

The Successful Lawyer, Second Edition: Powerful Strategies for Transforming Your Practice

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The Successful Lawyer, Second Edition

POWERFUL STRATEGIES FOR TRANSFORMING YOUR PRACTICE

Gerald A. Riskin

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About the Author

Gerald A. Riskin, B.Comm., L.L.B., is a Canadian lawyer and business graduate with a global reputation as an author, management consultant and pioneer in the field of professional-firm economics and marketing. He is a Visiting Fellow of The College of Law in London, a Fellow of the College of Law Practice Management, and a Visiting Professor to the Gordon Institute of Business Science at the University of Pretoria in South Africa. He has served the Conference Board of Canada, and has twice been keynote speaker at a World Masters of Law Firm Management

conference in Sydney, Australia.

A popular facilitator, teacher and retreat speaker, he has been described by *The Financial Post* as “Canada’s professional firm management and marketing guru, with a client base stretching from Britain to the United States.” Professional marketing pioneer Bruce Marcus (1925-2014) said of Gerry that he is “light years ahead of almost everybody else,” and the head of a national conference described his session as “the best practice-related seminar [I have] ever attended.”

After graduating from the University of Alberta with a Bachelor of Commerce (with Distinction) and a Bachelor of Laws, Gerry practiced law for ten years with two major Edmonton firms—becoming a partner of the first in 1979, and serving the second, which had offices in Hong Kong as well as Canada, as managing partner. Gerry was consistently one of the top three rainmakers in his firm, and he quickly began to develop a reputation which led to a demand for him to teach others to do the same.

In 1983, with Patrick McKenna, Gerry Riskin co-founded The Edge Group. He remains a principal partner with the company, which evolved to become Edge International in 2001. According to a survey by Of Counsel in the U.S., Edge International is now the most popular marketing consultancy to major U.S. law firms. The company is truly global, with active clients in Canada, the USA, the UK, Europe, CIS (formerly Russia), Australia, the Far East, South Africa and elsewhere—more than 30 countries in all.

Today, Gerry’s private clients include the most prominent professional-service firms in the world, and he has provided them with assistance in such areas as marketing, strategic planning, one-on-one coaching, merging, multi-office management, practice-group and industry-group management, client-relations skills training, and management training. In addition to his work with private firms, he has spoken at meetings of the Canadian Bar Association, the American Bar Association, the American Institute of Certified Public Accountants, the Law Society of the UK, the Institute of Law Firm Management, Centaur Conferences (UK), the Legal Marketing Association (LMA), and numerous other organizations allover the world.

In 1989, at the invitation of the major international legal publishing firm Butterworths, Gerry coauthored a text on the marketing of legal services entitled *Practice Development: Creating the Marketing Mindset*. This book was recognized in 1995 by an international journal as “one of the top ten books that any professional services marketer should have on their bookcase.” He has also co-written two books for practitioners with management responsibilities, *Herding Cats* and *Beyond Knowing*, both of which became management bestsellers. Gerry is also the co-creator of the acclaimed learning systems *Practice-Coach®* and *Rainmaking®*.

Gerry Riskin lives in the British West Indies.

Acknowledgements

For thirty years, I have served lawyers around the world as a consultant. I am typically hired by big firms, and I deal with their senior-management teams. I have had the good fortune of training and counseling the most promising performers in the world of law.

One day as my wife Bethany and I were relaxing on the veranda of a quaint cottage just off the Great Ocean Road in Australia, watching waterfowl on a small lake, I told her my dream of sharing with individual lawyers—whether senior or junior, and whether in the largest or the smallest firms in the world—the lessons I had learned in the course of my career. I explained that I wanted to deliver the knowledge I had gained to those who might otherwise have no access to someone

doing work like mine.

From that moment on, Bethany was my encourager, catalyst and constructive critic. She patiently brainstormed the topic list with me, challenged my assumptions, and made me dig deeper to prove my assertions with illustrations. Then she used her own experience as a stage performer and software-company marketing manager to guide me through the recording of the six-disk audio program entitled *The Successful Lawyer* which preceded the first edition of this book. Bethany, bless you—I can never thank you enough.

Thank you also to my editor, Mary W. Walters, who helped transform a transcript of that audio program into a literary endeavor. If you like this work, a lot of credit goes to Mary. As a published author in her own right, Mary understands things about composition and structure that I will never know. You, as reader, are also a beneficiary of her knowledge. Thank you, Mary.

I am forever grateful to the editorial board of the American Bar Association for publishing the first edition of this work.

I consider myself very fortunate to have had the opportunity to work for several years with David Maister, former Harvard Business School professor and prolific writer. David is revered by professional firm leaders for the strength of his intelligence and creativity, which combine to form enormously effective catalysts for thought and leadership. Thank you so much, David, for your input on this manuscript, and for writing the foreword to the book.

