

Firmwide Professional Development: It's Not Just About Attorneys Anymore!

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What We Will Cover Today

- Why Engage in Staff Development
- What Resources Are Needed
- How to Develop Courses
- Who Should Deliver Courses
- How to Deliver Courses
- How to Measure Success

Who Is Doing This Work/ What Work Are You Doing?

- Recruiting Professionals
- PD Professionals
- Both
- Onboarding
- Developmental
- Both
- Competencies

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Why Staff Development?

peterbaeklund.com

CFO asks CEO: "What happens if we invest in developing our people and then they leave us?"

CEO: "What happens if we don't, and they stay?"

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What Are the Goals of Staff Development?

- Efficiency
- Technical skills
- Business skills (soft)
- Firm culture



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What Are Your Development Objectives?



- Evaluation criteria
- Specific firm initiatives
- Competencies/benchmarks/skill sets

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Competency Models

Competency wheel



Career Frame work



Competency Models

Competency Table



What Benchmarks/Skill Sets Do You Have?

- Records Clerk (sample)
 - Possesses full understanding and knowledge of Records processes, policies and procedures.
 - Understands document classification as it applies to both the legal industry and the firm environment and files/indexes documents accordingly.
 - Demonstrates proficiency with all equipment and related software pertinent to records and information management.

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What Are the Incentives for Staff?

- Job security
- Personal/professional growth
- Upskilling
- Efficiency
- Evaluation
- Compensation



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What Resources Do You Need?

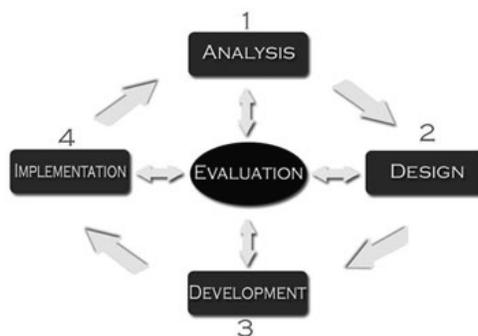
- External Resources
- Internal Resources
- Hybrid solutions



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How Can You Get Started?

- Needs Analysis
- Strategy and Plan
- Pilot
- Review



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How Do You Develop Courses?

- Purchase
 - Online
 - Consultants
- In-house expertise
 - Skills
 - Process



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What Topics Are You Training?

FAEGRE BAKER DANIELS

FAEGREBD Consulting

FaegreBD Professional Development Team-Partnering with You to Develop Our Talent

Looking for ways to strengthen skill sets or teamwork within your department? Faegre Baker Daniels' professional development team provides training and tailored learning for the firm's departments, groups and teams. Programs are available to enhance an individual's skills, support team dynamics or build rapport within a group.

The programs below are ready for customization to your team.

Team-Building/Team Dynamics

BEHIN TEAM ROLES

Analyze your team to identify skill overlaps and gaps.

FIVE DYSFUNCTIONS OF A TEAM

Provide practical tools for improving trust, conflict, commitment, accountability and results.

OTHER TEAM-BUILDING/RAPPORT-BUILDING ACTIVITIES

Communication

PRESENTATION ADVANTAGE

Discuss and implement best practices for designing and delivering effective presentations.

MANAGING SPEECH ANXIETY

Identify and practice techniques to communicate your message despite anxiety.

COMMUNICATION DERAILED

Identify causes and solutions to common communication problems through role-play.

MARK SURFACE ROVER

Focus on the importance of sharing information and knowing the big picture through an interactive activity.

CUSTOMIZED DISC TRAINING

Use the DISC work style assessment to identify and solve communication problems.

FACILITATING EFFECTIVE MEETINGS

Plan and conduct meetings (live and virtual) using best practices.

Self-Awareness and Relationship Building

EMOTIONAL INTELLIGENCE

Assess abilities in key components of emotional intelligence, including self-management and social awareness.

CONFLICT RESOLUTION

Identify your most prominent conflict modes and determine pros and cons of these and other approaches to conflict.

DEFUSING EMOTIONALLY CHARGED SITUATIONS

Analyze your emotional triggers and prepare strategies to deal with them before they appear. Help others too, when appropriate.

