

Moving from technical excellence to business nous

Case Study published in Professional Development Strategies for Law Firms

October 2007

Ambitious firms recognise that being excellent at their core legal skill is simply not enough – creating an enhanced commercial understanding of their clients' needs and building the business development skills of their people are two ways in which the firm can create a strong and enduring brand position.

It is clear that to run efficient businesses, create stimulating career paths and ensure sustainable profitability, senior lawyers need to develop their interpersonal, strategic planning and management skills if they are to prosper.

Of course these new abilities need to sit alongside rather than replace the traditional black-letter law training that has been the staple of many professionals. Excellence at the law cannot be ignored but it is, for the vast majority, a hygiene issue.

Hygiene is a marketing concept based on the notion that, whilst good sanitary practice may have a crucial role in preventing illness, it will not positively make anyone healthy – this requires a different kind of activity. Hygiene is crucial in preserving the general wellbeing of the person but more is needed to foster overall vitality. An oft quoted example is the airline industry where passenger safety is a key hygiene issue – if airlines do not perform on this measure they are soon out of business.

Few people investigate and select airlines on their safety record; it is other factors that create customers and loyalty. In business, performing well on hygiene issues is necessary but not sufficient to ensure competitive success.

It follows that clients of a typical law firm assume technical competence. They both select and maintain their relationships with firms by evaluating performance across a range of other issues – some connected with the overall brand of the firm and others vested in the individual bonds that exist between professional and client.

The life of a professional – shifting priorities, shifting emphasis

“I became a lawyer to practice the law, not to be a manager or salesman!” is the cry (nay

lament) heard in law firms across the world. Senior lawyers and partners find the emphasis in their roles changing inexorably as competitive pressures grow and demanding clients increase their focus on the non-technical aspects of the service that they receive in their selection of law firms.

Some lawyers will have a natural inclination or gift that predisposes them to be good managers, good salespeople or good client developers. However, many will not. These skills are not significant factors in gaining entry to the profession nor are they crucial for their subsequent success in becoming technically able lawyers during the initial years of their career.

Given what we know about technical competence being a hygiene factor, it should be self-evident that acquiring a new range of business development skills and competencies must be an area of high priority for firms. They will be key differentiating factors that allow individuals to build stimulating careers and firms to create clear blue water between themselves and others in their weight-class.

Notwithstanding the fact that some will have natural ability, all will benefit from a structured programme of training and development. This serves to create a common benchmark level of skills across the business at each level of seniority. Importantly, it also ensures that all can converse competently in the language of management and client development in just the same way as they can discuss points of law.

Training and development activities represent a significant investment for many firms but, for a significant proportion of professionals, personal development is not a high priority. This may be for a number of reasons – genuine pressures of work, a lack of belief that the training will make much of a difference or genuine discomfort with the idea that skills-gaps and weaknesses may be revealed in someone who has a high-status position within the firm.

What sort of training and development makes a difference?

It is important to consider two tiers of training and development – termed below as core and advanced.

Core skills

There is a range of fundamental business development skills and competencies that should feature in the armoury of any rounded professional. These can be categorised into two broad camps:

- Enhancing abilities to win new business; and
- Ensuring that existing client relationships are managed better.

They are the obvious skills that will benefit both the client development and practice of every lawyer.

They will include, on the client development side, areas such as presentation training, sales process and techniques, plain English communication and writing, active listening and networking techniques.

In terms of running a more efficient business and serving clients better, core training will often encompass financial management, project management, appraisal training and internal communications.

However all of these are, to a degree, vanilla since they represent the sort of nontechnical skills that clients will generally expect from a senior professional.

Advanced skills

Over and above these base-line capabilities, there is a segment of higher-order skills that professionals may also acquire. They represent the icing on the cake that allows high-performers to create distinct, highvalue relationships.

In some areas, this may mean honing preexisting core skills. The focus in other streams will often be on building wider business understanding so that the lawyer can walk the talk of a more rounded business advisor.

In many firms, for example, the instigation of a key client management programme carries with it a need for further training of senior personnel. Of course, in this scenario, such programmes can act as vehicles for achieving more broadly based objectives since the skills that are implicit in key client management are also equally applicable to the management of all clients.

The new kid in town...

However, the best structured training and development model – planned to take people through a range of development programmes as they progress in seniority through the firm – stills needs to be flexible and adaptive to the needs of one group in particular. This is, of course, the lateral-hire that joins the firm after a number of years of experience with another organisation.

The training and development that they have received in their career to date may have been excellent or non-existent. An initial assessment is therefore needed to identify skills gaps and to create a programme that quickly inculcates new personnel into the firm's approach (at the appropriate level and without duplicating training that they have already received at their antecedent organisation).

At the same time, the importance of introducing new joiners to the common terminology that has been adopted and the systems that have been developed must not be ignored; it forms a separate and important facet of the induction process. It is part of the brand recipe.

Never stop learning...

Of course there is also the need to keep skills honed and to refresh learning on a regular basis.

No one should rest in the belief that they know it all and firms should encourage everyone to participate in new learning experiences. Whilst the concept of lifelong learning may appear passé to the busy lawyer, it is nevertheless important when considering an appropriate development path over the life of a career.

Benefits of a co-ordinated approach

As professionals become more senior and firms seek a more sophisticated approach, training and development will often seek to address two distinct issues – making people more effective as individuals and making the firm more effective as an organisation. This means developing skills within a framework that encompasses a shared methodology, common underpinning infrastructure and systems together with the use of language and terminology that is consistent across the firm. Taking each of these in turn:

The way we do things around here

One of the important, yet often overlooked, tangibles that flows from a single approach to training and development is the role that it plays in defining and building a cohesive brand – defined as the way we do things around here.