I am also extremely grateful to: Larry Smith of Levick Strategic, whose talents transcend his brilliant contributions to legal journalism and crisis management; a dear friend and mentor the late Bruce Marcus, a prolific author and ideas generator whose way of seeing the world offered insights that continue to be powerful tools in my kit; my friends Larry Anderson, a co-founder of what is now Lincolnberg Homes and many other successful businesses, a genius at managing and motivating, a role model to many and a legend in his community for his outstanding philanthropy; Phil Milroy, a world-class developer who remains the person he has always been—totally genuine, without pretense; and David Kirk (1947-2005) and Louis Gratton, whose life-long friendship and encouragement to dare to do the unusual have meant so much to me. All of these individuals and their spouses are friends of Bethany's and mine, providing support while also challenging us to continue to set new goals.

Thanks also to the “dream teams” at Edge International, past and present. I met my co-founder Patrick McKenna when as the vice president of a publicly traded company, he was appointed to the board of a pharmaceutical distribution company which was my largest client. Patrick and I created the client-relations-skills program called Rainmaking®, a truly synergistic act that combined his knowledge of the training process with my experience as a practicing lawyer in an establishment firm. Subsequently, over 500 law firms around the globe experienced that program, including the-then largest law firm in the world. Over the years, others have joined us at Edge International to breathe life into our vision of helping the legal profession by enhancing its members' practice satisfaction by helping them better serve their clients.

There is a very long list of people whom I am bound by my sense of propriety not to name individually, but am free to mention in the aggregate. Thank you to my clients over the better part of twenty years in my practice of law: you were demanding and appreciative and taught me so much about how my practice could be fine-tuned to enhance your satisfaction. Thank you to the lawyers and staff with whom I practiced, beginning at Emery Jamieson—a firm unsurpassed in its passion for quality and sense of honor and integrity, with a dream list of clients attracted by founders who mastered the art of business development. Later, the lawyers and staff at Snyder & Co. were entrepreneurial enough to bring me on board as managing partner. They allowed me to

test my theories and beliefs about the management of a firm, and taught me with affection and respect how I might constantly improve methodologies to make them more practical and effective “in the real world.” Thank you also to the lawyers and staff at Keithley Lake & Associates in Anguilla for giving me a professional home, and for your friendship and support. And many thanks to all of my Edge clients, who entrust me with assignments that range from skills enhancement to governance, strategic management and marketing.

I thank my father and mother, may they both rest in peace, for providing such outstanding role models throughout Dad’s 55-year dental practice (with Mom acting as manager, because she wanted to). By exhibiting such deep caring and affection for those they served, they showed me how professionals can provide superior service to their clients. Patients laughed in their office, and they cried when Dad retired. I hope that this book begins to reflect some of the lessons my parents taught me.

To my brother Robert, who lives with his wife Donna Leon in the interior of British Columbia, I extend thanks not only for continuing moral support, but for being the genius at television production that you are, and for making world-class video productions for Edge International over the years.

Finally, I thank my phenomenal kids—Daniel, Matthew and Raquel—for their zest for life, unwavering commitments to what they wish to achieve, and their diverse senses of humor. They remind me constantly that life is to be enjoyed as well as mastered. My wonderful children, you compel me to continue to be the best I can be every day—and perhaps to be even better tomorrow.

Gerry Riskin

Foreword

Gerry Riskin is a practical man, and this is an eminently practical book. It is stuffed with good advice, but more importantly it is advice that is presented in a manner that is easily absorbed and easily implemented.

Most of us know more than we put into practice, and that is the key contribution of this book. It does not set out to impress the reader with blinding insights or intricate theories (although it does contain some of each.) It sets out to help the reader by pointing out actions that can be taken tomorrow (or today), actions that will lead to both a quick payoff and a lasting improvement.

Gerry has discussed these ideas with lawyers around the world. They are road-tested, and can be shown to have produced benefits wherever they have been applied.

The path to improvement must begin somewhere, and for lawyers who wish to be truly successful, that starting place is here.

David Maister

Author and Consultant

Preface to the Second Edition

The world of law is changing so rapidly that innovations that did not even exist when *The Successful*

Lawyer was first written have already had a dramatic impact on the nature of legal practice. Some of the advances of the past few years that relate to our profession have brought huge benefits to lawyers and clients alike (for example, apps that reduce the time required for repetitive, mundane tasks); others, involving a range of “New Law” models, are challenging the very foundations of the legal profession as it has been practiced for decades and even centuries. I address such issues almost weekly in my blog (subscribe at gerryriskin.com), as do my partners and I in the *Edge International Communiqué*, the monthly newsletter of Edge International (edge.ai). Our mission statement is “Leading the evolution of the legal system – worldwide”: in other words, *change* – its implementation, management and accommodation – is our primary focus.

