

## **STRATEGIC PLANNING**



### **Including how to “Morph” your Practice. By Eleanor Southers, Attorney**

#### **1. THE OLDEN DAYS:**

In the “olden days” lawyers would graduate from law school, be recruited into a firm and if not, perhaps find a mentor and hang out their shingle. Most attorneys practiced in the same areas of law for at least most of their lives, just as the employees at GM and Sears who stayed with pretty much the same work until retirement.

All that changed as big corporations downsized, merged and the whole area of commerce went with the faster pace of the dotcoms and new world of technology. Political climate supported changes and there were less and less gold watches given out after 30 years and more golden parachutes disbursed after 15-20 years. This left a whole generation scrambling to constantly reinvent themselves. And this has been no different with lawyers.

Statistics tell us that the average person will have 2 to 3 different careers in their lifetime. These careers can be closely related but not necessarily so. People go back to school in their forties and fifties to “reinvent” themselves and make their services more desirable.

Also people are living longer and leading a more healthy lifestyle which supports working into later years. As they say, “today’s fifty is yesterday’s forty, etc.”.

#### **2. LAWYERS CAN WORK FOR A LONGER TIME THAN ALMOST ANY OTHER PROFESSION:**

In the legal profession, age is not limiting as it is in many other jobs. Although it may be true that big law firms hire young associates, those same young associates will either be partners or have “morphed” themselves into another practice by the time they are in their late thirties.

Lawyers can have more flexibility with hours so they can continue to work part time as they age. Because the average wage for an attorney is higher than most white collar workers, part time work can still continue a comfortable life style.

More importantly, a lawyer’s reputation for wisdom goes up with years, not down. I had a friend in his early twenties who was happy when he started to go grey because his client’s felt more comfortable with an older looking man. As long as you can carry that heavy briefcase (ok, on wheels), make it to court and talk on the telephone, you can have a job. Some attorneys, especially in international law, do their business over the net or by phone, and may never actually meet a client so the client never knows their age. There are attorneys in their eighties who are still being hired, so get ready for the long haul.

### **3. LAWYERS HAVE GREATER CHOICES IN THEIR CAREERS:**

Although it doesn't feel like it when you get out of law school, the emerging lawyer has an ability to mold him or herself into almost any aspect of life. This runs the gamete from legal aid to corporate CEOs and a multitude of choices in between.

Much of the time, lawyers feel that they have been pushed into a particular practice because of outside circumstances (ie., take over their parent's practice, need regular hours, lack of opportunities in their community, etc.) but , in reality, this is seldom true after the first few years. Like Kenny Rodgers says " You gotta know when to hold 'em and know when to fold 'em". This is the biggest challenge for most attorneys no matter how or where they practice law!

### **4. GET PREPARED TO "MORPH":**

There is no doubt that more than 95% of all lawyers will "morph" in their careers, even if this means just changing job duties within the same area of the law. "Morphing" also entails adding skills to your practice. You may be the greatest transactional attorney known to mankind, but if you can't get anyone to hire you, it becomes very lonely writing free contracts for your relatives. The needed skill is in the dreaded marketing field and you are going to have to come down off your ivory tower and get the word out.

Members of solo and small firms have to be able to "morph" at a moment's notice. The meaning of "to morph" is derived from the word metamorphosis which Webster defines as "a change of form". Yes, that awful word, CHANGE. Yes, not only are taxes and death a certainty of life, so is change. Hopefully, I can point out a few ways to help you analyze your practice or position now with the expectation of where you need to go with your strategic planning for your future "morphing" and also give you a few tips on learning about when to hold and when to fold.

