When we view ourselves, we each have our own unique perspective. And sometimes, that perspective is not complete. As the new chairman at Foley & Lardner LLP (Foley) took the helm, he decided that an excellent way to establish his leadership style was to demonstrate to the entire firm that he and the management committee were willing to learn more about themselves so they could better serve in their role as leaders of this firm.

In the workplace there is a specific way to increase self-awareness called 360-degree feedback, or 360 for short. It is the process in which a person receives feedback from the people they work with all around them, hence the name 360. Essentially, 360 is a systematic method of collecting and delivering developmental feedback. Foley’s professional development department was asked to research options for conducting a 360 survey. After interviewing 360 companies and reviewing 360 software, it was determined that the project would be outsourced to Team Builder Plus and managed through the professional development department.

How does 360 work?

Survey design

Every organization has its own culture and values and its 360 survey should reflect that. At Foley, we customized our survey to reflect our core values by including questions about diversity, integrity, leadership, and communication. We used a team of partners to develop and review the questions to ensure the questions would relate to the practice of law at our firm.

When designing the survey, we were careful to follow proper psychometric principles, such as:

• Survey items must be observable behaviors not attitudes, motives, values, thoughts, or feelings, which reside within a person and cannot be rated.

• Each question must describe only one behavior so that the feedback recipient clearly knows which behavior to work on.
The Power of 360-Degree Feedback: One Firm’s Experience
By Sharon Meit Abrahams and Merrick Rosenberg
When we view ourselves, we each have our own unique perspective. And sometimes, that perspective is not complete. Studies have shown that those with an accurate view of their strengths and challenges are the most successful.

The Future of the Law Chain and Evolution of Law School Curriculum
By Jeffrey Brandt
Some innovative law schools are including business and technology skills as part of their legal education programs. Their graduates become a new class of lawyers better adapted to survive and grow in today’s demanding legal environment.

The Emergence of Accountability and Analytics in Professional Development
By Ari Kaplan
Accountability is the answer to professional development challenges because it fosters execution, creates momentum, and provides a type of box score, reflecting both wins and ‘near wins,’ on which to build.

Picture This: What a Concept
By Lynn R. Watson
Infographics are all the rage. They’re being used for everything, fittingly or not, from resumes and maps to annual reports and marriage proposals, as well as for more conventional business purposes such as marketing, advertising, and education.

Is CRM a Dying Resource or Is There a Place for it in Today’s Law Firms?
By Silvia Coulter
Client Relationship Management programs can be used successfully in law firms for business development when there is support by management, use by key stakeholders, and training by knowledgeable support professionals.

Deconstruction, Reconstruction, Pricing—How Understanding the Anatomy of a Legal Matter Will Help You Identify Efficiencies and Price More Accurately
By Carla Landry
By deconstructing, mapping, managing and analyzing a legal work process, a firm is better able to determine the cost of the work, and price it so the firm makes money and the client has a consistent deliverable for a fair price.
The Power of 360-Degree Feedback: One Firm’s Experience — Continued from page 1

• Language must be simple and clear so that everyone interprets each survey item in the exact same way.

• Items must focus on important behaviors that are critical to success.

The partner design team personally tested the survey by conducting it on themselves so afterward it could be tweaked and fine-tuned.

Rater Selection
Once the survey was designed, the next phase of the process was rater selection. There are certain criteria that determine whether or not someone would make a good rater, including:

• Raters must have significant contact with the feedback recipient (e.g., they need to see them more than once a month in a staff meeting).

• Raters need to understand the full range of responsibilities of the recipient.

• Raters must have a strong familiarity with the feedback recipient (e.g., they need to know the person for at least four to six months).

• Feedback recipients should be asked to select individuals who can provide candid and constructive feedback, not just friends who will provide “favorable” feedback.

In a typical organization, raters would be one’s manager, peers, and direct reports. In a law firm, they would be partners, associates, and administrative staff. As part of the process, the individuals rate themselves so they can see gaps in perception between themselves and others.

At Foley, we made sure that raters included partners and associates, as well as marketing and other administrative staff. The unique structure of a law firm environment determines who should be listed as a partner’s “manager,” “peer,” or “direct report.” We ran reports to determine whether a partner worked on another partner’s clients. The partner with the primary client relationship was deemed the “manager.” Local office managers, practice group leaders, and department chairs were also designated as “managers.” Selecting “peers” was easier as a partner could list any other partner who fit the criteria listed above. As for direct reports we designated the partner’s assistant, paralegal, associates, and any administrative staff they worked with on a regular basis (i.e., billing clerk or marketing coordinator). This way, the feedback recipients truly got a full 360 perspective of how they are viewed by the people around them.