What I have learned over many years of working with law professionals, law associations, and associated industries all over the world – and from studying innovators from every discipline imaginable, from behavioral psychologists to technological ground-breakers – informs *The Successful Lawyer* as a whole. Today, the rate of upheaval in so many areas of our work – from the micro to the macro level – is so great that it is impossible to explore the impact of each one on an instance-by-instance basis in any book without its becoming out-dated before it is even published. However, lawyers everywhere are expressing interest (at the very minimum; often it’s concern, or even sometimes panic) about the future of our profession and the effect on it of what has become known as “destructive technology.”

“Illuminating the Future” was originally published as a stand-alone article in both the *Edge International Communiqué* and on my blog. In it, I introduce concepts that will help readers to negotiate their way through (or, better yet, to thrive as a result of) the changes we are experiencing now – and those that lie ahead. They are perspectives you will also want to keep in mind as you read the principles contained within *The Successful Lawyer*, and then apply them to your own career.

Illuminating the Future

Today, speakers, writers and consultants in our field are besieged with questions about the impact of change on every aspect of the legal profession. Law societies, bar associations, corporate legal departments, private practice law firms and sole practitioners alike all want some expert to illuminate for them the mysterious path into the future.

My advice to you is avoid prognosticators: they will probably prove to be wrong. Also avoid listening to those with expertise in explaining the reasons for change *after the fact*. Instead, I suggest that you take matters into your own hands. There are steps you can take on your own that will be of enormous help to you when it comes to finding your way to the future.

As my first-year law school contracts professor said, “In order to make you a good lawyer, I must first help you unlearn everything you learned before you got here.” When it comes to visualizing future change, the first important step is to consider that your top enemy may be your preconceived thoughts about how lawyers and law firms provide legal services. If you find you are answering a question with words like, “We have always done it this way and have had great success doing so,” then know that you are manifesting an unhealthy bias.

Focus on Where Change Is Needed

In his book *Zero to One*, PayPal founder Peter Thiel explains that while we may not be able to predict change, we can certainly anticipate it by looking at what is wrong today. Therefore, my suggestion to you is not that you attempt to predict the future by trying to extrapolate from the amazing changes you see around you every day. Instead, focus on what is still wrong. In particular, when you think of the consumers of legal services, ask yourself, “What is still too expensive? Too

cumbersome? Too inefficient? Too frustrating? Too... " [You get the idea]. Think about how legal services could be different, better. Then make it so.

You may not be able to single-handedly change the legal profession – or even one aspect of it – on your own. What you can do instead is to develop a voracious appetite for information about current changes that assist consumers in areas that might be categorized as legal problems. Today, this includes providers of law-related services that are not law firms at all.

These non-lawyer providers tend to cater to the large percentage of people who have not traditionally sought out the legal profession – for matters such as wills and contracts, for example. Regulators around the world have shown great sympathy for this kind of activity. However, once non-lawyer providers have their feet in the door, there is little hope of restricting the expansion of their services; soon they will be also catering to those who indeed *have* been traditionally served by the legal profession. This means that enormous amounts of money that used to be spent on lawyers and law firms will no longer go to them. There are already signs that these non-lawyer entities will be hiring lawyers to assist them in the provision of new ways of delivering solutions to consumers.

Your competitors, whether large firms or networks of tiny firms or indeed non-law firm providers, are rapidly developing more sophisticated and cost-effective methods for providing results to consumers. Artificial intelligence is already being given tasks that include the review of quality of agreements and aspects of the discovery process. Peter Diamandis of X-prize fame makes a clear and compelling argument for the fact that these changes/developments will continue to proliferate.

On your own, or in your small firm, you may be able to access some of these methodologies/capabilities inexpensively when they are made available on the mass market. However, if for any reason they are not available to you, you should consider becoming part of one of those small-firm networks, or joining one of those larger firms or other entities. Consumers will learn how to get better and better value in connection with their "legal issues" ... so if they cannot get them from you, it is a near certainty they will get them elsewhere. As Wayne Gretzky famously said about skating to where the puck is going to be, you may want to move to where the consumers will have their needs met before they get there, rather than after they've moved on yet again.

Capitalize on Change

Do not abandon the fundamentals. Your job is to serve with excellence and to render high satisfaction levels on the basis of your legal training. In addition, however, you must not rest on your laurels or hope that doing the same as you have done for a while will bring you success. It won't. Begin to move in harmony with the changes that are occurring around you, or prepare to watch the need for your services decline.

Gerald A. Riskin, 2015

Introduction

Are You Where You Want to Be?

Some years ago an American Bar Association committee looked into the satisfaction levels of practicing lawyers, and the findings of this committee were extraordinary. They indicated that as many as 70 percent of lawyers would prefer to be doing something else if they could still make a

decent living.

What does that tell us?

It tells us that we have some pretty unhappy people in our profession.