Resourcefulness

APPLIED STRATEGIC THINKING

Think ahead of the curve to ensure individual and organizational success.

NEGOTIATION STRATEGIES

Recognize efficient negotiation strategies and apply in role-play scenarios.

CREATIVITY AND INNOVATION

Leverage creative strengths and improve problem-solving capabilities. Self-assessment and/or interactive activity available.

COPING WITH CHANGE

Increase change resilience through perspective and best practices.

LEADERSHIP WITHOUT A FORMAL TITLE

Innovate and apply key leadership principles regardless of job title.

Customized Training Plans (Individuals and Teams)

We will work with you to devise the best combination of classes, coaching, reading, eLearning, etc. to improve team and/or individual performance.

FOR MORE INFORMATION, CONTACT LARA ROMO AT X3795 OR VIST_P@FDN.COM

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Who Will Teach the Courses?

- Expertise
- Incentives
 - Personal
 - Professional
 - Compensation/evaluation
- External



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How Do You Deliver Training?



- Live
- Audio/videoconference
- Online
- E-learning
- Mobile

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How Do You Measure Success?

- What Metrics Matter?
- How Do You Assess Programming?



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Empowering Professional Staff in a Changing Legal Environment

Sharing the financial realities of a downturn market for legal services with professional staff can empower them and bring value to the firm. Rather than shielding them, ask for their help.



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Nobody wants to be the one to share bad news with the family, but sometimes it has to be done. In this case, the bad news I'm talking about is telling your staff the truth about the health of the legal industry and its impact on their own well being. Unfortunately, there have already been losses and many staff are not paying attention. More telling is that staff have not changed their ways in preparation for the worse, which may be yet to come. It is time to be open about what is

happening and how it may affect them. The goal is to share with them the realities so they can develop new skills and behaviors to carry themselves and the firm forward.

Legal spending is down across the industry, and though we have seen some uptick, the futurists claim it will never go back to prerecession levels. There are fewer big deals and even less "bet the company" cases. *The American Lawyer* website says "in the past ten years beginning in 2004, business legal service revenues fell from \$159.4 billion to \$118.3 billion." This is a 25.8 percent drop resulting in less work to go around.

What does this mean firms should be doing about staff? First, firm management needs to be honest and share the reality of a different legal industry. Supervisors can be proactive by, encouraging staff to be more conscientious about business costs. Help them understand that they too can make a valuable contribution. Teach them the economics of your particular firm by explaining how the billing and collections process impacts the revenue and cash flow cycle. Show them ways to reduce waste and become more efficient. Encourage them through "suggestion boxes" and other means to improve internal processes and to do more with less. In her article *Legal Practice: The Suggestion Box*, Julian Summerhayes writes suggestion boxes are for "... any forward-thinking, innovative professional practice—anonymous or otherwise." Make your staff aware that they work for the firm and not just the specific lawyers or departments they support. They should be focused on the firm's economic success.

The American Lawyer reports that 60 percent of the AM LAW200 acknowledge offering discounted rates to their top clients. Alternative fee arrangements (AFA) are slowly becoming the norm, as clients want to have more predictability in their legal budgets. It is time to explain to the staff that an AFA can consist of any fee that is flat, capped, fixed, contingent, or value based. They need to understand that the hourly rate model is shifting and why clients are demanding this new model more often. Part of this explanation needs to cover the type of work that is profitable and the type of clients the firm needs. Often

it is the assistant or paralegal who contracts with third party vendors for everything from court reporters to translation services. Teach staff how to negotiate and ask for better terms because under an AFA clients are no longer directly paying for these ancillary services.

Law is a reactive industry waiting for clients to call and for things to happen. Typically lawyers do not create needs or products. To succeed in the future, this must change. This is where the business development and marketing staff and even the technology department can step up to add value. Has your firm created any internal tools that could be packaged and offered to clients? Tap the resources of the professional side of the firm to look for business solutions that can assist your clients. For example, if you have created a project management system for monitoring legal work, could it be tweaked for clients to use to manage their legal spending? Often lawyers overlook the skills and abilities of the employees on the professional side. The time is ripe to tap into these assets and look for alternative revenue streams.

