

In This Issue

Enemy Within. In a single week, two sources told *Of Counsel* they suspect the same top-name consultant of negatively commenting on their firms in the press. While headhunters are often suspected of such shenanigans, the motivations here are subtler. It's about roiling the marketplace until nervous law firms are ready to cry out for help **Page 3**

Innovative Collaborations. Environmental practitioners are forming creative new partnerships to serve their own and clients' interests. Lori Tripoli looks at salient examples, including Thompson Hine's closer role in Goodyear's in-house operations, and a legislative initiative launched by Thompson & Knight to provide a favorable financing mechanism for property owners in Texas..... **Page 6**

Superior Dimensions. What does it really mean when people talk about blue-chip firms? Rob Lees and August Aquila did the research to find out; they present a best-in-show paradigm focused on teamwork and firm-wide willingness to learn from mistakes. Traits range from superior market sensitivity to work ethics demanding at least attempts at perfection no matter what the chore **Page 10**

Critical Results. For wannabe practice group leaders, useful job descriptions are the first steps to success. Patrick J. McKenna argues that firms typically misfire by taking too narrow an approach. They focus on tasks and responsibilities rather than stipulating what benefits candidates are expected to provide in these leadership roles **Page 15**

Cultural Blueprint. California's Archer Norris doesn't just provide work/life balance. Managing partner Eugene Blackard says it actively seeks lawyers who may be looking for that kind of sanity in their lives. It's part of a recruitment strategy that's evidently working on Blackard's watch. The firm reports double-digit growth and intends to expand nationally **Back Page**

Jettisoning Traditional Structure ...

St. Louis Firm in Second Year of Going All-In on Industry-Group Model

Here's something you don't see often enough: A law firm's leaders take a long, hard look at their partnership, competition, and client base, and then make an honest assessment of their place in the market, decide they need to perform a major overhaul in their firm's structure, make that transformation, while—and this is the biggest challenge—getting buy-in from their attorneys.

But that's exactly what St. Louis-based, 570-attorney Husch Blackwell has done in dispensing with its traditional vertical practice group structure and organizing themselves horizontally into a configuration of six

Continued on page 2

industry groups: national resources, financial, agri-business, health care, real estate, and manufacturing and technology.

And, some members of the consultancy intelligentsia are thrilled with the bold new makeover. “I’m excited for the Husch firm,” says Edmonton-based consultant Patrick McKenna. “Kudos to them. I think this is fabulous.”

Robert Denney, a consultant operating out of Wayne, PA, agrees. “I think what they’re doing is fantastic; I’m all for it,” he says.

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“It’s something I’ve been preaching for a long time.”

McKenna also has been an advocate for the industry-group model for years, and wrote about it way back in the late-1980s. He says this is the best way to get lawyers tuned into the business of their clients, and points out that clients have been clamoring for lawyers to learn more about their economic sectors for a long time. “There have been [surveys] out there now for over a decade,” he says, “that ask sophisticated corporate clients: On what basis do you choose an outside law firm? What are your selection criteria? And the number one determining factor has been this: Demonstrated evidence of knowledge of their industry.”

While many partnerships have embraced the industry-centric structure on some level, neither McKenna nor Denney are aware of any major law firm that has abandoned the practice group model completely in favor of industry-focused groups.

Nor has Maurice Watson, Husch’s chairman and one of the architects of the firm’s organizational renovation. “I’m not aware of other law firms that have made this transformation as comprehensively as we have,” he says, adding that others might be heading in that direction. “Increasingly though, there are a number firms that are talking about an industry focus.”

First, Firmwide Naval-Gazing

A few years ago Husch partners began to realize what lawyers at many firms were also coming to understand: The legal market that tightened after the recession hit wasn’t bouncing back to a pre-2008 climate in which the collective workload of nearly every firm was full. The Husch lawyers knew they had to study their place in the new legal environment, explore their options, and then, unlike most firms, take what many would consider

Continued on page 19

Taylor's Perspective ...

Beyond Consulting: Behind the Motivation to Bad-mouth Law Firms

Call it disparagement, invective-hurling, bad-mouthing, trash-talking, dissing (do the kids still use that slang term?). Whatever you call it, all but the most virtuous among us—those rare, highly principled noble people who are without reproach—have talked crap about others, usually behind those others' backs. In the media, such negative criticism sometimes comes from sources who ask for anonymity. They'll go "on background" or "not for attribution" (both of which, journalistically speaking, are technically different than "off the record") to denigrate a person or an organization; in the legal trade press, that likely would be a lawyer or law firm.

Recently, lawyers at two separate law firms told this publication within a space of three days that they suspected the same big-name consultant of saying very negative not-for-attribution things about them, in the press. One of the firms has been experiencing not-so-insignificant attrition among its lawyer ranks. That this happened in a short period of time to two firms, independently of each other, both identifying the same extremely successful consultant, prompted this question: Because this really seems to fall beyond a consultant's job description, what's going on here?

I'll offer a couple of possible answers to that question. But first it should be noted that, over the years, I've been known to use on-background quotes from sources with whom I've built relationships. I believed

them and trusted them, and they trusted me to honor their request to remain nameless. They do so for various reasons and I always have to consider if they have an agenda and, if I determine they do, it could undermine their credibility and make me question if *Of Counsel* should print the information. Usually we wouldn't.

Last month, for example, I quoted "an East Coast consultant" for an editorial that, among other things criticized a position, or actually the lack of a position, by the Attorney & Liability Assurance Society, an ABA Standing Committee on Lawyer's Professional Liability. The opinion piece concerned lawyers' mental health, malpractice claims, and insurance policies. (For more, see the editorial titled "Taylor's Perspective... Poor Mental Health and Addiction Exposes Firms to Malpractice Claims" in the April issue of *Of Counsel*.)

The unnamed consultant was critical of the ALAS group. I know the guy fairly well and before we printed his comments, I had to weigh his level of disinterest and what his agenda might be before I went forward to quote him. I decided that he had absolutely no reason whatsoever to say anything bad about ALAS. He had no vested interest. If he had called me up and I knew or I found out that he represented an insurance company in his practice and then went on to say bad things about the society, then I'd have to think twice about quoting him for my

editorial, and likely wouldn't do so. This is just a good guideline for journalists.

Most Consultants Don't Do This

So let's get back to the off-the-record criticism of those two law firms by the consultant. As mentioned, the firms are pretty sure they know who he is, for several reasons, including because he's gone on the record, serving up similarly sounding negative commentary about law firms with his name attributed to the remarks. In fact, in some circles, he's building a bit of a reputation for doing it. I, too, think I know who disparaged the two firms, but I couldn't reach him to ask. And, frankly, I'm not really interested in naming him. Instead, the point here is to consider the practice he supposedly engaged in, and to say that most consultants act professionally and don't do this.

"We always find it peculiar when a consultant speaks negatively about a law firm," says Lisa Smith, a consultant with Fairfax Associates, based in the Washington, DC area. "Our policy has always been never to talk about specific firms, either on or off the record. It's just not our business. We feel very strongly about that. I think most of our competitors feel that way, too."

