

# Some Strategic Thought Provokers



Some years back I was invited to author a brief, highly pragmatic 250-word snippet addressing the strategic issues that law firms face on a continuing basis. To my chagrin, attempting to be relevant and prescriptive in a very concise number of words can be far more challenging than I ever imagined. What follows here are the first six of a dozen perhaps provocative strategies, intended only to stimulate your thinking.

## 1. Fight Established Routines

Your routines represent all of those memoranda, reports, e-mails and trivial matters that conspire to sap your strength and smother your ability to focus attention on activities that really are the highest value-added use of your time. Routines will get you into ruts, dull your senses, stifle your creativity, constrict your thinking, remove you from real-world stimulation and destroy your firm's competitive vitality.

Many of the things that made you successful in the past may now prove to be nothing more than time-worn assumptions about what clients really value, or what services remain worthwhile offerings, or what constitutes profitability, or what ensures quality performance. You need to regularly examine your firm's various assumptions to see if they are still viable.

Constantly question "the way things are done," and never, never allow your partners to rest on their laurels. Some partners can be like those old spring-powered watches — they have to be shaken hard to get them going. Especially beware one of the fallacies in the mindless espousing of "best practices" — you can't just be as good as the competition . . . that never leads to market leadership.

**Next Steps.** Put these questions on the agenda of your next meeting: What are we best at? What makes us unique? How are we going to serve our clients in a way that nobody else can? And what are we going to do that will truly lead the market this coming year?

## 2. What Is Your Competitive Advantage?

Prospects need to know what makes you and your firm special. Every law firm professes to have years of experience, be responsive and provide exceptional service — so once you've exhausted those clichés, what's left?

**Your advantage should be quantifiable.** Talk about the total number of clients served, total value of transactions, dollars saved, success rates, clients satisfied and provide impressive

metrics to back up any assertion. Example: “Our lawyers have handled more than ‘X’ commercial real estate transactions, at a total value of over \$’Y’ during the past Z years.”

**Tout your star qualities.** Provide client testimonials. Prospects feel more secure with a firm widely acknowledged by peers. And if you do include a testimonial, make sure that there is a REAL name attached.

**Identify an attribute that isn’t claimed by a competitor.** Let’s say you serve a large number of companies in a selective micro-industry niche (e.g. TeleMedicine). Even if some competitor does the same, claim it first and claim it loudly. Firms hate looking like copycats so you are likely to preempt them ever taking action.

**Develop a proprietary solution.** Make a list of your added-value methodologies, approaches, actions and / or those technology answers that serve to make your client’s job (or lives) easier (or more profitable).

Your goal is to come up with a hard list of advantages to answer any prospect that asks, “Why should I choose your firm, what makes you distinctive and what specifically do you offer *that I cannot get anywhere else?*” And don’t fool yourself, if they’re not asking this question, they’re definitely thinking it!

### **3. Welcome New Voices**

Strategic blindness comes from too much inbreeding. It is the result of having the same partners, pursuing the same conversations, about the same subjects, in the same way . . . and expecting different insights to emerge. What, after all, do the various members of your firm’s Executive Committee have to learn from each other? They have been talking at each other for years such that their views and positions are well rehearsed, and they can finish each other’s sentences.

Innovative insights only emerge from hearing NEW VOICES. Your firm needs to welcome hearing from new voices to hear new strategies.

Diversify the leadership voices available to your firm. Set up your own informal “Advisory Board” comprised of respected business and professional leaders who can meet quarterly with your firm’s leadership and offer an impartial view. Have them tell you what is going on in their version of the real world.

Up the ante: Set aside a modest, special budget to fund new experiments. Assign one partner to oversee submissions and get the word out that the firm welcomes new ideas from EVERYONE, and not just the lawyers.