When we get out of bed in the morning and we think about working as lawyers, we should feel enthusiastic. If we are not feeling enthusiastic, we need to do something about it. We need to steer our practice in the direction of work we enjoy, and toward serving people with whom we want to work.

“Impossible,” you may say. “That’s too idealistic. You just don’t understand.” You can probably give me convincing reasons why my suggestion cannot work in your particular situation—perhaps reasons like the following:

□ “My market is limited.”

□ “I’m in a large firm and I have to do what I’m told to do.”

□ “I’m very junior and I’m paying my dues.”

□ “I have been practicing for many years and I don’t have the skills to change focus at this stage of my career.”

In the hundreds and hundreds of seminars and workshop presentations I have made to lawyers, I have heard all of those reasons—and many, many others.

Let us suspend all those excuses for a moment. Let us look instead at a related question:

Do you believe that you have any control over your destiny at all?

Yes or no?

Most readers will likely agree that we do have some control over our destiny—if we didn’t, we probably would not have chosen the profession that we have. And if we do have some control over our destiny, then I contend that we ought to be using some of that control to steer our careers in directions we find exciting, in directions that we find stimulating, in directions that are going to give us the natural enthusiasm and the natural passion to practice law in the way law *ought* to be practiced – for the sake of our clients as well as ourselves.

Some people believe that exciting and fulfilling practices are reserved for a few gifted, extraordinary people who somehow magically rise to the top. After watching some of the best professionals in the world over the last number of years, I can tell you that this simply is not true. It is my observation that the people who have the most fulfilling and exciting practices are the people who have *intended* to do so. Stimulating and rewarding practices are the result of premeditated acts on the part of certain lawyers.

Getting Started

I invite you to join those lawyers who have decided to control their destinies. In this book, you will encounter ideas, examples, and anecdotes that come from the best practices of some of the most successful lawyers in the world. With this information available for your use, the choices become yours. Which aspects will you adopt into your own life? Which pieces or parts will you find valuable

enough and appropriate enough to apply to your particular practice?

A lot of people in this world are very good at assimilating information, but not so good at taking action based on that information. People like that would be better off passing this book to someone else immediately, because it will be of no benefit to them. If you want to benefit from the contents of this book and by doing so achieve new levels of satisfaction as a lawyer, you need to make a promise to yourself right now. The promise is very simple. You need to promise yourself that as you read, you will be on the lookout for ideas that will help you improve your situation.

You are allowed to be discerning. You are allowed to be discriminating. You are allowed to be *very* careful regarding what actions you adopt for yourself. However, adopting a winning attitude means *looking* for those few ideas that you think will enhance *your* practice, will enhance *your* satisfaction, will enhance the success *you* experience as a lawyer.

I recommend that you start a journal or, if you prefer, a notebook (they are really very similar as I describe them, and I will use the terms interchangeably throughout this book). Whatever you use, leave lots of space for inserting additional ideas in the future. Also, I suggest that you reserve the first couple of pages of your notebook for an index that you can create as you move forward. Simply number your pages in sequence and reference in your index what is on each page or page group. I will prompt you from time to time throughout this book in places where you may wish to capture your own ideas and information in your journal, but you should use it whether prompted or not whenever you get an insight or think of a worthwhile action. The investment of time in keeping a journal will turbo-charge the benefits you get from this book.

I highly recommend that you start keeping track of the ideas that appeal to you right now. Don't miss a single one. You may never get around to reading *The Successful Lawyer* again – most of us have better things to do than repeat the same learning processes—so take full advantage of your first time through. Underline meaningful passages, jot notes in the margins, record thoughts in your notebook. Be discriminating, yes, but capture those suggestions which you think make sense for *you*. Do not let them get away.

A Bit at a Time

In the previous section I said, “Adopting a winning attitude means looking for those few ideas that will help you improve your situation.” Notice that word “few.”

There is a lot of content later in this book that is related to taking action, but let me give you my first observation about successful professionals right now: Winners don't overdo it. Winners don't take on long “to-do” lists and then let themselves get demoralized. They don't end up having to say to themselves, “Here I go again. In a moment of euphoria and enthusiasm I decided on a hundred things I could do to improve my life. Since then I have addressed absolutely none of the ideas on my list and I'm more dejected than I was before I started. It was all just motivational garbage.”

The materials you find within this book will not end up in the motivational garbage bin if you, like other winners, decide, “No, I won't take on a hundred ideas. I won't take on ninety-eight ideas. I'll take on one or two or three. If and when I choose to take on more, it will be over a time period during which I can reasonably expect to be able to implement them.”

A Two-Percent Solution

As lawyers, we are highly cerebral people. In fact, studies by researchers outside the legal profession have shown that we grasp concepts faster than any other identifiable group in society. This is good news: we have no aversion to information and we assimilate it quickly. Unfortunately,

some of us have assimilated so much information and grasped so many concepts that we think we have seen it all. How often have you walked out of a seminar and heard someone say, “It’s good to know there’s nothing new that I have to worry about. I knew all that before I went in!”?