Survey Administration
An initial communication to the firm from the chairman was essential to establish the rationale for participating in this exercise. A subsequent e-mail was sent out for each of the survey participants to their selected raters with a more detailed explanation.

The 360-degree feedback process was administered online to ensure confidentiality utilizing a fully encrypted system that resides on a Team Builders Plus server. One representative from professional development monitored the rate in which surveys were completed, but at no time had access to any survey. Specific time frames were allotted for completing the surveys so it was critical to send out timely reminders. It took more time than initially determined to get enough responses per participant to report the results, so the system was left open for longer than expected.

Raters were asked to provide both numeric ratings and written comments. The comments helped to prioritize areas of development and clarified the numeric feedback by providing insight into specific behaviors that needed to Stop, Start, or Continue.

Interestingly, some individuals chose not to complete surveys on their colleagues. When queried as to their decision, confidentiality (though assured over and over again) was not trusted. In some cases the individual just did not feel qualified to comment on or rate the other person.

Coaching
Essentially, changing individual behavior is the ultimate reason that organizations engage in 360-degree feedback Coaching is a key component in the 360 process, as it helps turn the feedback into actionable improvement strategies and concrete results. After receiving their results, a Team Builders Plus Executive Coach spoke with each of the feedback recipients to help them understand their 360 results. Upon follow up review, all the participants felt the exercise was a valuable experience and the firm will go forward with rolling it out to other leaders and partners.

Why Do It?
There must be a reason that nearly every Fortune 500 company utilizes 360-degree feedback as a development tool. That reason is simple: When companies invest in their people, culture improves, retention increases, and ultimately, profit goes up.

Further, with the increase in the number of millennials entering the workplace, organizations in every industry will need to pay more attention to their culture These
individuals require a positive workplace, a supportive leader, and a good coach. If they do not get their needs met, they are quick to leave to join another firm. Evidence of the changing needs began to surface as early as 2006 when a study by the NALP Foundation found that an astounding 78 percent of new associates left their law firms by the end of their fifth year (up from 60 percent in 2000).

Millennials currently make up more than one-third of the workplace and by the year 2020, that percentage will jump to nearly half of all employees in the United States. 360-degree feedback is not just a tool that is nice-to-have, it is quickly becoming one that forward-looking organizations are adding to their toolbox to ensure future success.
Some innovative law schools are including business and technology skills as part of their legal education programs. Their graduates become a new class of lawyers better adapted to survive and grow in today’s demanding legal environment.

If we apply Darwin’s Theory of Evolution to the legal market we have 1) more lawyers than can possibly survive, 2) traits that vary among lawyers, leading to different rates of survival, and 3) new traits that are inheritable by successive generations. Continuing this analogy further, we know that when lawyers retire a new class of lawyers better adapted to survive and grow in the same environment will replace them.

Unfortunately, the law firm environment has undergone radical change so that old traits bred into each successive generation of lawyer no longer guarantee survival as they used to. In fact, some of the old traits are now a sure route to extinction. Lawyers must adapt to survive. At one end of the environmental food chain are clients suffering from the economic downturn. They are demanding more of their outside counsel, but paying less. Law firm clients have been forced to make changes; they in turn are forcing change throughout the entire legal environment. At the opposite end of the chain are law schools educating students to become lawyers. For decades the law schools supported the old environment, turning out new lawyers with the same old traits. In the middle of the chain are the law firms. Reluctant to change, firms are doing their best to muddle through. Some lawyers with new and varied traits are starting to excel and surpass those with the old traits, but many are simply stuck where they are.

One could argue, to continue our analogy, that the global legal market is getting infused with some unusual, rich nutrients. What makes it so interesting is that there are different nutrients in different areas of the world producing those mutations. With the emergence of publicly traded law firms in Australia and the Legal Services Act in the United Kingdom producing some unique business structures, there are numerous lawyer/non-lawyer mutations occurring. Stepping in to displace the traditional law firm are organizations like Riverview.2 Embracing commodities law with fixed pricing, technology, and robust workflows, they challenge the dominant species. Not to be outdone in the United States, mutations like Clearspire strive to achieve similar mutations, but manage a further mutational split into two companies, Clearspire LawCo and Clearspire ServiceCo.3 This is happening despite the American Bar Association’s best efforts to block some of the nutrients released in other areas of the world. Axiom is yet another example of different adaptations and mutations of legal service providers, shedding the shell or veneer of a law firm and mixing up placement services, outsourcing, and project work to achieve its mutations.4 As for which traits prove to be the superior adaptations, only time will tell.