Smith explains what she and her colleagues do discuss with journalists: "We'll talk about general trends, what we see on a broad basis in the market, and other things but we just don't feel like it's in our interest or any particular firm's interest to talk about specific law firm situations, unless that [law firm] client approves it. And, we would like to think that any law firm is a potential client."

At the Newton Square, PA-based consultancy Altman Weil, Ward Bower and his partners feel the same way. "As far as we're concerned any firm is a potential client and, as a result, we're not going to make a comment that's adverse to any firm under any circumstance," he says. "We will decline to comment rather than it's safe to say something that's derogatory."

By the way, as far as a law firm experiencing attorney-attrition, Bower says, "We all know that law firms struggle from time to time and I don't read a lot into departures of lawyers from firms because there could be all kinds of reasons for it. Sometimes those departures are intentional so if we see a firm that's hemorrhaging lawyers, that fact stands for itself and we're not going to comment on it. If we were to make any comment, we would just say that this happens to the best of law firms from time to time."

So Why Then?

Now, what would be the incentive for this consultant to bad-mouth these firms? If he were in the law placement business, it might be obvious. For a long time, it was believed that headhunters would do this sort of thing because they wanted people running away from, and running to, law firms. These days, however, as more and more really talented headhunters dominate the market, we find fewer of them needing or wanting to engage in this type of activity.

But this person, if I'm right in my speculation about his identity, is not a headhunter. I think he was motivated to spread ill-will about the two law firms for one or two reasons. Perhaps, he's hoping that lawyers at the firm on which he's commenting negatively will feel so intimidated that they might hire him to help with their problems, not knowing that he's the source of the bad-mouthing.

Or he might think that lawyers at other firms that are not the subject of his negative commentary might say, "You know, we have problems like that too. Maybe we should hire a consultant to help." And, of course, he hopes they hire him.

Generally speaking, it's safe that, for some people, the more turmoil there is the more likely it is that it will create a hungrier market for advisory services. It's not even a question

so much of attacking a particular firm. It's a question of creating a mood of uncertainty and vulnerability within the profession. Whenever you churn the waters, it tends to propel potentially troubled law firms, or any threatened organization, into motion, which is exactly where you want someone to be if you're trying to sell them something. If you're a consultant who denigrates a law firm, you're

likely hoping that the motion you stirred up will soon be moving in your direction—in the form of new lucrative business.

I don't think a law firm would want to hire a consultant who roils the marketplace like this. My advice is simple: Buyer beware. ■

—Steven T. Taylor

The Color of Green:

Growing Environmental Business with Collaborative Efforts

It should come as no surprise that some very thoughtful environmental lawyers and consultants are entering into innovative marriages that, if not necessarily intuitive at the outset, do end up well for both spouses. Environmental groups are partnering with corporations (think Environmental Defense Fund and Google) and corporations are pairing with universities (think Starbucks and its tuition reimbursement arrangement with Arizona State University for employees seeking bachelor's degrees).

Before dismissing the notion that such collaborations are the progeny of a millennial-driven mindset where everyone gets patted on the head, bullies are banished, and being friendly is the only possible solution to any irksome problem (legal or not), consider how such an arrangement could possibly help you advance your career, learn more about your business, solidify your relationship with a client, and actually get the environment cleaned up faster.

Inside/Outside Partnership

About four years ago, lawyers at Cleveland's Thompson Hine recognized an opportunity when Goodyear Tire & Rubber Company lost a couple in-house attorneys for one reason or another at the same time. Rather than replace those lawyers, Goodyear and Thompson Hine collaborated so that the firm's lawyers would take on that in-house function. The result was a change in relationship benefitting both of them.

"Goodyear historically had managed environmental legal issues in-house, using outside counsel for specific matters based on subject or geographic location," explains Steven

Bordenkircher, Goodyear's senior legal counsel. "When Goodyear had an opening for an environmental attorney, hiring Thompson Hine as an outside firm to assist in managing day-to-day environmental legal issues departed from that model."

Thompson Hine's usual role is to serve as national environmental counsel for many companies, typically involving large, technically challenging client-intensive matters, explains Heidi Goldstein, a partner in the environmental and product liability groups. As outside counsel taking on that in-house role, the firm now addresses smaller sites and works very directly with Goodyear's business people.

As a result of this close relationship, the firm was able to give the client's business team a faster heads-up on potentially impactful regulatory developments. "We were told by the business people that they couldn't tell who was in-house and who wasn't anymore," Goldstein notes.

Goodyear confirms that the relationship has been beneficial for the company. "The arrangement has helped us continue to provide value to the business while giving Goodyear access to Thompson Hine's resources and experience assisting companies in other industries," Bordenkircher observes. Just as Thompson Hine gets an opportunity to learn its client's business up close and personal, so too does Goodyear gain the breadth of expertise from Thompson that it probably wouldn't have if the company had just hired more in-house lawyers.

"If an issue arises that we may not have seen before, there is a chance outside counsel has seen that issue working with a company

in an unrelated sector. In a sense, Goodyear filled a position for one attorney through a team of attorneys, helping us achieve effective solutions,” Bordenkircher says.

One might wonder how this arrangement makes financial sense for either side. Goodyear began by crunching some data, “taking a comprehensive look at the environmental legal issues we manage and categorizing those issues by type, location, potential impact to the company, and current and anticipated levels of activity,” Bordenkircher recalls.

Items on the list were then allocated between in-house counsel and Thompson Hine. Workload balance was kept in mind. The divvying up of responsibilities has been tweaked a bit over time, especially during the first year of the arrangement. Keeping a close eye on who was doing what “helped us drive down costs in each subsequent year,” Bordenkircher says.

Meanwhile, Thompson Hine has been using some legal practice management mechanisms to ensure the client gets value-based pricing, flexible staffing, and predictability. “We sit down every year and talk about what the objectives of the business are, the law department deadlines, budget, stakeholders,” Goldstein explains.

In the last year, more detailed project management reporting has helped Goodyear better track the type of work the firm is doing, whether that work is compliance-related, remediation-related, a health and safety audit, and so on. Graphic depictions of where the fees are going and to what end can be enlightening.

The arrangement is renewable annually so the client isn’t locked into some long-term marriage. “We certainly hope there’s not an end to it,” Goldstein notes. As with any such pairing, the arrangement “needs fostering on both sides . . . it can lead to an effective relationship between the company and outside counsel that creates both legal and business value.”

Expert Advantage

Having outside counsel serve as in-house lawyer is one way for both sides of the house to better learn the legal business. Other lawyers could gain an edge by taking the time to learn the art of the deal or, more accurately, the math of the deal by collaborating with the right experts in order to better understand the numbers.

For instance, as many an M&A lawyer has learned, when corporations are buying or selling off sites that may have some environmental problems, assessing how much cleanup costs actually will be is a bit of a crapshoot. Somehow, what starts at one number, or even a range of numbers, tends to start multiplying.

“Oftentimes, estimates are just wrong,” observes Terence Rodgers, managing director based in the Boston office of Berkeley Research Group, an expert services and consulting firm. Determining what an environmental cleanup is ultimately going to cost is like renovating an old house, he notes. Sure, everyone can make their best guesses, but until you start pulling down wallboard, you won’t know the extent of the problem.