Technology continues to change the practice. Everything from e-discovery to client management systems (CRM) has an impact on the speed at which lawyers practice law. Secretaries and assistants need to keep current to remain competitive. Staff to attorney ratios are moving toward a 1-to-1 or < 1-to-1 ratio. This means some tasks will disappear or be outsourced and some staff will lose their jobs. Now is the opportune time to instill in the staff the need to heighten their skills. Firms can offer internal training or external programs in all the software platforms that efficient firms are currently using. Proficiency in Interaction, Relativity, Microsoft Office, and a myriad of other legal tools will become the norm and low performance will no longer be tolerated. High-quality employees will embrace the need to learn new skills so that they can remain employed or have skills valued by other firms.

Alternative law firms like Axiom and Elevate Services take work away from traditional firms. Along with these less conventional companies, consulting and accounting firms are also poaching work traditionally given to law firms. PwC has stated its goal to become a Top 20 legal services provider over the next five years. How can traditional law firms compete? By using their professionals to do more billable work at lower rates. One of the reasons these businesses impact the legal industry is that they use a more profitable model, which spreads the work around to be more efficient. Your staff have skills and abilities that can be more fully utilized especially among paralegals, technical specialists, and project managers. Engage your firm's

nonattorney professionals by brainstorming with them ways to create more efficiency at the work product level. For example, many paralegals have the skills and knowledge to do work that first- and second-year lawyers currently do, at a much lower rate. Consider the options at your firm, and then create pilot programs to see what alternative working models are profitable.

As times change in the legal services environment, one thing remains even more critical: client service. We need to work harder to stay connected to the client as we use new and additional technology. Entire deals can be completed without the client and partner ever meeting face-to-face. Firms must continue to differentiate themselves through their client relationships. The 2014 BTI Consulting Group's annual report on client service says, "Only clients can define and measure client service—and as it turns out, not everyone measures up." It is the law firm's responsibility to teach staff, from the receptionist to the tech people running AV equipment, what exemplary client service is and how to deliver it. This includes being responsive, using and sticking to budgets, and communicating regularly with clients. The legal industry could take a lesson from highly successful hotel chains on how to train everyone from top to bottom in quality service. In *Beyond Biglaw: Disney Lessons for Lawyers (Part 1) — Customer Service* Gaston Kroub, a Biglaw partner writes, "Whether you are in Biglaw or a boutique, learning how to deliver superior client service is of paramount importance, especially in the free-for-all competitive environment we have been dealing with over the past few years."

Law firms have significant sources of data, which could be used to increase efficiency. Data sources are everything from timekeeping software and electronic bills to document management systems storing thousands of documents. All of this and more can be used to create efficiencies provided the firm has the technology and people to process and analyze the data. Lawyers do not have the time or interest to search through piles of data unless it proves their client is not responsible or that the deal documents are faulty in some way. However, if finance or tech staff were properly trained and charged with analyzing the data, there might be some clues on how to improve efficiencies or effectiveness. For example, if a firm charted attorneys who put in time daily against those who did it weekly or less often, they could prove that daily time keeping captures more time ultimately leading to more billable hours. Sharing this data analysis with your assistants can help them influence lawyers to change their behaviors regarding billing practices. In Frederick J. Esposito's piece, *Making the*

Timekeeping Honor Roll, he says, “Wise lawyers know that contemporaneous timekeeping is essential to success ...” Now, who wouldn’t want to bill more time?

So what is the point in all this? The lesson is to get firms to realize they need to include their staff in financial discussions, AFA implementation plans, and cost containment initiatives. Law firm leaders need to instill the necessity of becoming more skilled and efficient to benefit both the firm and individuals’ careers. When firms acknowledge that the entire other half, the professional side, can and will have an impact on the future of their practice, then firms will be more successful. By embracing the above, leaders can change from the bearers of bad news to solution gatherers.