By Jeffrey Brandt, Principal, Brandt Professional Services, Ashburn, VA
Mutant models like Clearspire and Axiom require identifying those “unique” lawyers in traditional AmLaw 200 or Magic Circle firms and nurturing their abilities to change and adapt. That works for individuals, but how do we strengthen the entire lawyer species? New traits must be introduced into the beginning of the chain to ensure the survival of the species. So what can we do to induce change or mutation as early as possible? The answer is to look at the law school environment.

In 2013, two-thirds of the 202 U.S. law schools accredited by the ABA reported 11 percent declines in their first-year enrollment. The 2013 drop extended a decline that is now in its third year. Not surprisingly, law school reaction to the change in the legal environment was much like that of law firms. They shed faculty and staff while some law schools lowered tuition. But just like changes in law firms, there have been mutations in some law schools. One noted adaptation has come from Michigan State University College of Law and its Reinvent Law Laboratory. Pitching creative problem solving and quantitative legal prediction, it looks to “informatics, statistics, business, machine learning, programming and design to better understand and analyze the law.” Also, the law schools at York University, Case Western Reserve University, and Northern Kentucky University are making changes: retrofitting their third-year curriculum to allow for increased specialization, increasing students’ writing requirements, offering opportunities for direct legal work experience, and enhancing lawyers’ technical skills.

The most interesting program to me is that of Suffolk University’s Law School and its Institute of Law Practice Technology and Innovation. Suffolk has done the smartest thing imaginable at this point by partnering with D. Casey Flaherty. Casey is a one-man army for the “adapt or die” analogy. In his role as corporate counsel for Kia Motors, he has created a set of audits to measure if Kia’s outside counsel and law firms are competent with technology. Casey tests firms on a range of software skills, from Microsoft Word to Excel to creating PDFs. As of this point in time, to my knowledge, not a single firm has passed the test. If we used his small sampling, that’s an 111 percent extinction rate (one firm took it twice and failed both times). That doesn’t look promising.

If anyone knows what a lawyer needs to be able to do to serve his clients, it is Casey. He has taken it to the fundamentals: training and education in the basic tools of the trade. Of course, those are the basic tools for the year 2014 A.D., not the skills and tools of yesterdecade. The American Bar Association has recognized the need to adapt as well, and has made it a point in its Model Rules of Professional Conduct. Rule 1.1 on Competence states that “to maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education, and comply with all continuing legal education requirements to which the lawyer is subject.”

Law schools like Suffolk, Michigan State, York, Case Western Reserve, and Northern Kentucky are recognizing the need to equip their graduates with new skills to survive and succeed in today’s legal environment. Graduates with business skills in project management, data analytics, and practical technological skills should be able to pass Casey’s audit. Law firms hiring graduates from such programs can then capitalize on their skills. Lacking these requisite skills, new and existing lawyers will depend on their firms to provide business and technical training. Without better-equipped lawyers, firms will not meet the needs and expectations of their clients, and will risk becoming extinct.

Sources
7. American Bar Association Code of Professional Conduct: http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1.html
Accountability is the answer to professional development challenges because it fosters execution, creates momentum, and provides a type of box score, reflecting both wins and ‘near wins,’ on which to build.

By Ari Kaplan, Principal, Ari Kaplan Advisors, New York, NY

Last spring, I coached my then seven-year-old daughter’s Little League team to a 0-13 regular season record (I know, I’m not quitting my day job). So our first round playoff loss was no surprise. While leaving the field after our defeat, I ran into a friend walking with his son. I asked him about the result of his game and he responded: “We nearly won.”

He could have said that the team lost, was beaten, or played poorly. Instead, he focused on how close it came to success.

After studying the habits of dynamic professionals for years, I have found that they often view missed opportunities as future prospects. They find creative ways to reconnect and calendar potential follow-up. This is especially true at the beginning of the year when everyone is still committed to a host of New Year’s resolutions.

As we continue to develop a culture of ubiquitous technology-assistance, there is one key element that will define professional development in 2014: accountability. Beyond baseball statistics and billable hours, firms will challenge their legal teams to commit more fully to a rapid training curriculum, achieving routine tasks, and tracking the accomplishment of preset objectives, including positive ‘near-wins.’ They will assign values to them and compare those scores to foster an environment of shared success, as well as to encourage maximum participation.