A single approach is about much more than internal efficiency (although this is an important benefit in its own right) but also about binding people across the business into building a consistent brand experience both within the firm and with its client and prospect base.

Creating a single engine to drive growth

To fully realise the benefits of any new skills within the business it will often be sensible to create a set of tools to support, measure and make more efficient their implementation.

Often these will take the form of IT-led systems to, for example, underpin a new sales approach or aggregate knowledge to support a client development initiative. The key to efficient operations is to create one system, ensure that it passes the “as complex as necessary, as simple as possible” test and implement it across the firm. This stage will, of course, often create the need for a separate training stream to ensure that systems and processes developed are implemented thoroughly.

Say what you mean and mean what you say

Consistency of language is important in conveying complex notions quickly and effectively. Training provided by a range of suppliers will often employ different semantics to describe the same principle it is part of developing the unique product that the provider desires but is ultimately frustrating for the firm that is the unwitting victim of a lexicon of phrases all describing fundamentally the same thing.

Adopting a firmwide approach minimises the opportunity for confusion and disagreement. Whether it is termed a sales pipeline or a sales funnel is not the point, what matters is how the underlying approach is used in practice to drive revenue growth.

This final point is important for a number of reasons; a common language minimises confusion and misunderstanding, it creates a common sense of identity and it means that people from across a large and diverse business are able to engage quickly as part of the same family.

Whilst there may be some value to the individual in pursuing training and development activities on an ad hoc basis, purchased from a cohort of external suppliers, the benefit to the wider organisation is limited at best and potentially detrimental.

This is because for any particular topic area, there will often be a gamut of training providers each offering products and services to satiate the appetites of training-hungry professionals. Of course, for commercial reasons, each training provider seeks to create a unique approach (although in truth all will be based on some fundamental bestpractice methodologies) which combines models and language which they “own”.

For the training provider, this is an essential part of creating their product; something distinct and arguably differentiated which can be offered to the market.

However, the benefits to a law firm of large numbers of wheels constantly being reinvented are much less clear. Whilst each of the skills and approaches offered by different providers may in themselves be valid, it is likely that when set alongside each other they present a confusing picture of the subject area and muddle any single best-practice approach. This will be especially apparent when members of the same firm embark on training using different providers. More time can be wasted in debating the relative merits of each system than invested in actually using the skills that have been gained to move the business forward.

In many respects, the choice of the training method to be followed is secondary, assuming of course that it is one that adopts recognised principles and structures. What really matters is the consistency with which it is applied. Also key is the ease of adoption of systems that are created to support people in the firm. They need to be placed in a position where they can apply the new skills that they have acquired and use them in practice to make the business more efficient and effective.

Make or buy decisions

There will come a point at which firms will need to consider make or buy decisions with regard to the training that they provide. To what extent does it make good business sense to employ trainers rather than outsource? Clearly, to a degree, this is a function of scale – a large firm with ongoing training needs will be likely to bring at least elements of training in-house whilst a smaller firm will find such a move economically non-viable.

In many firms a de facto situation has developed in which quasi-training or coaching responsibility falls to senior members of support departments. For example, business development managers will often be called upon to run internal training for pitch situations while finance managers find themselves creating seminars to help lawyers understand the principles of balance sheets and financial statements.

Another common method is to send an individual to an external conference on the understanding that they will subsequently disseminate the knowledge gained across the firm through distributing notes and holding teach-in sessions.

Such approaches can deliver value but should be considered as part of a structured programme rather than as an ad hoc intervention which varies across the business from office-to-office or department-to-department. It is disheartening for those involved to find themselves engaged by some parts of the firm while others call on the services of external providers – the result is often inconsistency and mixed messages that ultimately hinder rather than help progress.

By agreeing on a strategy that best suits the needs of the firm as a whole (with due consideration of its current stage of development), partners can ensure that the full benefit of a common philosophy accrues to the whole business.

Recognition and reward

In order to ensure that the firm obtains maximum value from a programme of development interventions, broad participation is important. However, the bane of many training providers (and those within firms responsible for the delivery of training and development) is the non-attendance rates that plague such initiatives.

An initial rush of enthusiasm (or armtwisting) will create the full delegate list in advance of the programme. However, as the day for training dawns, other forces come into play. These range from genuine last-minute deadlines that have emerged from left-field, work pressures arising from poor project planning (surely an endorsement for project management training if ever there was one!) to a deep seated resistance to training based on fear of failure and the potential embarrassment of being exposed as less than omnipotent to a peer group or, worse still, to subordinates. The savvy trainer will be aware of the last issue and will ensure that the programme design and the structuring of the delegate list at each session mitigate such risks.

In order to encourage high participation, it is vital to ensure that the development of new skills is linked to the firm's broader appraisal and performance measurement systems. Levels of engagement in appropriate training and development should be one feature of a rounded assessment process.

Indeed, the importance attributed by the firm to training and development is reflected both by what benefits accrue to those who participate but also how constrained are those who do not engage.

However, any move to link training with performance evaluation must be genuine and credible rather than formulaic. Forcing professionals to attend training programmes in which they perceive little value or benefit will only create long-term resentment and disenfranchisement. If the skills acquired do not add value to the careers of participants and the performance of

the firm then one must question the purpose and structure of the development programme. Where there is a driving objective to create business skills to complement technical excellence then this is a key consideration.

There is a plethora of training and development opportunities on which firms can spend their limited budgets; what is important is that investment decisions are made with an eye to the skills that will make the biggest difference to business performance.

What this means in practice is that there is a need to understand the experience of their clients and invest to perform strongly on the things that matter most. If nothing else, an approach such as this clearly demonstrates that business nous exists within the firm as it structures its training and development programme to deliver results.