Originally published in Practice Innovations newsletter, offered by Thomson Reuters as a service to the legal community. To subscribe go to:
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FEATURE

Client Service: The New Normal in the Legal Industry

By Marni Becker-Avin

In this day and age, it is critical to retain clients. How does a firm accomplish that in an environment that has traditionally focused on productivity? Firms have attempted to differentiate based on expertise, alternative billing options, and creativity. All are good, but none of them hit the mark. Like it or not, law firms have to become client-centric.

Excellent client service is not just a nice idea anymore. It is a necessity. If firms do not make it a high priority, clients will eventually go elsewhere. Work product and/or poor results are not the predominant reasons clients search for new counsel. More clients leave a firm because of service issues. Good client service entails having a dedicated client-oriented department where clients can rest assured that they will get any questions answered or issues resolved in a timely manner.

Top-tier companies not only offer a customer service department, but also understand that training employees in customer service is essential. For clients to stick with a firm, they have to believe that client service is a core cultural value. The culture at law firms has tended to focus on billings, originations, and results, but rarely on service. This is not surprising considering how attorneys have typically been evaluated for salary and bonuses. Other businesses have recognized that as the service or product they provide becomes more quickly copied (as every practice and product that is successful will be), they must stand out based upon their service. Apple has some pretty unique products, but now others have copied their product models (some, according to recent court decisions, by patent infringement, but be that as it may). Yet if you ask any Apple user what stands out in their mind, they will tell you that if they encounter a problem with an Apple product and get on the phone with the company, a knowledgeable person will spend hours on the phone with you, if necessary, to resolve the problem. If it can't be resolved and is a hardware issue, expect a replacement product in the mail the next day. It blows the customer mind. The same service model is part of the culture in other competitive businesses: Disney and the Ritz Carlton in hospitality; TD Bank in financial services. So what about law firms? What is the impediment? In a word, lawyers.

Lawyers are trained to provide excellent legal services; however, very few are trained to give excellent client service. It is time for professional service firms to start thinking like big business. If they compete on price alone, they will become commoditized. Firms will always be able to offer the same work product for less, and unless client service is a top priority, law firms will not be able to sustain a competitive advantage. Former Harvard Business School professor David Maister has posited that the lawyer personality and training are, in themselves, impediments to service, but the natural tendencies to risk aversion, distrust, and pickiness (as opposed to commendable attention to detail) can be overcome. He has made a career counseling that in

order to become a successful law firm and to maintain a competitive advantage, law firms and their attorneys should exhibit True Professionalism and become The Trusted Advisor (the titles of two of his several books).

We are in a service industry. Yet many in the profession do not understand that client service is an integral part of the “product” and that clients will pay for superior client service because it is a value-added proposition. One of the best ways for firms to achieve differentiation and retain clients, especially in this economy, is by providing excellent client service. Attorneys, however, do not consider either sales or hand holding to be part of their job description. A fundamental and radical shift in the basic beliefs of the profession as a whole is needed. Successful attorneys are inherently committed to client service. They make themselves available and consistently communicate with their clients.

The differentiation that comes with exemplary client service is not really that difficult to achieve, since great service in law firms starts with little things. Some of this requires only the most basic of training and communicated expectation from the top echelons of the firm. Client service training is an important part of any attorney’s professional development, and firms need to understand that they will see a return on that investment in the form of new matters, more work, and higher billing opportunities.

Attorneys and staff alike must become experts in client service, and this requires continuous training. A big part of what is called for goes back to the teachings of J. Edwards Deming who, while largely ignored by American businesses in the 50s, achieved near sainthood in Japan by teaching companies to transform “Made in Japan” from meaning cheap junk into meaning high-quality products. By the 1980s, American companies began to adopt his methods. They put quality first and foremost, and taught that if you focus only on that, all good things will flow from it. And you can only achieve the quality that you want by measuring it. Later, American companies adopted the Six Sigma method, first introduced at Motorola and popularized by General Electric. All the books on the subject say that those methods of finding areas of waste, inefficiency and error, and correcting those (by involving the workers with direct responsibility in the process of identifying those problems and finding ways to correct them, using measurement and statistics) say that Six Sigma can apply as well in a service business as in a manufacturing or distribution business. Yet all their examples are from manufacturing and distribution. At our firm, we hired Six Sigma consultants and applied those methods to some of our more process-driven practices to make them work faster and more efficiently and with fewer “touches” and errors. Underlying it all is the notion that to impart great value we have to be committed to great service.