This is a losing attitude. Winners (in all walks of life – sports, politics, you name it, as well as the professions) do not have that attitude. They do not look for the 98 percent of the content of a seminar that they knew already, and walk out complacent that there is nothing new. They look for the 2 percent they *did not* know and then they figure out “Is that worthwhile information for me to have?”

And if they say, “Yes, it is worthwhile,” then they do the magical thing. They act on it. They actually implement it.

Learning From The Winners

My career to date includes almost twenty years as a practicing lawyer, including several years as the managing partner of a law firm with offices in both Canada and Hong Kong. As a co-founder and partner in the Edge Group, now Edge International, I have had the opportunity over the past number of years of consulting to professionals involved in a range of traditional practices in disciplines including the law, accounting, engineering, architecture and others, not to mention individuals working in more unusual settings that included a government, an army and a railway. The opportunities these experiences have given me to observe and reflect on professional “best practices” have led me to write this book. The program it contains was not designed to tell you what to do. It was not designed to give you a menu that you must follow slavishly or by rote. It respects the knowledge and experience you have acquired on your own, particularly when it comes to your own individual practice.

What this program was designed to do is to offer *catalysts* for your consideration. It is intended to give you *alternatives* that you may not have thought of on your own. It was created to save you a lot of heartache and even a few mistakes by allowing you to find out what others have done that has worked successfully for them.

Trust Your Own Judgment

In your daily life, you must take into consideration the views of many other people, not only those with whom you work, but also those with whom you live. In such situations, it becomes second nature for most people—especially lawyers, who are usually trying to eliminate problems before they arise—to consult. However, in order to build the kind of practice that will offer you the future that *you* want, many of the choices you need to make will be very personal.

Consider this program a personal companion—a personal source of information, ideas, even inspiration. At some point you will likely need and want to share at least some of your conclusions with others, but it is highly recommended that you first deliberate about the ideas in this program, and come to your conclusions on your own.

Go with your own instincts in this program. *You* will make the best choices for you.

Program Objectives

The Successful Lawyer program is intended to help you become a more efficient lawyer. It is intended to help you have a more effective practice. And it is intended to help you derive great satisfaction from your professional career.

Think about the words “efficient” and “effective.” “Efficient” means doing things well; “effective” means doing the right things. How often do we find ourselves doing the right things, but not very efficiently? That doesn’t get us very far. Conversely, how often do we work on less productive things extremely well? We don’t get too far that way either. Extraordinary achievers exhibit the discipline to refrain from spending time on the chaff, so that they do not deplete the precious resources of time and energy they require to attend to the wheat.

Some of the chaff is quite seductive. It might afford immediate gratification (I’ll just answer this unimportant e-mail right now) or it may be fun (I’ll design the new letterhead myself—it’s kind of neat to see what I can do with this software). Being *effective* really requires that you learn the art of saying “no” (described in more detail in [Chapter 47](#), “The Power of Saying No”). Being *efficient* means learning how to do what must be done with quality, but with the expenditure of the lowest possible amount of your resources. Having effective tools and templates and utilizing technology means less time and effort are expended on each matter. The people who accomplish a great deal—the winners—somehow manage to do the most important things (they are effective) in the best possible way (they are efficient). It is the aim of this book to empower you to do the same.

Now, let us think about the “satisfaction” part of the equation. A “satisfying professional career” means a practice that you enjoy, a practice that you find fun as well as profitable. A satisfying career returns the financial rewards that are commensurate with the value you give to your clients, but also offers you satisfaction on a personal level. It allows you to focus on those kinds of legal matters that you *want* to do. It allows you to put your particular skills and expertise to work. It allows you to work with industries that you enjoy working with and – perhaps most importantly of all – it allows you to serve clients you enjoy.

Lawyers who find a way to work effectively and efficiently, who serve clients they enjoy, who do work they like to do in industries that fascinate them, are lawyers who improve their value to others while also experiencing happy and fulfilling careers. The best lawyers in the world have acquired skills and developed methodologies that we can all put to use to make our practices more personally and professionally rewarding for ourselves, while also increasing our value to those for whom—and with whom—we work.

An Overview of The Successful Lawyer Program

The Successful Lawyer program is going to give you the elements that will assist you to develop a better practice. You are going to look at how you can become more valuable as a practicing lawyer—more valuable to your firm, more valuable to your clients, and more valuable to yourself.

You will learn how to develop the kind of practice that you want to have. You will learn effective strategies that will help you to steer your practice in the direction you want it to go. You will see how you can design for yourself the kind of clientele you want to have.

You are going to learn certain very specific skills that are relevant to the kind of practice you would like to have—and you will learn how to acquire them quickly. In the client relations area for example, you will learn one-on-one skills that will increase your impact, help you enhance the satisfaction level of existing clients, and help you to attract prospective clients at will.