Rodgers and colleague Neil Shifrin developed a process they call Environmental Portfolio Evaluation™ to assess prospective environmental costs more accurately. The idea came up during a business dispute in which liabilities were being assessed.

“There are a lot of environmental properties where there are normal curves, where we know what the average point or range is going to be,” Rodgers explains. “The real problem is that there’s a number of properties that are dynamic and skewed, not the normal curve. The only way you can identify what’s happening is if you sit back with the project and figure out where this will go to completion.”

Essentially, he and Shifrin came up with a decision tree in order to identify what might

happen at different nodes, assessing the probabilities of going in different directions, and estimating the costs of each turn. This sort of issue can arise when the Environmental Protection Agency wants to take one kind of action at a site, but a liable business wants to do something else.

Using Environmental Portfolio Evaluation, the prices of each plan are assessed. Sometimes it even turns out that the EPA's plan will cost the same amount of money as the business's preferred option. Knowing the numbers can help in negotiating or making decisions.

For environmental lawyers, Environmental Portfolio Evaluation also can help lawyers work with clients to manage their portfolios. It's a tool that likewise can help clients that have not traditionally invested in environmentally iffy properties.

"In the investment world, a lot of private equity money is coming in to market," Rodgers says. Where utilities and their ilk recognize risks in environmental investments, private equity folks may not. Sure, they understand cash flow, but they might not understand the downside associable with certain environmentally problematic parcels. Here is where a law firm partnering with the right expert could be quite beneficial to a client.

Broad-Scale Collaboration

Like their counterparts at Thompson Hine, lawyers at Thompson & Knight recognized an environmental need and opportunity and took action to partner with a number of others to help.

Property assessed clean energy (PACE) is a financing mechanism that has been developing throughout the country on a state-by-state basis over the last six or seven years, explains Thompson & Knight Of Counsel Stephen Block. It provides a means for property owners to finance retrofits to

existing properties in order to make them more energy-efficient.

The lawyers heard about it through a client, the United States Business Council for Sustainable Development. Then Thompson & Knight partner James Morriss found out that PACE was not available in Texas and legislation was required to allow the state's property tax collectors to levy a tax assessment on the property. No one was actively pushing for such legislation, so Thompson & Knight formed a nonprofit, Keeping PACE in Texas.

"We reached out to clients we felt would be interested in it," Block says. "In a macro sense, we felt legislation would benefit our real estate clients, our lending clients would benefit from it, and inure to the greater good of the public at large." He describes the needed legislation as uncontroversial, not burdensome on taxpayers, something no one would really oppose. Some members of Keeping PACE in Texas happen to be clients of the firm, while others aren't.

After getting the legislation passed, "we thought our job was finished," Block says. But having learned about the PACE financing mechanism, "we realized... there needed to be a uniform design for these financing programs." In other states, local governments have to create their own programs, meaning that each locality tends to be doing something slightly different.

So "we developed what we call PACE in a Box," in order to help allow for uniformity, adds Block. A coalition of some 120 people, along with the executive director of Keeping PACE in Texas, looked at what was going on elsewhere and designed a state-of-the-art toolkit for local PACE programs. The organization has received grants and support from big-name organizations like the Rockefeller Brothers Fund. Block reports that Travis County, where Austin is situated, established a PACE program based on the PACE in a Box.

Interestingly enough, this entire effort started out pro bono on behalf of a client.

The firm sees additional opportunities in the future, though. As Block sees it, the initiative is also the sort of action that law firms need to do to give back to their communities.

Current legal market realities should encourage these diverse collaborations. Downward pressure on fees probably isn't going away nor should the crush of competition (and the oversupply of lawyers). For law firms, it's all about new business opportunity *via* closer ties with clients. For companies, it means greater efficiency and more cost-effective solutions to environmental

challenges that won't be going away in today's compliance-focused atmosphere. ■

—Lori Tripoli

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Making a Real Difference:

What the Best Firms Do

This article builds on two extensive bodies of research. The first, which we refer briefly to, is on what differentiates those managing partners who make a substantive difference to their firm's performance from their peers. To add to our anecdotal understanding of this difference, together with our years of desk research, we asked 150 practicing and managing partners from the US and Europe what they believed truly successful managing partners did to make such a real difference.

In this research, one of the critical things that the managing partners did was to focus everybody's attention and energies on making the firm the best at everything it did. Recognizing that it was impossible for every firm to be the market leader, the managing partners still knew that their firms could be successful only if they set the bar as high as it was possible to go. Having then answered the question, "What do the best firms do?" they set their firms down a path of ensuring they would be a model for other firms to look up to.

They also knew that it would be impossible to achieve uniformity across their firms in one go—that some practices were a long way further forward than others—but their intent was clear. And everyone knew it.

So, the second, and pivotal, piece of research is on what the best firms do. There have been a number of "best practice" studies over the last 10 years; however, these studies typically focus on the practices of a small number of preselected firms. Where our study differs is in our belief that a lot of firms, while not qualifying in toto as "best in class," do have some practices that would be described as such.

To come up with our list of best practices, we have drawn on our work at over 100

firms around the world as well as extensive desk research and detailed conversations with our many colleagues on their thoughts from their own consulting work. With this base, we believe our conclusions truly reflect best practice across all aspects of a professional service firm's operations.

As in our previous work, we focus here on activities that are directly practicable. After all, success, which we define as delivering increased levels of client service, differentiation, and financial reward in a way that embodies the values and behaviors the firm stands for, is ultimately judged by the outcome of people's actions.

What Do the Best Firms Do?

At a top line, the best firms all:

- Have a clear vision and strategies for getting there
- Think market as well as client
- Have a deep client orientation
- Understand that their people are their key resource
- Put developing their people at the core of their beliefs and activities
- Have a high-performance ethos
- Are outstanding at execution
- Focus performance management and compensation on the attainment of team/department and firm goals
- Are "one-firm firms" with a strong culture and shared values
- Have a highly collaborative style
- Are strong partnerships
- Are committed to staying at the top

As this is an article and not a book, our descriptions cover only the most salient points. Nor have we endeavoured to link the issues as inextricably as they are clearly linked

in reality at the firms. Although our research covers both firms and practices, for simplicity's sake we have used the term "best firms" to cover both and have not explicitly detailed whether we are referring to one or the other. (If you would like more detail on any of the points or the linkages, please contact us *via* the email addresses at the end of the article.)

A clear vision and strategies for getting there: At the best firms, there is always clarity around where the firm wants to go. Not only is the vision shared with all of the firm's people, there is also a shared understanding of what everyone has to do to achieve it as well as a shared commitment to achieving it. One of the realities of any strategy is that things don't always go according to plan, so the best firms aren't afraid to make tough and often painful choices when they need to.

These choices focus on continually building a better firm and on ensuring the firm is the best at whatever it does. The partners, who are the role models in a professional service firm, actively lead the firm's people, helping and supporting them as they play their part in turning the vision into a reality.

Think market as well as client: The best firms continually scan the competitive environment, looking for and anticipating market changes that provide opportunities for them to enhance their service offering. When opportunities present themselves, they invest in the resources needed to deliver. Investment is a key word at the best firms. They are clear about what it takes to be successful, and they have a clear understanding of where to get the greatest return in the short, medium, and long term.

