning for advice and help and to whom the client will be eager to refer others, confident in the knowledge that others will find equally good representation.

Likewise, an interview candidate who listens on Level II or III will distinguish herself by responding to the employer’s deep needs. Perhaps the employer is seeking not just a good litigator, but one who is prepared to take charge of cases and run them with little direction, knowing on which decisions the employer does and does not want to be consulted. The listener who uncovers those needs might highlight her leadership experience while noting that she’s attentive to sensitive matters that require strategic insight from the supervising lawyer, whereas a Level I interview candidate might focus only on his litigation skills and victories.

Listening well will pay remarkable dividends and will distinguish you from those who seek to provide their solution without a full appreciation of the situation. You’ll also convey the impression that you’re thorough and attentive, which will strengthen your candidacy as counsel or for a job. Similarly, applying deep listening skills to your current clients will help you to pick up information that will allow you to represent the client effectively, and your client will know that you consider his or her matter worthy of your full attention.



Secret #4: Network and follow up.

When times are tight, personal connections offer the most direct route to discovering opportunities. As the cliché holds, half of getting things done lies in just showing up. When you show up and connect with the right people in the right way (in person or online), you can bring yourself to top-of-mind presence with your contacts. You also have a chance to offer help to the people you meet, whether by offering a useful resource or by introducing selected members of your network to one another. When you can meet a contact's needs in some way, you show yourself as an expert, as someone who's well-connected and "in the know." In other words, you position yourself as someone worth knowing. That's a valuable position to hold, as a new sole practitioner, as an established practitioner in search of new business, or as someone who's looking for a new job.

All other things being equal, people prefer to hire and work with those they know, like, and trust. When you interact with others, you get to know them and to learn which of your contacts you like and trust, and those whom you meet get to make the same decisions about you. However, many lawyers make missteps that undermine the value of their professional interactions. Three keys make the difference between success and failure in networking:

1. Are you networking with the right people?
2. Are you doing the right things when you network?
3. Do you follow up in the right ways with the people you meet?



While a full explanation of the “right” tactics for networking success is outside the scope of this white paper, a few comments will point you in the right direction. Successful networking, online or offline, is possible only if you have a well-crafted plan. For business development purposes, that plan must define (among other things) the characteristics of your ideal clients and referral sources, the strategies that you plan to use to get business, and the tactics that will assist you in carrying out those strategies. The same principles apply, with a few modifications, for job search or professional advancement plans: whom do you want to meet to reach your goals, and what steps can you take once you meet those people? Having a plan will help you to tailor your networking efforts so you go to the meetings, events, and online hubs where your target crowd congregates.

Likewise, it’s important that you stick with your networking plans for long enough to determine whether they’re working. I sometimes talk with lawyers who claim that networking doesn’t work for them. When I ask for details about what kinds of gatherings they’ve been attending, what kinds of people they’ve been meeting, and so on, I learn that they’ve attended meetings only sporadically or that they visited several groups one time each. Neither of these approaches is likely to be successful. To become known, liked, and trusted, it’s critical to show up in the same places and to interact with the same people on a continuing basis. This is especially true of online networking, where it may be more difficult to get to know people and to create an impression with them. I recommend meeting with any given group at least four times, or spending several



months in an online forum, before deciding whether the group is likely to yield the results you're seeking.

Implementing certain networking tactics, such as leveraging your time by becoming more visible or by making plans for meeting particular people, will improve your results. However, nothing predicts success (or failure) like the way you follow up with the people you meet. Perhaps you've returned to your office from a bar association or client industry meeting with 10 or 20 business cards in hand, feeling unsure about how or whether to contact the people you met. If you're like most lawyers, you probably set the cards to the side and turned to something else, planning to get back to your follow-up tasks a bit later, only to find the cards days or weeks later. At that point, the momentum is gone (as, most likely, is your memory about the conversations you had) and so perhaps you threw the cards away or filed them somewhere, resolving to do better next time. If this is your pattern, I suggest one of two radical changes: either quit networking (because without good follow-up, you're just wasting your time), or develop a plan and a system to categorize your contacts and to follow up with them on a regular basis. Of course, the latter option is substantially more likely to yield the results you seek.

The initial contact following a meeting is probably the easiest. For most contacts, you'll send a simple email or handwritten note remarking on some aspect of your conversation and expressing a desire to meet again in the future. For new contacts whom you find especially interesting, perhaps as a result of a terrific conversation or an offer of



some help, you'll want to reach out with a phone call or even an in-person meeting.

After the first follow up, though, what's your system?

