How Do I Get My Litigators to Focus on Client Industries?

> Question: "*I have been reading your various article on the merits of attorneys having more of an industry focus and I'm intrigued. We have certainly become more cognizant of this topic as COVID impacted many of our client industries in ways that we would never have imagined. I manage a fairly large Litigation Department comprised of about 40 attorneys, fairly partner dominant, and spread out over five offices. Any ideas for how I might approach this with my colleagues and convince them to give re-organizing all or parts of our Department into smaller industry teams a try?*"

Thank you for your question. Perhaps before we go any further let me reiterate something that I had written about in an earlier article. Basically, neither you nor I will live long enough to ever see you, or anyone in your position, convince a group of litigators to do anything of this nature. Please remember what one of my very senior, statesman-like individuals, the founder of a major firm and a mentor told me. He said, "*No lawyer, anywhere, EVER . . . gets excited, enthusiastic, willing supports or gets behind . . . any idea, initiative, **change**, plan or program . . . that they themselves have not had a PART in formulating! Your job is not to be the smartest in the room. Your job is to be the Coach, the Catalyst, the Facilitator; to help them get from where they are to where they want or need to be*."

With that in mind, perhaps we might provide them with an experience that may allow them to explore some new practice options.

Preparation Stage

You need to start with doing a little quantitative analysis on your current client base, something that if you have not done recently, I should expect that your Marketing professionals can assist you with. Here is what you need:

• List clients in descending order of fees collected
    [Is your litigation client base diversified or dependent on a few large clients?]
• Group clients by the nature of their Industry
    [Is your litigation work concentrated in few or many particular industries?]

• Group clients by the geographic area they come from
[How are your clients geographically dispersed?]

Let's make a list of those Industries that comprise the largest percentage of the work the Department does. Just for illustrative purposes only, your list might include:

AgriBusiness	Franchising
Auto Dealerships	Healthcare
Business Services	Hospitality
Construction	Manufacturing
Electronics & High Tech	Retail
Entertainment (Sports / Media)	Transportation & Distribution

Now let's plan an initial 60-to-90 minute meeting of all members of your Litigation Department. This meeting can likely be done virtually, but from my experience, I think it is most effective if we can get everyone physically together.

At this meeting you need to have twelve fairly large round tables. Each of these tables should have a big tent-card displaying the name of one of the dozen different industries that you already identified from your client analysis.

Your Meeting Process

When your meeting starts and people are entering the meeting room, you will announce that we are going to engage in a discission about the many clients we serve with an emphasis on industry. So, if you would please select whichever table you find attractive in that it represents the kinds of clients that you most enjoy working with – and allow about five minutes for your colleagues to find the table of their choice. The fun part here is not to give them a list ahead of time but allow them to scope the room, think about where they want to sit, and observe them watching where their closest friends decide to go.

Now you are going to facilitate this session by asking your colleagues to go around the table and answer each of the following questions that you are going to pose. You should do this by posing one question, giving them 5 to 10 minutes to carry out the discussion at their respective tables and then go to the next question and repeat the process.

Here are some initial questions to start with:

1. Introduce yourself to each other with some background information on why this particular industry is of personal interest to you.

2. Identify the "depth" of your industry experience by providing examples of the sub-industry clients that you have had the opportunity of working with.
(Distribute this handout as an example)

Identifying the Depth of our Industry Experience

Example: **Construction Industry**

Large-scale commercial construction;
Industrial Building construction;
Construction Tech companies;
Specialty construction;
Highway construction;
Residential building;
Senior housing and retirement communities;
Modular housing and prefab developments;
Fire and Flood restoration;
Insurance Public adjustment;
Burglar alarm and Security services;
Construction management;
Oil & Gas Pipelines and related structures construction;
Skilled trades;
Building and equipment suppliers;
Engineering and architecture;
Interior design;
Aggregate and material extraction.

Example: **HealthCare Industry**

Ambulatory / Outpatient Care
Assisted Living
Behavioral Health Care
Billing Services / Claims Processing
Clinical Labs & Testing
Clinical Research Organizations
Contract Management / Clinical Outsourcing
Diagnostic Imaging Services
Disease Management
Health Information Technology / e-Health
Home Health Care
Hospital Systems / Management
Long Term Care
Managed Care
Medical Products / Devices
Occupational Health / Workers' Compensation / Wellness
Physician Practice Organizations
Rehabilitation

3. What have each of us learned about working with this industry that others around the table may not know, including any new developments or trends that you see emerging that may affect the players in this industry?

4. Identify and discuss what particular industry publications, newsletters and blogs we are each currently subscribing to or "**regularly reading**" – and which publications are not included that could be regularly reviewed.

5. Identify and discuss what particular industry associations and trade groups we are each currently "**actively involved**" in – and which we are not yet members of but could be, and what potential benefits might accrue from personal involvement.

6. What challenges do you or could you face attempting to develop new business in this industry?

7. Would there be any benefit to us in exploring further discussions together on this industry – and if so, would you be interested in continuing these discussion with a second meeting?

Now I'm betting that your people will have enjoyed the discussions and learned enough from each other in sharing their perspectives and experiences that they will be very open to a second meeting.

The Second Meeting

Your second meeting will proceed in much the same manner except for a series of different questions to build on your initial discussions:

1. Who, specifically, is your ideal, targeted client niche within this industry if you were to focus some efforts on attempting to build more of a presence?

2. What new threat, problem or challenge are these niche clients facing and what could you do to or have you done to help them overcome that difficulty?

3. How do these industry clients actually make money and what could you do to help them make even more money?

4. What is it that you are uniquely able to offer this industry that is of value, and that these prospects / clients may not be able to get from most other firms?

5. What is the one thing each of you are doing that you believe is bringing in the most business?

6. Would there be any benefit to us in exploring further conversations together in a smaller litigation team environment where we could focus our discussions on setting out action plans to have a real market presence in this particular industry?

Homework To Move Forward

As a good faith investment in moving forward, each group member if agreeable, would undertake before the next meeting to:

• compile and present a list of those clients currently being served that would be categorized as being in this industry and/or related industries;

• compile a list of contacts that each member personally has in prospective client companies; and

• identify satisfied clients that could be approached to provide the team with written endorsements of the litigation results that have been achieved within this particular industry.

There is much written about change and how to influence and manipulate people into doing something that others may think is important and even beneficial. But I've found that most change happens when you help someone try something new and it opens the mind to want to experiment and continue the exploration.

I first facilitated this process, many years ago, in a Global law firm with a group of their European offices and can proudly say that they commenced their Regional Industry focused efforts as a direct result of those meetings. It ended up being their idea and not the idea of some brain-dead consultant! So, try this process with your people and please let me know how well it works.