Ensure that at least one member of your firm’s executive committee is 35 years of age or younger. The younger generation has a different model for how they think about things. And if you don’t think one of your younger professionals (partner or not) could have some tasty contributions to make participating on your Executive Committee, you are clearly suffering a bad case of **truth** decay!

## **4. Eliminate Barriers to Switching**

When you are trying to get prospects to change from their existing law firm to yours, you need to consider a concept called “barriers to switching.” Eliminating barriers is generally key in getting people to move their legal work to your firm. So for each new prospect, ask yourself: “*What keeps this person or company from becoming our client tomorrow?*”

Quite simply, you need to identify some motivating rationale for why this particular prospect should *even try* your services. And no, I’m sorry, assertions that you can “*do it better, faster and cheaper*” are rarely ever perceived as believable — so don’t go there!

You are refreshingly strategic if you’ve targeted a particular client niche that other competitive firms have not. If you have a service offering that is unique in some way (“*We have a specialized team that serves the needs of digital transformation for your industry*”), then you have a much better chance of getting your target prospects to consider giving you a try.

If you’re not differentiated . . . then perhaps this prospect is worried about how costly it will be for you to get up-to-speed on their matters. Devote some serious non-billable time up-front to learning about a particular problem situation and inform them that you are prepared to offer a no fee initial consultation.

Perhaps this prospect doesn’t perceive you offering any REAL added-value. Think through (or ask) what would constitute value for them. Perhaps it’s an invitation to an educational program, offering them preventative counsel, or helping them meet with influential contacts.

To dominate in your chosen market, you have to identify the most complete list of barriers and work diligently to eliminate them.

## **5. Be A Creator of NEXT Practices**

Strategic wisdom has it that if you don’t want to reinvent the wheel, you should seek out “best practices.” This is where your firm invests time in studying what some other firm may be doing better than anyone else. You then try to integrate that best practice into your own not-so-terrific activities, systems or structures.

But here’s the deal: Copying another firm’s client service standards may be easier than creating your own, but the creators of change always have the highest commitment to change. It is only through creativity, not replication, that people get the opportunity to fully commit to constructing the conditions for which they yearn.

You could also run the risk of becoming a firm of mimics. Ask yourself, where did this firm with the current ‘best practice’ get it from? If they got it from somebody else, you are admiring the wrong firm. And if the practice was the result of the firm’s own innovation, then they’re probably planning to move on to something even better.

Innovation is an innate part of who they are. You are going to be left trying to mimic last year's model. You will never catch up with the front-runners. Innovators, by definition, are always one step ahead.

Simply adopting someone else's best practice may not be your best practice after all!

## 6. What is Your Skills-Building Strategy?

In today's world, you have to continually assess your skills and adapt them to match up to your target markets. Arm yourself with the following information to keep pace:

**Skills are more specialized.** Rapid knowledge growth means it is increasingly difficult for lawyers to keep on top of everything they need to know. You need to specialize; knowledge niches are the reality for most professional careers.

**Skills are degradable.** The half-life of knowledge is decreasing at a furious rate. Firms are painfully discovering that many of their legal skill offerings are becoming increasingly commoditized.

**Skills can be transferred.** The boomer retirement issue is real. Smart firms are spending serious money to ensure that the important knowledge of senior practitioners is being captured, retained and archived.

**Skills are increasingly portable.** That's the thing we've learned with globalization. With client sensing that certain skills are readily available, they've learned about outsourcing their legal requirements. It doesn't really matter to them where the skills are, as long as they can procure them when needed. Not exactly good news for you.

**Skills are renewable.** Fortunately, the expiry date on your skills can be extended. If you can develop a mind-set toward constant improvement and invest some portion of your non-billable time in developing new skills, you can adapt and evolve.

So, here is your ACID-TEST: What is it that you know, this year, that you didn't know one year ago? Or, put slightly differently, what is it that you can actually do for clients today, that you could NOT do at this time last year? If your answer is not much, then bless you, but you may quickly be on your way to becoming . . . obsolete!