I recommend dividing your contacts into three lists (the A, B, and C lists) and creating reminders to contact the members of each group on a predefined schedule. Because they're most important to you, you'll want to contact your A list most frequently, roughly every 4-6 weeks. Having a series of follow-up options facilitates those contacts, as does keeping a copy of your A list by your desk so you can keep those people top-of-mind. What are some good follow-up options? Consider these:

- Sending an article or resource pertinent to a conversation you've had
- Making a recommendation (book, restaurant, etc.)
- Following up on a recommendation your contact made to you
- Offering an introduction to contacts who share a mutual interest
- Using Google Alerts to receive emailed notices of news about your contact so you can write a note of congratulations, etc.
- Sending written materials about your practice
- Sending birthday and holiday cards
- Issuing an invitation to an event
- Checking to see if your contact will be attending a particular meeting or CLE that you plan to attend
- Calling just to touch base and see how things are going
- Using SendOut Cards to mail a personalized greeting card



As you might imagine, the alternatives for following up with a contact are endless and are circumscribed only by your creativity and your interests. You'll use these methods primarily with your A list, though some may be appropriate for quarterly B list follow-up. Annual holiday cards will generally suffice for your C list. By identifying the acquaintances with whom you'll follow up, how often you'll contact them, and what your standard methods will be for getting in touch, you create a system that will run with minimal intervention.

When you put effort into developing relationships, you'll increase the likelihood that you'll find out about new matters, new job openings, and new community developments before others do, as well as the opportunities for you to help your contacts with their needs. You'll be in the know, and you'll also develop professional relationships that will increase your satisfaction with how you spend your time. Especially in this economy, you can't afford to skip networking, nor can you afford to leave to chance the repeated interactions with people who are best positioned to help you reach your goals.

Secret #5: Innovate.

These uncertain economic times demand innovation. The approaches that have worked in the past may continue to work now, but the most successful tactics will be neatly tied to the current economic situation. For example, consider the advertisements now running for new car sales, offering a no-questions-asked return of a car if the purchaser loses his or her job within a year of the sale. A year ago, such an offer would



have seemed absurd, but it makes sense now in light of consumers' unwillingness to make a major purchase when layoffs are so common.

Consider how you might innovate in your offerings. If you're just beginning your practice, you have an ideal opportunity to distinguish yourself from the "same old, same old" from the beginning, but even lawyers who have been in practice for some time can make changes to meet today's market. Perhaps there's a new service you could offer, or a new structure to your services. You might offer flat rate billing on some of your services, or maybe you'd be willing to negotiate an unusual fee structure to assist a struggling client. What aspects of your substantive area of practice are becoming more important in this economic climate? How could you educate your clients on what they need to know about operating in today's economy?

On a client service level, consider whether it would be beneficial to reach out to your clients more frequently or in new ways. Is this the time to start a newsletter for your contacts, so you can deliver timely information that will also keep you on their radar screen? Perhaps you should look into blogging, Twittering, or podcasting. The key here is not just to think outside the box but to create a whole new framework for your practice.

Innovation requires that you network with your ideal clients and that you listen to their concerns – in other words, that you apply Secrets 3 and 4. Innovation in a vacuum, or in which you offer what you think your clients *should* want, is almost destined to be less successful than a new offer based on feedback from clients and potential clients. If you have a brilliant idea, run it by several of your contacts to get their feedback. If the



idea doesn't stick, you might ask what doesn't seem to be a good fit, but there's little point in trying to create a positive response that doesn't occur organically.

One way to begin your innovation is to create a mindmap. Take a sheet of paper and write a pressing problem facing your clients in the middle of the page and draw a circle around it. Then start writing all of the ways you might help to answer that problem, drawn as branches from the initial circle, with any ancillary ideas or concerns drawn as further branches from your offer. By creating a freeform document like this, you'll get a visual rendering of what your clients need and what you can offer to them, and the visual rendering may help to stimulate new ideas. If you're just starting your practice, repetition of this process will help you to flesh out all of your service offerings.

The take-away here is simple: "If you always do what you've always done, you'll always get what you've always got." If you want a new result, take some new action. Differentiate yourself in the legal market by creating a novel offering that meets your clients' needs.

Secret #6: Get Educated.

Many aspects of the practice of law are completely ignored in law school, most particularly the business of law. As this year's layoffs show, law is a business as well as a profession, and your practice must be run accordingly. Do you know the basics of business? Depending on the size of the firm in which you practice, you may need to know only general business principles or you may need to know the details of every



aspect of the firm's operations. If you don't feel that you have a good grounding in the business of a legal practice, this is the time to learn.

On a more client-centric note, this is also the time to learn about your clients' businesses. One frequent complaint from clients is that their lawyers don't always understand the context of a representation or how a certain issue fits into the bigger business picture. If you represent individuals rather than corporations, similar concerns apply, though they might be expressed in different language. Combine your education with applications of Secret #3 (listening) and #4 (networking): invite your top clients to lunch (at your expense, of course, and off the billing meter) and tell them that you want to learn more about their business. What are their top concerns? How has the economy affected them? What are their 2009 projections? How does the outcome of your matter affect other aspects of their business? Your job during this kind of lunch is to listen much and speak little. What you learn will allow you to be more in tune with your clients' concerns. As a side benefit, your knowledge could give you fodder to devise a new offering or a new service that would benefit your clients and distinguish you from other lawyers.