Muscle Confusion for Your Professional Development

From social media to storytelling, professional development is evolving from related, but varied educational initiatives, to diverse, but consistent programming. Like exercise and personal training, there are advantages to encouraging muscle confusion for your business and professional development, which include increasing inbound correspondence, developing a greater presence on social media, and enhancing interaction with colleagues and prospects.

By engaging professionals with weekly programming, they will become more accustomed to integrating key efforts into their calendars to create more comprehensive habits, rather than longer to-do lists. As they practice the relevant exercises, which could be simple LinkedIn techniques, public speaking suggestions, or powerful publishing protocols, they will overcome networking anxiety, improve their focus on high-value activities, and ultimately provide better opportunities for the firm.
Changing the Conversation to Build a Culture of Collaboration

One of my son’s Little League teams—while better than my daughter’s (maybe because of the coaching)—once started with a terrible losing record. It is not that the team was so bad; they simply seemed to lose heart when they started falling behind. That led to a lack of focus followed by fielding errors, bad swings, and talk of leaving the game. They blamed the umpire, a bad hop, or fatigue.

Like them, professionals fault the economy, firm mismanagement, a lack of resources, and other elements outside of their control. Those who change the internal conversation to issues they can directly affect by measuring their efforts (e.g., number of outbound calls placed to specific individuals, frequency of meetings with key contacts, and related follow-up and results), rather than broadly estimating their efforts, are often more likely to succeed.

They also share their pace of advancement. As professional services become more social-centric and updating connections multiple times per day more common, individuals will feel comfortable with their peers tracking their activities. More organizations will begin applying that concept to their development offerings, but instead of broad distribution and messaging, they will pair proactive employees. Just as rainmakers work in tandem, they will build collaborative teams to ensure achievement, rather than solitary struggle.

Consistent with empirical evidence supporting weight loss plans and physical fitness programs, individuals are more likely to exceed professional development milestones when someone they trust is holding them accountable. Asking yourself how many calls you have made (or are planning to make) today is less productive than responding to a colleague making that request or seeking a brief update.

The Accountability Hustle

A few years ago, I co-presented “Copywriting in a 140-Character World” at the Association of Continuing Legal Education (ACLEA) annual conference. The first time I had attended this event in 2007, I was an exhibitor with very little public speaking experience. I had never exhibited anywhere before and it was the first time that I was advertising my new CLE program on getting published.

I had signs like everyone else and I respectfully sat behind my table waiting for people to stop by. I smiled and fixed my tie. I adjusted the brochures in their holders and smiled again. Not much traffic. Then I got bored, so I walked in front of the table and began offering attendees individually wrapped Twizzlers (candy is a big draw at conferences). Instead of waiting for them to come by and take one, I simply held up the stick of licorice as they tried to avoid making eye contact and asked, “Twizzler?” Almost everyone smiled at the gesture and most of them stopped to learn more about my program.

Twizzlers always remind me about being a hustler. I was not asking for a job or a client. I was not asking to help the person get published or create a marketing plan. I was engaging and having fun. Ask yourself if you have started the new year hustling in an authentic way that generates forward momentum. The introduction to my book—Reinventing Professional Services: Building Your Business in the Digital Marketplace (Wiley, 2011)—is called “The Rise of the White Collar Hustler and Your Path to Practical Innovation.” So I have been researching this issue for a while.

Begin Experimenting With Accountability

Before institutional solutions become a staple in the legal community, individuals will begin testing accountability principles on their own. Consider spending ten minutes every week this month reviewing your correspondence from the fall to identify at least three individuals with whom you can reconnect. As a supplement to any aggregate reporting, individuals must begin pairing with colleagues to increase their collective potential and fuel a friendly sense of competition.

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Before institutional solutions become a staple in the legal community, individuals will begin testing accountability principles on their own. Consider spending ten minutes every week this month reviewing your correspondence from the fall to identify at least three individuals with whom you can reconnect. As a supplement to any aggregate reporting, individuals must begin pairing with colleagues to increase their collective potential and fuel a friendly sense of competition.
Send him or her a guidebook for the trip. Do you know someone struggling to finish a creative project before the summer begins? Send a copy of *The Artist’s Way* by Julia Cameron. Both should be less than $20 with shipping via eBay or Amazon, and will provide far more value over the long term.

Accountability is the answer to professional development challenges because it fosters execution, creates momentum, and provides a type of box score, reflecting both wins and “near wins,” on which to build.
Infographics are all the rage. They’re being used for everything, fittingly or not, from resumes and maps to annual reports and marriage proposals, as well as for more conventional business purposes such as marketing, advertising, and education.