As professional services is an execution game, one of the best key areas of investment, as we will see shortly, is in developing the capabilities of the firm's professionals as success is only achievable through their efforts.

A deep client orientation: Every firm we know says that "our clients come first" and

typically they do. But "first" clearly means different things to different people. To the best firms, it really does mean going that extra mile, of leaving no stone unturned in an effort to provide solutions that their competitors don't (and, they would argue, can't).

As a result, the best firms' reputation for delivering outstanding solutions precedes them. All of which means that companies actively seek them out. They become the first port of call when the client needs help.

The firm's people are its key resource: We mentioned earlier that professional services is an execution game and that the best firms invest heavily in ensuring they recruit the right people and have the expertise to deliver solutions that really make a difference to their clients. Getting the right people is the start of the process and the best firms go out of their way to ensure that actually happens. New recruits can then know they have joined a top firm. At the best firms, we often heard the phrase, "It's a hard place to be hired, a hard place to be promoted, and a hard place to stay."

Having recruited the right people, the next piece of the people jigsaw is development. A firm's people are its delivery mechanism, whether that's directly or indirectly, so the best firms absolutely are committed to helping their people develop the capabilities that create a difference in the market. The benefits of doing so, regardless of whether the people ultimately end up leaving, are a "no brainer" for these firms.

The best firms also are extremely smart in the way they deal with the people who don't make it to the top and leave the firm along the way. They leave as friends. They are often helped to find another job and become members of the firm's active alumni network. The number of times we heard people, who had left one of the best firms, saying that the firm really cared about them, and went out of its way to help them with both work and personal situations, was remarkable.

The belief that its people are its key resource underpins what all of the best firms do as does the philosophy of “growing your own” rather than bringing in laterals. That’s not to say lateral hiring is anathema, but the best firms are well aware that the cost of bringing in laterals often can outweigh the investment.

Developing its professionals is at the core of the firm’s beliefs and activities: At the best firms, coaching and mentoring are part of the fabric of the firm, and the partners actively pass on their knowledge and expertise. They go out of their way to ensure their people are developing the capabilities they need to better serve the firm’s clients, believing, quite rightly, that, if the firm can develop its professionals faster and more effectively than competitor firms do, then it gains a significant economic advantage.

A high-performance ethos: This component is typically a part of each firm’s culture, but we believe it is sufficiently important in its own right to merit specific reference as it drives everyone in the firm to want to be the best. We often heard that people at the best firms would work hours to improve a document or a solution by as little as one percent. Other firms often question whether the output is worth the effort, but it’s the *trying* that’s crucial if any firm truly wants to be the best at everything it does.

The act of trying to improve continuously also has another impact in that people actively seek new solutions and ways of doing things—solutions and ways of doing things that force competitors to react and that enable the firm to lead the market rather than be a follower.

Outstanding execution: There’s a well-known expression that applies at a lot of firms: “Not invented here.” It’s an attitude that hinders those firms from really embracing change and new ways of doing things. The best firms take the opposite stance, leveraging ideas and expertise, regardless of

their origin, to deliver extra value to their clients.

It’s an attitude that permeates the firm’s thinking, which ties in with their high-performance ethos and which is visible in two specific and inter-linked ways: They focus on client-facing solutions that are at the forefront of thinking, and they have the confidence that comes from being leading-edge. The result is that the firm’s people become confident enough to set “stretch goals” and constantly push hard for ever better results.

Performance management and compensation are focused on the attainment of team/department and firm goals: Outstanding execution requires that everyone at the firm act as one and totally focus on finding and delivering the optimum solution for each client’s issues. For firms and teams to truly operate as one, team/department and firm goals must be the drivers of performance. As such, the best firms focus their performance management process and compensation to achieve these ends.

This focus does not minimize the importance of individual performance, which is at the core of every firm’s delivery system. Rather, it makes clear that the firm is more important than the individual (something that can get lost easily in compensation schemes that only reward individual performance). At the best firms, everyone knows what is expected of them and what they have to do to ensure that their team/department meets its objectives and the firm its goals.

“One-firm firms” with a strong culture and shared values: One-firm firms have a culture so strong and all-pervasive in its impact that it sets the organization apart and drives economic benefits as a by-product of the firm’s normal way of operating. One-firm firms downplay stars and focus on the team, not the individual. There is an embedded set of principles and practices that maximizes the trust and loyalty people feel for both the firm and their colleagues, one of which is “high challenge/high support.” We meet

high-challenge firms all the time, but the best firms add high support to the equation in the belief that increases in performance and commitment are best achieved when both are employed in tandem.

That doesn't mean there's no adversity (it's quite the opposite), but, when things don't go as well as they should, blame (the natural consequence of solely employing high challenge) is replaced by a discussion on how to do better next time. In this culture, loyalty abounds and people are intolerant of the "wrong" behavior.

Critically, at one-firm firms, the partners "walk together," leading and supporting their people to achieve the firm's vision. At the best firms, you never overhear negative comments about other partners or practices. The partners visibly support each other, recognizing that, only if the whole partnership walks together, will the vision be achieved in the optimum time and optimum way.

Highly collaborative style: For any firm to be successful, its people, and especially its partners, need to collaborate. People go out of their way to help each other (the "high support") and believe that clients will be served better by bringing the expertise of the whole firm to bear. Making cross-selling work is a challenge most firms perennially face, but the best firms, recognizing that people only cross-sell to people they trust (*i.e.*, trust their personal competence and that they will not damage the client relationship), set up mechanisms that make that trust a reality.

As a result, people automatically introduce their colleagues to their clients so that everyone and the firm benefits.

Strong partnerships: The partners see themselves as custodians of the firm's future, creating a better firm for the people who follow them. The attitude of mind is the critical element. With this long-term horizon, the partners make decisions that ensure the firm's continued excellence, even if it means an initial reduction in partner reward.

At the best firms, the partners share and police the firm's vision, its values, and its strategies. There is a premium on collegiality and discipline.

Committed to staying at the top: Another critical element of the best firms' culture is an absolute commitment to staying at the top, of not being second-best. Coming second isn't an option but, again, when things don't work out as expected, the best firms act quickly to put those things back on the right track. The path isn't always smooth even in the best businesses as the occasional glitch is a natural consequence of people always looking for new ways of doing business and experimenting with different approaches.

But if you don't try, you don't succeed. The best firms know that to stay at the top, they have to continuously innovate and keep ahead of the game.

Staying at the Top

Staying at the top requires all of the above characteristics and actions to be in effect, but we believe there are some things that are key. They are:

- Looking outward
- Ongoing scanning of the competitive environment
- Challenging the status quo
- Doing the contingent thinking (the "what if" scenarios)
- Having a shared understanding of the possible strategic choices
- Making a choice and lining up behind it
- Having a shared understanding of the firm's strategy and a shared commitment to its delivery
- When necessary, remaking the firm or one or more of its practices without losing direction
- Continually investing in recruiting, developing, and retaining the right people
- Partners leading by example—there is a personal investment in the firm, what it stands for and its culture, that drives their behavior

We talked earlier about vision and strategy and the need to look beyond traditional places for new ideas. This need to continually look outward and scan the competitive environment for potential changes and opportunities cannot be understated. Nor can the willingness to challenge the status quo, to willingly challenge all of the firm's existing way of doing things.