During the course of this book, we will also look at some other issues which affect you in your work, and talk about how to overcome some of the pressures that you face. These are some examples of issues that are examined in this book:

□ How to be a better leader in situations where you need to offer leadership.

□How to combat the pressures of time. There is never enough time in the law firm environment, but you will learn how to use the time you have far more effectively.

□How to make meetings more productive, and much more appealing to those who have to attend them.

□How to have a more effective law practice from a financial perspective. This area includes reducing costs of practice so that you can increase margins and have more profitability, examining how you bill and looking at how you manage the finances—all with the view to gaining higher client satisfaction and a more successful practice.

The Nature of the Beast: Why Lawyers May Find It Difficult to Make Improvements to Their Practices

In order to create and entertain ideas that will make their practices more satisfying and successful, most lawyers will need to train themselves to temporarily put aside certain skills and attributes that are, in fact, typical of members of our profession and even essential to it.

A few years ago my partner in Edge International, Patrick McKenna, and I published a book called *Herding Cats* on the subject of law-office management. For the cover we selected the fiercest-looking photograph of a lion we could find. This image was intended to convey our conviction that lawyers are the most ferociously independent people on this planet who have ever chosen to work in groups. In fact, many lawyers chose to practice law in the first place because they wanted a lot of control: they wanted to be able to decide for themselves how they would conduct their work, and how they would serve their clients. They wanted the freedom to be independent thinkers.

In addition to being ferociously independent, lawyers are also highly critical and analytical. These attributes are absolutely essential for good lawyering. When you review a legal document, you are looking for any amendment that can be made to that document that will make it more effective. At the top of your game, you are also looking for omissions—concepts that ought to have been addressed in that document that were not.

If you are a litigator and you are used to having opposing counsel, then you are accustomed to listening to arguments with a view to destroying them—no matter how excellent they are. Not only are you thinking about how to destroy them, you are also thinking in what sequence to destroy them for the best strategic impact. As lawyers, we tend constantly to be doing simultaneous translations of everything we see and hear in a highly critical and analytical way. These skills may be essential to good lawyering, but they can interfere with other aspects of our lives—as our “significant others” frequently remind us when we are being analytical and critical with them. We all need to be able to suspend those skills when appropriate—and one of those times is when we are being innovative and creative regarding the future of our practices. Being critical and analytical are different mental processes from being innovative and creative, and the human brain will not allow us to do both at the same time.

The third relevant propensity we have as lawyers is to be rather tense. Too often we take the mental posture of fire-fighters in the midst of a dangerous blaze, anticipating unexpected chemical explosions. Fire-fighters in such situations are not ideally positioned for receiving and implementing suggestions as to how to improve their skills and make their lives more rewarding. We need to be more relaxed to entertain new ideas.

So, as lawyers we are ferociously independent, we are critical and analytical, and we are tense. What this combination can add up to is very low receptivity to some of the information that can

help us most. We need to think about this tendency not only for ourselves but for the other lawyers with whom we practice. Such mind-sets can result in very limiting behaviors. During the course of this program you will find a significant number of specific examples of how you can employ tactics, inside your firm and outside your firm, in your professional life, and in your personal life, that will help you overcome—or at least neutralize—these propensities when necessary.

The “Slight Edge” Theory

A number of years ago, one of my best clients invited me to attend a seminar with him. This client is extraordinary—a winner by any definition. He started as a residential realtor but soon graduated into more complex development work, and he discovered how to become valuable to financial institutions during a recession by managing properties that were taken back in foreclosures. He has been enormously successful in many areas. He’s created software. He’s created systems. He flies his own jet. He has been phenomenal in his field.

The seminar that I attended with him focussed on a concept called the “Slight Edge Theory.” This theory has had a tremendous impact on my thinking and on the thinking of those with whom I have worked over the last number of years. (In fact, if you notice a similarity between the name of the theory and the name of our company, Edge International, you are making an accurate connection.) I think the Slight Edge Theory may have a big impact on your thinking, too, especially in terms of how you can implement and act upon the suggestions contained within this book.

The Slight Edge theory is actually quite simple. Think of a golf tournament involving 72 holes, which Tiger Woods wins with a score of 281. Now think about the player who comes in second. What is his score? 282 perhaps? Determination of the winner may actually come down to a play-off round between Woods and this person who ends up in second place. So what is the percentage difference between the performance of Tiger Woods and the second-place finisher? A third of a percent, perhaps—an almost inconsequential amount. A “slight edge” is all.

Yet look at the first-place prize as compared to the second-place prize. The first-place prize might be millions, and the second-place prize is... well, far far less. Similar outcomes occur in other competitive situations—horses win “by noses” all the time and take home significantly more money and glory than their finish-line companions.