A History Lesson
Where did this new phenomenon come from? Though we have a trendy new word to describe them, infographics are not a new concept. The merging of information and graphics to help communicate complex ideas dates back to hieroglyphics on cave walls. Moving through history, we find repeated examples of infographics. Christoph Scheiner used them in his 17th century text to demonstrate the Sun’s rotation patterns (Wikipedia¹). William Playfair, the father of graphical statistics, began visualizing data sets using pie charts, line graphs, and bar graphs in the 18th century (Wikipedia²), and Charles Darwin used infographics to depict the “Evolutionary Tree of Life” in the 19th century (Murray 2013³). In the 20th century, in an attempt to make information more consumable, USA Today began regularly incorporating graphics into the newspaper (Wikipedia³). Move forward to the last two to four years and there has been a huge surge in the use and popularity of infographics on the Internet. To help conceptualize just how pervasive they’ve become, consider the following:

- The hashtag #infographic was tweeted 56,765 times in March 2012;
- Searches for infographics have increased over 800 percent in just two years;
- Infographic production is increasing 1 percent every day. (Morgan 2013⁴)
- These are fascinating statistics, but the question begging to be answered is: why?

Information Overload
One of the biggest complaints of the “Information Age” is information overload. We have more information at our fingertips than at any other time in history, but we’re incapable of keeping up with all of the information coming our way. Not only do we not have the luxury of sifting through it all, but we certainly can’t analyze all of it. Most of us are lucky to make it through the headlines on any given day. One recent statistic indicated that on a daily basis, outside of the context of work, the average person consumes 34 GB of data (NEOMAM 2013⁵). With that volume of data coming at us, how do we filter out the meaningful from the superfluous, and just as importantly, how are we convinced that information from any particular source is worth our time? The resounding answer seems to be the use of infographics. Studies indicate that information consumers are 30 times more likely to read an infographic than a text article, and a color visual increases a consumer’s willingness to read by yet another 80 percent (Customer Magnetism 2013⁶). Once a consumer’s
attention is captured, the infographic serves as a vehicle for conveying a lot of information in a simplified form that is easily digested. Coupled with the fact that consumers are likely to remember 80 percent of what they see—but retain only 10 percent of what they hear and 20 percent of what they read—infographics appear to be a winning solution to our information challenges (NEOMAM 2013).

**More Sophisticated Than a Chisel**

Another reason for the recent proliferation of infographics is that new tools have been developed for the express purpose of helping novices navigate through the creation process. Tools such as Infogram and Visual.ly make it easy to create complex infographics by simply overlaying custom text, charts, data points, images, maps, photos, and even videos onto professional-looking themed templates (Happich 2013). Of course, just because creating pretty charts and nice graphics no longer requires a degree in graphic design does not mean that the infographics being created are always useful or effective.

**What Makes a Good Infographic?**

There are three parts to every infographic: the visual, the content, and the knowledge (Wikipedia). With these three components in mind, a good infographic tells a compelling story using good, solid, factual data in a way that is visually compelling. Almost any data can be transformed into an infographic, but that doesn’t mean that everything should be. You should approach your infographic as you would a memo, a brief, or any other report—have a point, gather your arguments and supporting data, and present a compelling argument (Claypool 2013).

**Are Infographics a Good Fit for Law Firms?**

One of the key services of a law firm is to explain and educate clients on laws affecting them and the various implications resulting from different interpretations of those laws. Traditionally, lawyers have conveyed this information to clients in text-laden briefs and other legal documents. It can be frustrating for both the client and the attorney as they attempt to navigate through what are frequently pages and pages of complex, foreign concepts (Shields 2013). Imagine if you could sum up the tax implications of a particular deal for your client in a one page, easily understood infographic instead of a 200-page, typed narrative. Not only would this approach make the client’s life a little easier, it would also give the impression that you respect their time, value transparency, and seek genuine understanding.

In another scenario, what if you were to create that infographic and publish it on your website so that potential clients could see it?

Beyond being assured of your level of expertise, these potential clients would also be impressed by your ability to communicate arcane concepts so effectively. Should it be sufficiently compelling and useful, and also easily portable, they’re more likely to then share that infographic with others. Marketing departments love infographics for this very reason: Infographics tend to be shared and passed around, yet cost the firm very little to produce. When well branded, they can be the basis of an effective marketing campaign.