Which brings us to the need to ask the “what if” questions, which is something that in our experience only a few firms do well. But only by asking those what if questions, is it possible to develop realistic strategic options for review and selection. Having selected the appropriate options, it is imperative that everyone, especially the partners, line up behind the strategy and play their part in its implementation.

All of our experience and research tell us that there will be occasions when it will be necessary to recalibrate one or more of the firm's practices. When that happens, it is critical that people don't start looking inward and losing their external focus, and that the firm's core vision remains uppermost in people's minds.

In the professional services execution game, implementation is simply about the firm's people—making sure the firm recruits and develops the people capable of helping it retain its premier positioning. This

imperative means that the partners are front and center. It is the partners who are the leaders in a professional service firm, and they have to lead by example. They have to be the standard bearers for the firm's culture, creating the “high-challenge/high-support” culture necessary to success. They must be intolerant of any behavior that doesn't meet the standards expected.

Put another way, the partners must be the custodians of the firm's future; it's their job to ensure that they leave the firm in a better condition than when they found it. That's what happens at the best firms. That mindset, coupled with an intimate knowledge of what has to be done to achieve superiority, is why the best firms are the best. ■

—Rob Lees and August Aquila

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A Key Performance Issue:

When Job Descriptions Don't Do the Job

The other day I received a note from the Director of Professional Development at a 600-attorney firm that I had worked with on a number of occasions over the years. The note read: "I have been working with our Managing Partner to develop job descriptions and a training plan for our practice group leaders. We may wish to engage your services to review the job descriptions, refine the training plan, and deliver the training."

Looking back into my client records from six years previously when I had worked with this firm on a strategic planning undertaking, I replied: "I still have in my files the original Job Descriptions for your practice group leaders, so I take it that these descriptions are now being significantly revised."

The Director's response: "Could you forward the job descriptions you have to me? I'm not sure I've seen your version."

The subject of Job Descriptions seems so trivial, but this situation is at the heart of why I see so many firms and their leaders struggle with getting their practice groups to perform as well as initially expected.

Too Many Job Descriptions Are Written and Then Simply Filed Away

In one of my public sessions on practice leadership that I conduct on behalf of Ark Conferences, I asked a group of about 20 registrants for a show of hands as to how many of them had written, formal job descriptions. Of the 20, only two hands went up, which is pretty typical of the responses that I've continued to elicit during the past five years.

As I looked to the two practice leaders who had raised their hands, I realized that one of them was from a firm that had sent two registrants. So I followed up, asking the two for more detail. They then engaged in a debate amongst themselves about whether there really was a job description, who in their firm actually had received copies, and whether it was still current.

The life of a job description doesn't end once the document has been finalized; rather, it grows along with the individual assigned to it. In theory, job descriptions should provide structure, setting clearly defined roles, and helping to establish the parameters of the desired performance outcomes. But in a dynamic environment, a standard job description can become outdated within a few months on the job.

No job can remain static especially where competitive conditions are changing. For that reason, every practice leader's job description should be reviewed at least once a year. You should go through the job description and indicate what may no longer be relevant, what responsibilities or outcomes may be changing, however slightly, and what new responsibilities and outcomes have been added to the job.

It should be absolutely unacceptable behavior in any law firm to simply draft a written job description and then file it away, never to be referenced again until some crisis erupts or a new management team is selected.

Too Many Job Descriptions Are Simply Copied From Some Other Firm

The new Director of Talent Management (how we love our titles) at a 950-attorney

firm is dealing with a management team that is transitioning the firm from a largely geographic-centric organization to one that is attempting to develop integrated practice groups across their 15-office, international platform. (And yes, I was rather taken back too, as I thought most firms of that size had been through this transition years ago).

His email request to me: “I wondered if you could refer me to a good description of the role and responsibilities of a Practice Group Chair in a law firm. Also, if you’ve put some thought into this, how does this role impact the local Office Chair role description?”

To interpret this request: “Can you please send me a standardized Job Description that I can then tweak, modify, and put in front of all of my practice leaders so that... Presto! We too, now have Job Descriptions in place.”

I don’t think it is any exaggeration to assert that most of the Job Descriptions that I’ve seen given to practice leaders of major law firms have been compiled with little thought as to whether they really reflect the scope of that specific practice leader’s job—or indeed, the real job of being a practice leader.

To belabor this point even further, I’ve asked countless practice leaders this question: “Please reflect back on your personal experience, either in the practice of law or while engaged in some other meaningful activity, be it civic, community, voluntary, or political in nature. Think back to some individual who stands out in your mind as the very best mentor, teacher, leader that you have had the experience of working with. Now tell me please, what specifically did that individual DO that caused you to perform better than you might otherwise have performed?”

The responses that I will consistently elicit from practice leaders include behaviors like:

- The individuals I’m thinking of set high expectations for excellence;

- They challenged me to take on particular projects before I even thought I was ready;
- They were always accessible and actually took the time to listen to my ideas;
- They gave me feedback, both positive and constructive;
- They always took time out to celebrate our accomplishments.

Now here’s the punchline, in case anyone missed it: Where in your existing practice leader’s job descriptions (if you have them) is there any reference to the job actually involving any of the above activities? In other words, where in the job description does it address the issues of managing, leading, motivating, inspiring, dealing with... *people*?

Too Many Job Descriptions Are Task-Focused and Not Outcome-Focused

The Director of Professional Development at one midsized regional firm asked me if I might have a look at its Practice Leader’s Job Description to see if they “were missing anything.” The subsequent document I received was eight pages in length, 116 paragraphs, and over 2,000 words.

Not only was there nothing missing (except anything to do with leading people—my earlier point), it was a comprehensive laundry list of every leadership and management task that you could ever imagine! If some lawyer from that firm were to ask me if he or she should take this job, I would respond “only if it was to be a full-time position.”

In *First, Break All the Rules: What the World’s Best Managers Do Differently* (Simon and Schuster, 1999), Marcus Buckingham shows how the number one criterion for satisfaction is clear expectations. In essence, it means telling your practice leaders exactly what they are required to accomplish. However, almost every practice leader’s job description that I’ve seen fails on this count.

My contention is that we have made a strategic mistake by drafting and using job descriptions too narrowly. Most practice leader's job descriptions focus on tasks and responsibilities rather than on the effect of their performance on the firm.

For example, here are a few excerpts from the typical practice leader's job description:

- Communicate regularly with the members of the practice group
- Establish annual practice group goals, budgets, and objectives to meet the firm's goals
- Monitor work allocation on a practice group-wide basis
- Understand business trends likely to affect practice group growth
- Recommend marketing strategies for meeting practice group goals and objectives, seeking input from practice group members
- Develop strategies for educating clients about the firm's expertise
- Make recommendations to the managing partner concerning future lawyer and paralegal needs

Because these job descriptions focus attention by defining the job and its "boundaries," and because we have used them as operational tools, job descriptions have not lived up to their potential as a strategic tool.