I am sure you have deduced the relevance of such examples to the practice of law and to the Successful Lawyer program. Many good lawyers think that the extraordinary achievers, the lawyers with exemplary practices to whom we all look up, are twice as good or three times as good as the rest of us will ever be, or ever can be. That is nonsense. The very best in the profession are only slightly better than are the other good members of the profession.

Keep in mind as you work your way through this book that those who have phenomenal success financially in attracting the kind of clientele they want to serve are *not* twice as good at attaining this kind of success as others are: they are only slightly better than everybody else. Winners consistently surpass the performance of their peers because they *continually improve* in *small incremental* steps. That is the secret to their success.

I promise you that if you

- 1)work through this program sequentially, with your journal open and close at hand,
- 2)accept only those ideas and suggestions you think will have value to you,
- 3)create only those actions you think will be highly rewarding and have a high yield for you, and

4)implement those ideas in small incremental steps,

by the time you conclude this program you will be on your way to a much healthier and much more satisfying practice.

Designed for Use

This book covers many subjects and it is recommended that you proceed through them sequentially. They have been carefully set out so that one idea builds on another for maximum reader benefit and understanding. However, if there are particular subjects that are of a timely nature and are therefore of particular interest to you now, use the Index and/or the Table of Contents and jump to them as you see fit. The book is constructed to allow you informed access to the parts you need when you need them, even as you progress through the material in the recommended order.

The program outlined in this book is also well supported on an immediate, real-time basis. Our website address is www.successfullawyer.com, and we invite you to gather further information there. You are also welcome to e-mail me at Edge International directly – I'm at riskin@edge.ai

Ready to Move Forward

Think of this program as a journey—a journey from where you are standing now to a future you would prefer; a journey to the kind of practice that will offer you more exciting work, more challenging work, work that you enjoy more. Work that is more fun. Work that you do for people you enjoy, for clients who are going somewhere.

The methodologies contained in this program are practical, and everyone who reads this book can implement them. In addition to strategies and guidance, however, this program offers readers an opportunity to gain a much greater confidence in their ability to control their destiny.

And so, let us begin.

Part I

The Foundations of Success

CHAPTER 1

Imaginative Planning

Effective planning can make the difference between achieving your goals in life and not achieving them. This statement may seem self-evident, but just because it is true does not mean that most people get around to putting it into practice. In working toward any kind of personal or professional success, planning is one of the most important subjects you can consider.

I am not referring to the kind of planning many large firms do when they create a 72-page report that no one reads and that does nothing but gather dust. I am talking about a personal, living plan that is customized for you.

This plan is going to take you where you want to go. It is going to take you to the kind of practice, the kind of clients and the kind of financial and personal rewards that *you* seek to achieve.

Activating the Right Mind-Set

Before you get into creating a plan for your future, it is necessary to consciously dispense with the kind of “small-c conservative” mind-set that we as lawyers require on a daily basis in our practices. Lawyers are paid to prevent problems by foreseeing them and avoiding them, and that makes us careful. From the time we decided to go to law school, we have been cautious, choosing our educational paths and then achieving grades and scholarships with a view to being accepted by the firms that appealed to us. This necessary caution, combined with our highly analytical natures, means that lawyers naturally tend to think about any plan or course of action in terms of its consequences in the real world, and then to come to a conservative conclusion.

If you apply the same conservative approach to planning the kind of future you would like to have, that future is going to be limited and lackluster. For example, if I asked a typically conservative, cautious lawyer if he or she would like to be the world’s best environmental lawyer, he or she might respond, “Oh, no! Well, I mean that would be impossible. Can you imagine? There are already mega-firms with huge practice groups.... There are very sophisticated legal minds....” You get my drift.

The fact is that we frequently destroy our dreams before we even allow ourselves to formulate them. In order for your planning to be successful, you must paint a picture in your own mind of the kind of perfect practice you would like to have. This requires courage. It requires you to dispense with long-standing attitudes. It means that you need to throw caution to the wind. It is a necessary step.

Here is an example. Right now, use your hand to cover the next paragraphs, and then answer the following question honestly before you raise your hand again and read on:

“How much income would you like to earn as a lawyer?”

Got the answer? Write it down. Okay. Now, continue reading—

Most lawyers answer that question by suggesting that they would like to be paid at a level commensurate with other good-quality lawyers in their community.

Isn’t that a nice answer?

Isn’t that a safe answer?

As we all know, lawyers can achieve enormous incomes in their practices. You may have read about one particular law firm that was involved in a tobacco case on a contingency basis. Their fee was in the hundreds of millions. There are only seventy lawyers in that firm, and their recent problem has been to figure out how to distribute \$300 million a year for the next thirty years.

I am not suggesting that you dream of a practice that produces mega-millions for you every month. What I am suggesting is that you *allow yourself* to paint a mental picture of what you would *like* to have. What kind of practice do you want? What kind of income? What kind of clients?