Unfortunately, most large law firms haven’t jumped on the infographics bandwagon yet; outside of a few forays by Big Law, most of the traction seems to be in smaller firms. There have been a couple of exceptions, however. Hogan Lovells LLP has recently been testing the waters, and Carbone Smolan Agency recently helped Winston & Strawn LLP redesign their Web presence with a focus on short videos and infographics. Big law tends to be a little slower to adopt trends, but if infographics prove to be more than the latest Internet fad, more of the larger firms will begin to experiment with them.

**Additional Considerations**

Infographics have a lot to offer; however they are not a panacea. Before you sink extensive time and resources into them, there are a few points to consider. As mentioned previously, it’s the graphical form that makes the infographic so appealing, yet it’s that very characteristic that also introduces some new complexities. First, if there’s one thing that contributes to the slow load time of a Web page, it’s often graphics. Infographics are no different, so load time should be kept in mind when designing them. Similarly, you’ll want to consider the different screen sizes that you’re designing for: the desktop, the tablet, and the smartphone. As potentially valuable as they may be, imagine the frustration of a user on a smartphone trying to scroll around your poorly executed infographic.

Second, one of the frequently cited benefits of infographics is that adding one to a website will almost immediately increase the traffic driven to that site. This traffic, in turn, will likely cause the site to edge up in search engine rankings, making it more visible in search results (Morgan 2013). Unfortunately, however, infographics are not searchable. Because search engines will not pick up the content of the graphic itself, careful attention should be given when associating metadata and tags with the image.

Lastly, be mindful of existing and potential clients who are visually impaired. The ADA has established standards regarding the use of alternate text when
graphics are incorporated into websites. These standards ensure that readers used by the visually impaired can also “read” those graphics. Given the volume of information contained within a typical infographic, abiding by these guidelines may require the use of a substantial amount of descriptive alternate text. To address this ADA issue and also tackle the search engine conundrum, consider using HTML5 for your development.

Infographics are an enticing way to put forth a lot of information and help others make sense of it. Of course, as with anything else—text, graphics, statistics, etc.—it’s important to know the source of the information and to verify that it’s credible. After all, if a picture is worth a thousand words, how many words is a credible, well-designed infographic worth? I bet there’s an infographic for that.

Sources
2. Id.
8. NEOMAM, supra note 6.
13. Morgan, supra note 5.
Is CRM a Dying Resource or Is There a Place for it in Today’s Law Firms?

Client Relationship Management programs can be used successfully in law firms for business development when there is support by management, use by key stakeholders, and training by knowledgeable support professionals.

Client Relationship Management (CRM) is a team resource. It's everyone’s job. Too many investments have been made in good CRM systems only to have a breakdown within the firms when it comes to implementation. Some will say, “the attorneys aren’t entering their contacts.” Others will say, “this is a glorified events/list management tool,” or “the Marketing team keeps this all to themselves and uses it for mailings but we don’t have access to it,” or “we were not involved in the planning for this until it became an issue.” Some even believe it’s time for CRM to go away and be replaced with Enterprise Relationship Management (ERM) or sales tracking tools. Maybe so, maybe not.

By Silvia Coulter, Principal, LawVision Group, Boston, MA

Client Relationship Management programs can be used successfully in law firms for business development when there is support by management, use by key stakeholders, and training by knowledgeable support professionals.

A Washington, DC-based Chief Business Development Officer (CBDO) disagrees, adding, “we’ve dumped our CRM system and we are installing SalesForce-based tools. We have an ERM system that connects to Outlook and shows us who has relationships with whom and how strong those relationships are. Our team never was able to keep mailing lists in the CRM system and we use an event management tool for events and mailings. The Department and Practice leaders are beginning to develop sales forecasts, which roll up to a firm-wide system of sales forecasting. We just don’t see the need for CRM, and it didn’t work at our firm, and I don’t think it’s working at other firms.”

A partner from a London firm added an interesting perspective on this stating, “as lawyers we are taught to figure out a way around the rules. CRM seems to be filled with rules and I think the problem is we don’t like rules.”

As one CIO, a long-time successful user of CRM from the IT side, said, “We assume at our 1,000+ lawyer firm that contacts are part of the firm’s intelligence database. Our assistants are all trained in how to use these tools and it is expected that the data will be up to date. It’s not simple, but we probably have one of the longest-standing, most successful CRM systems in the law firm world. No sales tool is going to replace CRM anytime soon is our prediction. That is not to say that adding a sales forecasting component to the database system won’t be important—we see this as a critical next step.”