What if we write job descriptions in terms that are outcome-centered instead of those that are task-focused? Here is an example:

The Practice Leader is to invest time in getting to really know the individual members of the team; getting conversant with their strengths and career aspirations; and coaching and helping (one-on-one) each individual member become even more successful than she/he would have been had the individual not been the practice group leader.

The Practice Leader is to work with the group, as a team, to identify and

implement specific joint action projects intended to increase the group's overall morale; enhance the visibility of the group in their competitive arena; improve the service and value delivered to clients; secure better business; and work towards developing a dominant position in some niche areas in the marketplace.

By changing the framework within which we describe how people are expected to work, the document should identify clearly what the professional taking the job must do to be considered successful. Read your practice leader's job descriptions (if you have them) and see whether the documents focus on tasks or outcomes.

A job description that focuses on a practice leader's contribution to the firm's success becomes an important and powerful strategic tool because it directs behaviors and decisions to outcomes rather than to tasks. It sets expectations and puts everyone on notice that performing tasks is not enough. To be successful, those tasks must result in a positive impact on the firm. A job that has no impact on the firm is one that you probably don't need.

Too Many Job Descriptions Exist in Isolation from a Complete Performance Management System

We must remember that the job description is but one component in a complete performance management system. This system includes other components (the competency assessment and development plan, coaching and feedback, monitoring and tracking of performance, formal appraisal, etc.). It serves to remind practice leaders that perhaps some elements of the job are not being done as well or as often as needed.

Conversely, it gives practice leaders an opportunity to suggest better ways of doing

things (*i.e.*, more cost-effective, more efficient, more easily accomplished), and to point out some tasks that are redundant, unnecessary, or that disserve the goals of the group or the firm.

Using the job description makes it much easier to identify training needs for the future. By reviewing actual performance against the outcomes set out in the job description, you can create a development plan that is specific and relevant to each practice leader.

Finally, having the job description in place removes uncertainty and makes the appraisal process more productive. For those practice leaders who are not keen on having their performance analyzed, they cannot say that they didn't know what was expected of them

when there's an actual, written job description in place. ■

—Patrick J. McKenna

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Industry Practice Groups

Continued from page 2

to be radical measures. They needed to stand out among the other firms in a very crowded market.

“We were aware that the competition, especially in our segment of the market, was intensifying, that there were too many talented lawyers and talented firms and too little great work to be had,” Watson says. “As a consequence, there’s much greater pressure and focus on the need for law firms to be able to differentiate themselves as well as establish, for clients, that they can offer some kind of additional value that other comparable firms could not provide.”

So in 2013 firm leadership formed a strategic working group, consisting of eight partners who worked with outside consultants to examine the challenges facing their firm, other competing firms, and the profession as a whole. “We conducted a very in-depth assessment of where we thought we had some strengths, and looked at which industry areas we thought we had strengths,” Watson says. “We came to the conclusion that by restructuring our focus we could deliver greater value to clients and that we’d be seen as something differentiating in the market. It would give us an advantage.”

In January 2014, the firm officially said good bye to the practice-group model and reorganized into the six industry teams.

More than Window Dressing

On the surface, it may seem to some that this is merely a marketing ploy, but, on closer examination, it’s very apparent that it’s more than just a slick rebranding effort. The

change penetrates the core of how the firm operates, resulting in a model that requires Husch attorneys to learn more about the particular industry and its sub-industries that they serve. The move facilitates teamwork among litigators, transactional attorneys, regulatory practitioners, and essentially attorneys across the practice-area spectrum.

“We decided that with this structure we would learn more about the clients and the opportunities and challenges they face in their industry,” Watson says. “It also ensures that each team of lawyers, working across the various subject matters, would discover new insights about industry, and as a result would be able to talk the talk and understand our clients’ business challenges, connecting those challenges with legal issues. We thought the structure allows us to be better-informed strategic and business partners with our clients.”

The hardest part, of course, was getting nearly 600 lawyers to buy into this dramatic modification. Watson and other firm leaders worked diligently throughout the transitional process, he says, to communicate to the partners and associates about what they were doing, why they were doing it, and why they thought the reorganization was essential. Most but certainly not all of the lawyers embraced the change; that is, there was some pushback.

“We’ve had some lawyers leave the firm because they didn’t like this approach, this strategy,” Watson says. “After all, this really does call on every one of our lawyers to raise his or her game. They’ve got to learn some new stuff, some new tricks. They’ve got to invest time that’s not billable in learning about the business of their clients and the industry their clients operate in.”

It helps that the plan was executed carefully and contained built-in flexibility. The leadership of the firm talked to the lawyers and assessed where people spent most of their time, examining the industries in which the attorneys had multiple clients. Then, the leaders made initial assignments, giving their colleagues an opportunity to confer and

negotiate. “In most cases people decided on the industry group in which they had done the most work, but in other cases some lawyers sought greater opportunity in a different industry,” Watson explains. “And, people can make changes and move, sometimes, from one group to another.”

So how’s it working out? Well, it may be too early to tell but most—not all—clients are excited about the new structure and have given the partners positive feedback. The strategy also has generated new clients. “We’re getting opportunities for new work that I don’t think we would’ve gotten without the acknowledgment that we have some real industry expertise,” Watson says.

Hybrid Arrangements

Of course, many other firms have moved at least some of their lawyers into industry-centered configurations. At Philadelphia’s Blank Rome, the firm adopted a strategic plan at the end of 2013 that called for the formation of five industry groups: energy, maritime, financial services, real estate, and life sciences.

But the partnership is not dumping the practice-group model. “We’re doing industry groups as well but not exclusively,” says Alan Hoffman, Blank Rome’s chairman and managing partner. “Within each industry group are a number of different practice areas that align us with what we think are our clients’ goals. This allows us to develop complete knowledge of the industry. It also fosters greater collaboration.”

Hoffman says the firm intends to maintain practice groups for some areas of law, but it seems more change may be coming. “We’re going to continue to focus on the industry-team approach and look to add industries as we go forward, but also I think the practice groups are important,” he says. “We decided to start with these five industries and then evaluate it all.”

Blank Rome clients appear to be reinforcing the idea, or at least doing so indirectly. “We had

a partner retreat in January when we invited four of our clients to participate in a general counsel [discussion] panel,” Hoffman says. “One of the topics that became clear is that they want their lawyers to be completely immersed in their respective industries. They want them to stay ahead of the curve on issues, come to them with ideas, trends, upcoming regulations, and what’s affecting their business today. Those firms that have that industry knowledge are real differentiators when these companies decide who to hire as outside counsel.”

Memphis-based Baker, Donelson, Bearman, Caldwell & Berkowitz also has dabbled in the industry-concentrated approach. “Right now we’re kind of a hybrid with one [of four] departments that’s centered on one industry—financial institutions,” says CEO Ben Adams, Jr. “Then we’ve also got advocacy and litigation, which has a mixed bag. It’s got some areas that are industry-focused, like health, construction, and transportation. When we have enough critical mass serving an industry where we think it makes sense, we [organize an industry team]. If we don’t, we won’t.”

Adams says he and his partners clearly see the benefit of industry-oriented groups. “You can really help your clients by being on the cutting edge of changes in their industry when you have a lot of shared knowledge in a common industry,” he says.