And finally, what do you need to learn to be a better lawyer, or to learn how to operate your practice more effectively? Whether you need to brush up on some aspect of your legal skills or to learn more about how to develop business, this is the time to learn. Find CLE meetings or other training opportunities, read books and journals, or consider working with a mentor or a coach. Especially if your workload is uncommonly light



right now, consider this your opportunity to take time that you wouldn't otherwise have to learn new skills.

Your first response might be that you don't want to spend money on education (formal or otherwise) right now, but that's exactly the wrong response. Be selective and choose learning opportunities that will give you skills and knowledge that other lawyers lack. Smart practitioners are now spending more time networking and learning more about their clients and potential clients. They're seeking to offer assistance in whatever capacity is appropriate now, knowing that these investments will pay off in more billable client work now, increasingly so as the economy returns to good health. In the same way, those who are forward-thinking are making sure they have the skills and credentials to serve their clients as well as possible. What kind of additional education do you need?

Secret #7: Get Connected.

Just as thriving lawyers understand the need to reach out to and network with clients, potential clients, referral sources, and other contacts more now than ever before, they also understand the need to connect with one another. When you meet regularly with trusted colleagues, you create a forum for accountability, venting, and seeking feedback on challenges. Building strong connections with reliable confidants offers an antidote to what may seem like a never-ending stream of bad news and can create ripples of opportunity as information is shared. These professional relationships pay huge dividends professionally and personally.



Connecting with similarly-situated lawyers may be most effective in a group setting so that you can develop strong professional relationships with several other practitioners at once. If you're looking to grow your practice, joining a rainmaker group will create a healthy competition (who wants to be the only member who failed to complete actions steps as promised?) and will give you a forum for feedback on your business development progress that you're unlikely to receive otherwise. By the same token, joining a group of lawyers seeking new employment in this tough economy can help to keep your focus on the task at hand without becoming unduly discouraged about the inevitable dead ends. And if you're starting a new practice as a solo, consider meeting regularly with other start-ups lawyers (and with some whose practices are more established) to help you handle the many questions that will arise. More than just support, group meetings with lawyers in whose judgment you have confidence can yield remarkable progress as you benefit from your cohort's feedback and suggestions.

So how can you get involved with one of these groups? One option is to create your own group by inviting a few trusted friends and colleagues to join you in a discussion group. I recommend that you limit the size to no more than 10 lawyers and that you set a six-month commitment. Meet at least twice per month, and assign the leadership role to each member on a rotating basis. The leader will be responsible for running the meeting, for making sure that the conversation remains relevant to the group's purpose, and for introducing a new resource. While self-selected groups can be effective, very often they dissolve when other commitments take precedence because

there's no "skin in the game" beyond the agreement to work in the group, and their structure may crumble without someone who's granted leadership authority by the group.

As a result, many lawyers prefer to join professionally-operated groups. Coaches, consultants, and recruiters offer these groups (often described as "Mastermind Groups") to a limited number of participants. The organizer is responsible for attracting the group members, for leading the group discussions, for ensuring that group members uphold their commitment to the group, and for offering professional feedback to the members' concerns. Many groups also feature one-on-one time with the organizer, in which members can get objective feedback and coaching on their opportunities and obstacles. To locate a Mastermind Group, ask colleagues for recommendations, check with coaches or recruiters you know, or run a Google search on "attorney mastermind group" or "lawyer mastermind program."

Conclusion

Now that you've discovered the seven secrets that you must know to thrive, even in today's difficult economy, there's only one question that remains: what will you do with what you've learned? I encourage you to take a moment right now – not once you've grabbed a cup of coffee or after you check your email, but right this very minute – to jot down three steps you plan to take in the next two weeks as a result of reading this white paper. Will you resolve to craft a business development plan, to select one bar association or industry meeting to attend, and to follow up with several people you meet there? Will you decide to bring Level III listening into every client meeting, to use what



you learn to help you craft a bold new offering, and to locate a group of lawyers to help you meet your goal of being a thriving lawyer? Whatever actions you choose, commit to them. Block out a time on your calendar for this work, and hold it as inviolate as you would a one-on-one meeting with your most important client.

Since you requested this white paper, I'm also gifting you with a subscription to the weekly email newsletter *Leadership Matters for Lawyers*, in which you'll find many more tactics and ideas to help you create a successful, satisfying, and sustainable practice. If you'd like even more assistance as you work on your goals, perhaps we should talk. Each month, I offer a limited number of free, no-obligation consultations to law firm associates and partners who are tired of feeling that they're behind the 8-ball and who are ready to thrive. Please contact my assistant Jessica (by sending an email to Jessica@lifeatthebar.com or by calling 800.758.6214, ext. 1) to set up an appointment so we can get to know one another and decide whether working together would help you to reach your practice goals.

And now... Go thrive!