As firms continue to hire sales professionals, we’ll see more firms implementing sales forecasting systems. So is CRM a bygone phenomenon? Not so fast, is what many think. CRM is, in fact, a part of the firm’s knowledge management and should be treated as such. Making it work is the real issue and understanding how to implement it is essential to its being a valued resource within the firm.

As it relates to the comments about attorneys entering time, popular CRM expert Chris Fritsch believes “to be effective with CRM you have to have a strategy which includes getting all the key stakeholders on board—and
there can be a lot of them. For instance, the assistants can be critical because they often end up entering the contacts and other key information. Attorneys are busy billing time, and at a law firm, time is money—literally. So it usually is not the best use of attorney time to be entering or correcting contact data."

Fritsch adds, "to drive CRM adoption you have to provide real value. For the attorneys, the value is often getting information or reports out of the system to assist with marketing and business development. To enhance this value, it’s beneficial to bring information into the system such as business and industry information, competitive intelligence or enhanced relationship intelligence from an ERM system. If the CRM becomes a central repository for this type of valuable information, it will give attorneys a reason to want to use the system."

This perspective sheds a bit of light on how to leverage CRM and perhaps use it more effectively as a resource for driving revenue. Perhaps CRM’s fate won’t be sealed.

Lisa Gianakos, Director of Knowledge Management at Pillsbury Winthrop Shaw Pittman LLP, sees it this way: "A recent BTI Consulting Group survey showed that most firms rate themselves pretty low on being business development savvy. Their scores are lower than needed to take business away from incumbent firms. But with the trend of the Fortune 1000 spending less money on outside counsel coupled with savvy competitors’ sales people going after more client and market share, the ability to focus on and compete for new business is becoming more critical. Enter CRM and the value it can bring."

People and firms are generally resistant to change. The time a law firm client spends listening to partners explain why their firm or they are better when the client is relatively satisfied with its existing law firm and the effort involved in making a change just isn’t worth it. It seems to me that putting more effort into demonstrating your expertise through seminars and other programs that are not direct pitches is the better way to go. You hit a larger audience, provide immediate value by sharing knowledge, and demonstrate your expertise, all at the same time and in a less threatening environment. But even the best event, from a content perspective, means nothing if you don’t have the correct audience, and that is where CRM comes in. Putting the ‘buy in’ issue aside, the single biggest hurdle is getting and maintaining quality contact information.

Today there are new tools that can drastically improve that problem. Programs that mine e-mail traffic and/or scrape signatures and refer to sources like LinkedIn that are up to date, both improve data quality and at the same time reduce the amount of time it takes to maintain client information. With the correct buy in, best practice implementation, and the right tool set, CRM/ERM does not have to be the painful story it has been historically. So there is hope for CRM.

All this said, successful implementation of CRM, ERM, sales tools, etc., relies on top-down management supporting the initiative, key stakeholders relying on the resources, and well-trained business and support professionals who know how to use the tools. Integrate strong communication about these valuable resources into regular firm meetings and show examples of the outcomes from effectively using the tools, and firms will have a winning combination. If the firm needs to rethink or restart deployment of these tools, it will be essential to call in the aid of the knowledge management team, the library resource team, IT, and Marketing.

Combined, these professionals have the ability to make it work and deploy a once-again useful resource to help support the firm goals to capture client and market share. It takes a team. It takes an understanding of the resources, and it takes leadership and communication. Add it all up and CRM is still alive and well.
Deconstruction, Reconstruction, Pricing—How Understanding the Anatomy of a Legal Matter Will Help You Identify Efficiencies and Price More Accurately

By deconstructing, mapping, managing and analyzing a legal work process, a firm is better able to determine the cost of the work, and price it so the firm makes money and the client has a consistent deliverable for a fair price.

Deconstruction and reconstruction of a legal matter? Anatomy of a legal matter? What does any of that even mean? It turns out there is a familiar term for it. It’s called legal process improvement. How does it impact pricing? In a word—significantly!

First, it’s important to understand what legal process improvement is. It’s a methodology and a “toolkit” that helps you:

- Analyze how a work process is currently being done (i.e., map out a current approach),
- Identify steps in the process which could be done differently or not at all (i.e., identify those steps considered to be “value add” to the client and those that are not),
- Determine and map an alternative approach based on assessing the current state, and
- Control and manage to the new process so that anticipated results are achieved.

Legal process improvement helps determine the best way to carry out a work process to achieve efficiency, excellent quality of work and service, high probability of successful outcomes, and predictability. It’s true that historically lawyers have not been paid to be efficient.