At 300-attorney Butler Snow, headquartered in Ridgeland, MS, chairman Donald Clark, Jr. says the firm hasn’t changed its structure “administratively,” but it is positioned to move in that direction. “We’re still in the practice group format,” he says. “But we do have a combination of other groups that are industry-focused and we have some task forces that are focused on particular industry sectors. It’s not that formal, but I think generally we are headed that way.”

More Change Coming?

On one hand, this seems like a trend that’s beginning to gain speed, and maybe Husch’s

all-in approach will accelerate it. Clearly, other law firm leaders will be watching to see if the firm's transformation succeeds, fails, or falls somewhere in between. But on the other hand, it's no secret that change usually moves through the legal profession at the proverbial snail's pace.

First, advocates of such organizational reconstruction must get lawyers to alter their mindset. "It's difficult to get over that first hurdle—when you've got so many lawyers who grew up thinking, 'I'm a litigator' or 'I'm a corporate lawyer'—and broaden their horizon

and change their focus from practice group to industry group," Denney says.

At Husch Blackwell, Watson acknowledges the resistance to change but does think the market will dictate a new way of serving clients and that the industry-group model will catch on. "People are most comfortable doing what they've always done and in the way they've always done it," he says. "But I don't think the pressures on our profession will tolerate that kind of complacency any longer." ■

—Steven T. Taylor

Of Counsel Interview

Continued from page 28

which to build,” according to its Web site, which Blackard has helped make sure stays up to date, cutting edge, and easy to navigate.

“Gene is a very good leader,” says partner Eric Blumhardt. “Lawyers in all of our diverse practice groups each have their own vision of what is necessary for them to further the interests of that practice group. What Gene does very well is keep everyone pointed in the same direction, trying to achieve his commitment to the firm as a whole.”

Blackard is known for his open-door style of management but also holds firm to his own vision of growing the firm geographically and in its number of attorneys. “He’ll listen to people and evaluate what people have to say,” Blumhardt adds, “yet he’s committed to a strategic growth plan. He follows it, and he gets everyone to buy into that.”

But Blackard’s not all business. Blumhardt remembers a time at a partner dinner-meeting held at a local Walnut Creek hotel years ago—back when the Blackard’s beloved New York Jets football team “was actually good,” Blumhardt says. “Gene’s a huge New York Jets fan and they were playing the Patriots on a Monday night. He convinced the hotel people to wheel in a TV so we could have it on in the background as we were conducting our meeting and having dinner. He just couldn’t miss that game.”

Recently *Of Counsel* talked to Blackard about his career, his management successes, and challenges, the importance of work-life balance for the firm’s lawyers, recruiting, marketing, and other topics (but not the Jets). The following is that excerpted interview.

Of Counsel: What attracted you to the legal profession, Gene?

Eugene Blackard: I wish I had a really profound story to tell you but I don’t. I will tell you that I was working in politics right out of college, and I won’t hide the ball here, I was working for the California Republican Party in Sacramento. I noticed that a lot of my fellow compatriots were unemployed every two years after every election cycle. And I’d been there about two years or so, and I tried to determine what I could do to get a position that wouldn’t get me unemployed every two years. I settled on becoming a lawyer, which I thought dovetailed well with my political aspirations.

OC: What did you do right after you graduated from University of the Pacific, McGeorge School of Law and passed the bar?

EB: I had four job offers when I graduated from McGeorge. One was in Sacramento, two in Walnut Creek, and one in Oakland. And I decided on Archer McComas.

OC: Did you always have an interest in litigation, or did you try other practice areas?

EB: I always knew I wanted to be a litigator. I also knew that I would become bored in a transactional practice. I enjoy the give-and-take of litigating cases on behalf of my clients and advocating a position. I always knew that litigation was what was going to keep me motivated.

OC: You have served a lot of insurance-industry clients. Why did you gravitate toward that industry?

EB: Again, I wish I had a sexy story for you. Coming out of law school, I wanted to make sure that I had a steady paycheck. And frankly, the easiest path to getting a steady paycheck after I graduated was working in one of the insurance defense law firms that always had a need for new associates. I wanted to make sure that I learned my craft as well as I possibly could and now I only practice about half-time.

OC: Yes, I want to get to your role as the managing partner, which of course is what you do the other half of the time. But first

let's talk a little more about your career. When you think back over the cases that you've handled, which one or two stands out as being really important, or satisfying, or challenging?

EB: I think that there are two that come to mind and have led me down different paths. The first, believe it or not, started off as a multiple demurrer case, in which I was representing a trust client. We ended up going to multiple demurrers in front of Judge Ira Brown, who was kind of a legend in San Francisco. The case then went up on appeal, and we won on appeal. It was a hard-fought case on some very esoteric issues involving trusts. That was early on in my career.

All of our attorneys have been instructed that we shouldn't wait for the client to ask for [an alternative fee] arrangement. We always offer it in advance.

In another case, we represented a film company that was involved in a very serious accident in Australia. It was filming a documentary special on real-life stunts, and the stunt went very badly. There was a water skier who was supposed to jump through an exploding building, but he ended up hitting a pier in the water and became a quadriplegic. So we defended the film company—it was all filmed in Queensland, Australia—and we convinced the court that the proper venue for this particular accident was back in Australia. That was a significant blow to the plaintiff because his [financial] recovery there was limited to a few hundred thousand dollars. It would have been millions of dollars here. We ended up going up to the court of appeal in that case as well.

It was satisfying what we were able to do for our client, but it was also very bittersweet.

The plaintiff came to the court of appeal in his wheelchair. It was difficult knowing, on the one hand, that we did a very good job for our client but that what we'd done had a direct impact on this plaintiff's future. So that's why it was bittersweet.

OC: I'm sure that must be a very difficult part of doing your job. Was the case particularly complicated?

EB: Yes, it had various layers of complexity due to the choice-of-law issues that we were arguing. It also involved multiple parties and the Australian barristers who worked with us. It took awhile [to litigate] and was a significant win for the insurance company that had retained us on behalf of the film company. It saved the company millions of dollars, and it was satisfying because it had some complicated issues, which were hard-fought on appeal.

Delivering Results—with Options

OC: On your Web page you say you “use novel, and when necessary, aggressive approaches to effectively deliver results clients seek.” Could you offer an example of a novel or aggressive approach that delivers the goods?

EB: I'll choose a novel approach and that has to do with the way we structure our fees. Our approach always gives clients the ability for us to manage the litigation in a different fashion, novel in that we try to take the focus off the billable hour and structure the fees so that the clients are more focused on results than they are on the costs of litigation. Internally, we project-manage the way the client had requested us to project-manage when they give us the assignment. We have an internal and an external project-management process that allows us to deliver a product efficiently, and usually far less expensively, and that focuses on the end result.

OC: So would you consider Archer Norris an early adopter of alternative fee arrangements?

EB: I would, yes. We had a committee in place I think the last six years or so in which we vet all of the potential alternative fee arrangements that are presented to us. All of our attorneys have been instructed that we shouldn't wait for the client to ask for that arrangement. We always offer it in advance. Some clients don't understand the benefits of alternative fee arrangements. Some appreciate being billed by the hour and, if that's the way they want to do their business, that's perfectly fine with us.