The Foundation of Your Plan

Think of a matter or case that you worked on in the last two years or so that you found particularly rewarding. Do not read on until you have selected a case or matter for consideration here, or you might as well toss this book in the fireplace.

Okay. Two attributes of this matter are extremely important to your future—its nature (the kind of matter it was), and what you brought to it. In your notebook, write a brief description of it. Explain what type of case it was – a merger or an acquisition, for example. Maybe it was a defense in a criminal matter. Perhaps it was a bid to save a park in the middle of the city. This gives you an insight into your area of passion for the practice.

Now think about what you brought to the case or matter that was special. What did you offer the client or contribute to the outcome that was unique? What did you do that was different from what the client would have experienced with some other firm, or by picking a lawyer at random? Do not be modest here. This is just you and your notebook: you don't need to be humble. Write down what you did that was special.

In this exercise, some lawyers report that what they contributed to their memorable case was synergistic – they drew a number of different disciplines together in a meaningful way, and when various areas of expertise were brought to bear on the problem, a solution emerged that might otherwise have not been found. Other lawyers report successes of an altruistic nature: perhaps they helped to save a unique ecological area – perhaps they got no fees for it, but they liked the way the outcome made them feel. Others were proud of the amount they obtained. “It was such a huge deal,” they say, “it was satisfying just because of the millions involved. It didn't matter whether the fee was all that big or not, it was just the amount that made it significant for me.” For still others it was indeed the fee they were able to command that meant so much to them in retrospect, because of the financial benefit to the practice or the firm.

Reflect again about the matter that you wrote down in your notebook. Ensure that you have honestly described what was, for you, the unique nature of the matter, and what unique skills you applied to it that made it so satisfying for you.

Now combine the two attributes to gain insight into what you truly like and want to do. If helping the underdog is a much bigger thrill than doing a big plain-vanilla deal then maybe you will want a practice where the Robin Hood cases are a more significant part of the mix. If you like to organize synergistic solutions, then maybe you will want to work on matters involving different disciplines—some forms of specialized litigation, perhaps intellectual property.

If you look at them carefully, these statements will reveal to you what you enjoy most about the practice of law – the nature of the matters you like, the nature of the matters you want.

Envisioning Your Future

All right now. Based on the type of legal work you want and like, and assuming that you want to make a good living —that goes without saying —imagine for a moment that your fairy godmother has just walked into your office. She says “Look, I'm busy. I have other lawyers to see. You have about twenty seconds. Now, what kind of practice do you want?”

What do you tell her?

Think about that. Take a moment and write down your answer.

Now you have the beginning of a plan.

A Planning Exercise

Over the years we at Edge International have developed a number of tools to help individuals learn to plan effectively. Our feedback from the particular planning exercise that I am about to describe

to you has shown that the practitioners who have used it have found it to be highly effective for them.

Again, you will need your notebook. It is very important to the success of this exercise that you record your responses in each section.

Part A

Imagine that it is two years from now – whatever the date is today, it is exactly two years hence. You have been away from your practice, writing a textbook in an area of law that is important to you, teaching at a prestigious school, sailing around the world, whatever. Now, after two years, you return to your practice – and it is phenomenal! Your fairy godmother has come through. As if by magic, in your absence your practice has become exactly as you dreamed it.

Now, I am going to give you the beginnings of some statements about that practice and I want you to complete them – seriously, but with your small-c-conservative cap stowed in your attaché case. Take time to actually write down your answers.

Statement 1: My clients view me as _____. (Finish that sentence: that is, describe how your clients view you in the perfect world that you are picturing two years from now.)

Statement 2: Other professionals see me as_____.

Statement 3: My support staff (or, if you are a partner and you have associates working with you, My support staff and associates) are feeling _____. (In this perfect world, how do these people feel about *their* work?)

Statement 4: The values and behavior that I reward are_____. (In this perfect practice what values and behaviors in yourself and in others do you find worthy of reward? Note that “reward” here does not necessarily relate directly to the compensation system, which you may or may not control or even influence very much. “Reward” here includes positive reinforcement and recognition, and/or perhaps represents the kind of behavior that you feel commands respect.)

Part B

When contemplating change, it is important to identify aspects you *do not* want to alter. To help you do that, answer the following question:

Now that you are in this perfect world, what single aspect or what aspects of your practice that you were proudest of two years ago (i.e., “today”) are you glad is/are unchanged? *

This comprehensive and inspirational book explains how lawyers can make their lives more exciting, fulfilling, and profitable by taking control of their destinies. Global management consultant and trusted advisor to many of the world's largest law firms, Gerald Riskin goes beyond simple concept or theory, and delivers a book packed with concrete advice that you can put to work right away. By using the principles found in this book, you can live out your dreams, embrace success, and awaken your firm to its full potential.

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