They were paid primarily for their legal expertise, but the primary measurement tool, billable hours, encouraged inefficiency. In today’s legal market, law firm clients expect their lawyers to be efficient and to deliver high quality at the same time.

It should go without saying that understanding how that work is getting done (i.e., understanding the component parts and what it takes to get them done) and determining how to do it more efficiently will enable one to price that legal matter more accurately. Legal process improvement will help one identify those pieces of a legal matter that could be completed by the lowest cost staff possible or through the use of technology.

Today, the most innovative firms are using technology solutions to map, measure, and speed workflow processes in response to client pressure to reduce cost. They are developing robust and user-friendly client collaboration platforms, advanced mobile technology applications, and sophisticated knowledge management systems that store, aggregate, and anticipate a lawyer’s or a team’s document and information management needs. Some representative metrics they’re watching include a change in cycle time (i.e., total time from the beginning to the end of your process, as defined by your client), reduced cost over time, and improved outcomes on a collection of matters.

Delivering value to your clients at the right price should be the driving force behind your choices.
The following case study, an excerpt from the forthcoming book from the American Bar Association, *The Power of Legal Project Management – A Practical Handbook*, highlights the successful use of legal process improvement techniques of an AmLaw 100 firm, Seyfarth Shaw. Seyfarth is recognized for its pioneering use of legal process improvement (aka Lean Six Sigma) for the delivery of legal services.

**Managing a Large Portfolio of ERISA Litigation**

Seyfarth Shaw has managed a national portfolio of routine benefits litigation to help a global insurer achieve its goals for consistency and value across each matter. The firm has a longstanding relationship with the client, but prior to 2012 the firm had never been involved with the client's routine benefits litigation portfolio. The opportunity arose when members of client's in-house legal team shared the issues the company confronted managing its large portfolio of litigation challenges to its denials of disability and life insurance benefits.

With significant investment, Seyfarth leveraged its unique approach to managing large portfolios and developed an innovative technological solution, called Portfolio Tracker, to help the client better manage and derive information from the portfolio. The firm enabled the client's in-house team to analyze macro- and micro-level data about cases and case trends that may have been left untapped by the sheer burden of managing case files the conventional way. To date, over 250 individual lawsuits have been or are being managed through this portfolio approach.

The law firm applies a pioneering use of Lean Six Sigma to its client service model for large portfolios, which allows the firm to create a highly effective, innovative, and integrated solution that builds and expands on its foundation of success. In collaboration with the client and attorney teams, members of the firm’s Legal Project Management Office and Legal Technology Innovations Office created a solution that has delivered tremendous business value for the client.

**Key Components**

*Process improvement* - Prior to being engaged for this work, a team developed a process map for managing these cases and has jointly (with the client) reengineered it to create greater efficiencies, eliminate waste, and reduce costs at the individual matter and portfolio level.

*Technology* - The law firm’s client collaboration tool helps increase productivity and enhance communication and coordination, execution and delivery, and management and control of the engagement. The firm’s technology serves as a knowledge and project management hub that captures documents, as well as issues process improvement ideas and responses, project plans and reports. Portfolio Tracker is housed within this tool. The firm also uses this platform to aggregate tasks, documents, and calendar entries across multiple matters. Templates, knowledge banks, and document automation are also part of the solution.

*Automation* - Many functions that were previously disparate and varied across matters and previous providers are now automated. The prior solution mandated manual case form reporting and no two forms were alike across various providers. Now, the law firm can automatically generate one consistent Case Assessment Form for any matter in the portfolio in a matter of seconds, using data captured in Portfolio Tracker.

*Improved quality and consistency* - Working closely with the client team, the firm created best in class documents and legal arguments and then took a standardized approach to their use where appropriate. For example, the firm worked closely to devise the best possible settlement agreement, which has now become the standard, facilitated by a template, rather than having a different agreement for each in-house counsel.

*Continuous improvement* - Lessons learned are continually discussed and improvements in the approach are continually made. In the first six months of the engagement, the firm held weekly calls devoted to lessons learned with the client. The firm’s core team now continues to hold weekly meetings focused on process improvement, where they continually review the process map, use of templates, review trends, and discuss client feedback.

In summary, by deconstructing, mapping, managing, and analyzing a legal work process, a firm is better able to determine the cost of the work, and thus price it so the firm makes money and the client has a consistent deliverable for a fair price. The process discussed in the case study allows the lawyer to do more work for a lower price, yet ultimately increase revenues and profit.