But others understand that there's a real benefit to packaging the number of cases they might send to us, our ability to give them a reverse sliding scale, a success fee, or whatever they feel is necessary. Because, at the end of the day, the client just wants to know what the end result will ultimately cost. They want some certainty, and the alternative fee arrangement gives our clients a degree of certainty, which is especially important to them in a litigation matter.

OC: You've been managing partner at Archer Norris for several years now. What is it about managing the firm that you really enjoy, that you find to be rewarding?

EB: I enjoy having the ability to direct the firm in new arenas that we can pursue that benefit our clients and my partners. It becomes a pleasure to attain successes, to make sure that we're meeting our payroll and getting good results for our clients.

OC: Okay, let's flip that around now. What's challenging? What's a pain in the neck? What keeps you up at night worrying?

EB: Probably two things. You always worry about the financial side of any business. You want to make sure that you're hitting your financial targets and making sure that you're engaged in a profitable endeavor. That's one side of it.

The other side of it is, well, believe it or not, attorneys have these—how can I put this—very direct personalities [laughter]. When

you're trying to manage a bunch of attorneys who all, at one point in their life, thought they were the smartest person in the room, you end up with some friction. And, my job is to make sure there is minimal friction.

Listening and Learning

OC: That lends itself to another question: How do you do that? Or maybe a more general query would be: How would you characterize your management style?

EB: I really believe in listening more than talking. Once I have the ability to have someone explain to me what their issue is, I'm usually fairly direct in giving them a response to that issue.

OC: You're not the hiring partner of course but I'm sure you have a large role in bringing people into the firm. What is it that you and your partners look for when you hire? Naturally, you want smart people who are good lawyers but is there anything unique about Archer Norris that you want your lawyers to have?

EB: Yes, there is. We always look for a cultural fit with the law firm. We do value the culture that we built here. We understand that everybody has a life outside of the practice of law. We all work to make sure our families are provided for. So we look for the philosophical right fit. Obviously, like all law firms, we look for the best-qualified attorneys we can find. We also want to make sure that [potential hires] understand that we practice law to get results for our clients, but we also do it because we enjoy being around each other and having a life outside of the law firm.

OC: Then you're focused on work-life balance issues.

EB: Yes, in fact we aggressively pursue attorneys who we understand may or may not want a different work style. We have partners who work on a reduced schedule

because they have family commitments, and we understand that. We have associates who we allow to actually move out of state and work remotely because we value the skill sets that they have. There are many ways to deal with legal talent, and personnel in general, and we try to make sure that if we handle our side as employers, it's easier for them to handle their side for their family commitments. Consequently, we end up getting a better product as a result.

OC: To what extent do you market that when you're recruiting either law students or lateral attorneys? In other words, is that something you put in front of them and say, "Hey, look at how flexible we are"?

EB: We do. But it all depends on what questions the attorney has of the law firm. The biggest area that we make sure they know we are flexible in is when we're attracting women partners to the firm. We explain that, obviously, having children is important and so we always work around those schedules and offer reduced-work arrangements. We believe that allows us to attract even more attorneys.

The idea of the glass ceiling is very real to us, and we want to make sure it doesn't exist in our firm. The way that you can do that is to have flexible schedules, reduced schedules, making sure there are backups, and maintain the ability to work remotely.

OC: You also have a program called Women in Business. I would imagine that helps women fit into the culture of your firm.

EB: We're very proud of that. And yes, it really does help. We felt it was an underserved area of our law firm and we wanted to make it a focus. It's been a very valuable resource, primarily for making sure that we have all of our attorneys motivated and moving forward. Our clients appreciate the fact that we pay attention to diversity. We do all we can to ensure that [the firm's demographic composition] looks like our clients'. We want to be as diverse and as effective in business as our clients.

Developing Relationships

OC: To shift gears here a little—what do you and your partners do to market your practice?

EB: We've spent a great deal of time and energy to make sure that our digital footprint is as wide as possible. As you can see on our firm Web site, we do attempt to stay ahead of anything our competitors do. Frankly, I don't believe in bench-marking and looking at what our competitors are doing. I want our competitors looking at us as the benchmark. We're driving a great deal of business to the firm based upon having a pretty dynamic Web site.

We also spend a great deal of time, as lawyers in most firms do, attending conferences and speaking at conferences. I have partners who just completed a book on insurance coverage, which gets us out there as well.

The idea of the glass ceiling is very real to us and we want to make sure it doesn't exist in our firm. The way you can do that is to have flexible schedules, reduced schedules, making sure there are backups, and maintain the ability to work remotely.

And, we encourage all of our attorneys to develop personal relationships with all their clients and remember that, just because the relationship starts off as a business relationship, it's the personal relationships that usually result in more marketing. A happy client will market for you. It's better when a happy client markets the firm than when you do it yourself.

OC: You've been recognized for leading double-digit growth at your firm. Is that

mostly growth in the number of attorneys or growth in the financial numbers?

EB: The double-digit growth is the number of attorneys. But as you grow the number of attorneys, your finances also increase exponentially. So we're doing very well for a regional firm of our size. Like any business, we always want to be better and that's why we focus on growth and bringing in quality people and providing a work-life balance that benefits our clients and our employees.

OC: Finally, Gene, would you talk about the future of Archer Norris? Will the firm

now hold stable in terms of the number of attorneys, or do you expect to grow more in the coming years?

EB: I envision more growth. I believe that this law firm could add another 30 or 40 attorneys in the next four or five years. We are currently in five offices across the state, and we have the potential to grow outside of the state. We continually look at that. But, of course, the growth is always predicated on the needs of our clients. ■

—Steven T. Taylor

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Of Counsel Interview ...

Managing Partner Leads California Firm in its Growth, Diversity and Work-Life Balance

In the mid-1980s Walnut Creek, California was less of a city and more of a quiet commuter town, located in the East Bay area, surrounded by orchards and small family ranches, and situated at the foot of beautiful Mount Diablo. Over the years things have changed, dramatically. Many of the orchards have come down, most of the ranches have disappeared, and this San Francisco suburb has become a growing, bustling city—with lots of money.

The Walnut Creek-based law firm of Archer Norris also has transformed significantly from when it was a small partnership named Archer, McComas & Lageson in the mid-80s. Its once narrowly focused practice has broadened and now serves clients as a full-service firm with expertise in many different practice areas in six markets across California. Oh yes, and just like many of the residents of the firm's hometown, the partners are doing quite well financially.

Led by Eugene Blackard, who has been the firm's managing partner since 2008, Archer Norris has grown its lawyer ranks considerably and now has 110 attorneys. Last fall Blackard was named one of California's top 25 law firm innovators by the legal publication *The Recorder*, which credited him with the firm's "six years of double-digit growth" and positioning the partnership for "long-term growth and profitability."

Archer Norris proactively offers attorneys flexibility in their work schedules, places an emphasis on work-life balance issues, and strives to create a diverse workplace. Its firm touts its diversity, citing that 44 percent of its lawyers are female or minority and "partner diversity is 28 percent, which includes a 3 percent increase in female/minority partners in the past year alone, and gives us a strong foundation upon

Continued on page 22