We have a three-tiered program, B&P University, which focuses on various skill sets, substantive and procedural. We offer courses, mandatory for our attorneys, in substantive legal areas, leadership skills, client service, and communication. We also invite speakers from nationally recognized client-service-oriented companies, as well as clients, to sit on a panel and discuss service issues. Simulated client phone calls and/or mock client meetings help to enforce the service culture. Going back to business as usual after a training session is not an option, so the training initiatives need to be a year-round initiative. Neither client service nor communication comes naturally to attorneys; yet, if they want to survive and thrive in this

economy, they have to be able to do both. There is no magic here. It is constant reiteration by management and constant training on those areas we contend matter that makes for the transformation of the typical law firm culture to a service culture.

Client service should be viewed as an exceptional investment rather than a non-billable activity because it is valuable, and it will generate a high return. Firms tend to measure success in terms of productivity and compensate based on hours billed and collected. The reason for this is likely due to the perception that client service is not measurable. Leadership has to develop a system to measure an attorney's contribution to the firm based on constant client feedback, and hold the attorneys accountable based on that feedback. With the implementation of our proactive outreach and client surveys, we have shown that client service can be measured and made an important factor in compensation decisions. Along with computerized analysis of incoming requests, we annually reach out to at least 20 clients served by each attorney. We ask the clients to rate the attorneys on a scale of 1 (worst) to 10 (best) on various traits such as responsiveness, accessibility, and timeliness to find out how we, as a firm, are doing for that client.

Probably the biggest acculturation is the client survey on service and letting lawyers know we expect a score of 8 or higher to qualify for bonus. We have been averaging scores of 9. Not bad for lawyers. This did not happen overnight. It had to become an essential part of our culture. If the firm's management makes client service a priority, and if the top brass believe in it to their core, then it becomes an important reality. There is only one way to make the initiative a success: decision-makers have to define it, model the behavior, and reward it.

Everyone in the firm must be on the same page, and must understand and accept the core value of client service. Attorneys can be so focused on billing and originating that they tend to overlook the impact of alienating clients. Clients often say the quality they appreciate most in a lawyer is that he or she "understands my business" and "listens" to me. Along those lines, the number-one complaint clients have about their attorneys is a perceived lack of communication or responsiveness and a feeling of being out of the loop.

Our client service staff is trained in communication, know more about the firm than most other people in it, follow up with clients to make sure they were satisfied with the resolution, and communicate professionally and pleasantly. If a client calls up presenting with a billing issue, more often than not, the bill is not the real concern. Importantly, our staff is trained to ask questions which would lead to the underlying issue, and once resolved, clients are understandably more amenable to paying their bills. Providing a safe place for clients to call if they have an issue provides the firm an opportunity to fix concerns before they evolve into big problems. In addition to stopping potential problems in their tracks, developing client loyalty and retention, expanding client relations, and aiding in evaluating employee performance, being client-centric also curtails receivable problems, helps to dismiss professional complaints, and lowers malpractice premiums.

Some attorneys may resent having to spend any non-billable time on a client, disregarding the theory that if they cultivate the relationship, they will inevitably make more money. The truth is that without clients, we would not have jobs. The old adage "the client is always right" may sound pedestrian; however, in this economy, it is paramount. The client's perception is our

reality. To remain viable and compete in the industry, firms must grasp the connection to client service, and appreciate the value added. We are never too old to learn new tricks.

The bottom line is that clients need to feel special and important, and communication is the key to achieving that. Firms will retain clients if lawyers accept that interaction with clients is the most important aspect of the relationship, even more important than the work product or winning the case, and if they model their behavior accordingly. Let's not call it "hand-holding" for the cynics out there. Let's call it "making more money."

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About the Author

Marni Becker-Avin is an attorney and professional development director at Becker & Poliakoff. She is a member of the Professional Development Consortium, the organization for individuals responsible for developing and administering the training and professional development of lawyers.