**THE SOUTHERS' MORPHING QUESTIONNAIRE**

**WHERE ARE YOU NOW?**

1. How many years in practice? \_\_\_\_\_
2. What areas of law have you practiced? \_\_\_\_\_  
\_\_\_\_\_
- 2a. What is your favorite area? \_\_\_\_\_
- 2b. What area are you most experienced in? \_\_\_\_\_
- 2c. Is there any area you want to learn? \_\_\_\_\_
- 2d. Any area you are practicing in that you hate? \_\_\_\_\_
3. Do you like your office? If not, why? \_\_\_\_\_  
\_\_\_\_\_
4. Do you like your colleagues? \_\_\_\_\_
5. Do you like your clients most of the time? \_\_\_\_\_
6. Are you making a realistic living in relationship to your work hours and experience \_\_\_\_\_ if not, why? \_\_\_\_\_
7. Is any area of your practice more lucrative than another? \_\_\_\_\_  
\_\_\_\_\_ why, if you know \_\_\_\_\_

**INDICATIONS OF CHANGE**

1. Describe each significant change that your practice has gone through since the beginning \_\_\_\_\_  
\_\_\_\_\_
2. What has precipitated changes in the past? \_\_\_\_\_  
\_\_\_\_\_
3. What could precipitate a change in the future? \_\_\_\_\_  
\_\_\_\_\_
4. Is there any area of your practice which is not producing sufficient revenue for the time and money spent on it? \_\_\_\_\_ any idea why? \_\_\_\_\_  
\_\_\_\_\_
5. How many "dogs"(dirty, obnoxious, gaggey, stagnant cases) do you have in your filing cabinet right now? \_\_\_\_\_ to date, how many hours have you spent on each one  
\_\_\_\_\_  
\_\_\_\_\_
6. What is the most important challenge that your business has at this moment  
\_\_\_\_\_

**Rate the following elements of your practice today, using this guide:**

**A.** exceptional **B.** very good **C.** moderately good **D.** needs improvement **E.** is a disaster.

- My competence in practicing law in the areas I've chosen. \_\_\_\_\_
- My experience in practicing law in the areas I've chosen \_\_\_\_\_
- My relationship with my clients \_\_\_\_\_
- My relationship with my support staff \_\_\_\_\_
- My ability to communicate with my support staff \_\_\_\_\_
- My ability to communicate with my clients \_\_\_\_\_
- My ability to market my practice \_\_\_\_\_
- My ability to promote myself in the areas of my practice \_\_\_\_\_
- My ability to plan, form and follow a strategic plan for my practice \_\_\_\_\_
- My willingness to review bottom line financial statements monthly \_\_\_\_\_
- My openness to new ideas about my practice \_\_\_\_\_
- My willingness to find mentors to help me \_\_\_\_\_
- My willingness to listen to criticism \_\_\_\_\_
- My willingness to listen to praise \_\_\_\_\_
- My willingness to say "no" \_\_\_\_\_
- My willingness to say "yes" \_\_\_\_\_
- My use of time \_\_\_\_\_
- My use of my client's time \_\_\_\_\_
- My use of my staff's time \_\_\_\_\_
- My organizational skills \_\_\_\_\_
- My leadership abilities \_\_\_\_\_
- My ability to be clear when giving instructions or advice \_\_\_\_\_
- My stamina \_\_\_\_\_
- My appearance \_\_\_\_\_
- My satisfaction with the practice of law \_\_\_\_\_
- My sense of humor \_\_\_\_\_
- My balance as a lawyer and a human being \_\_\_\_\_
- My willingness to acknowledge my strengths and weaknesses \_\_\_\_\_

While all of these attributes help to make a successful practice, you had better have mostly A's and B's and maybe only a couple of C's when you have to "morph" big time. Therefore, start today to improve the areas needed and these will be taken care of when you have to make a large change in the direction of your practice. Your inefficiency in any of these areas can sabotage your morphing process and create chaos.

**NOW YOU KNOW WHERE YOU ARE AT,  
LET'S MORPH!**

# MORPHING 101

## TIMING

When do I morph? Sometimes you may want to morph for no other reason except it is time (like retirement or boredom). Since the rules are the same if you want to morph as when you have to morph, then you can follow along while we talk about circumstances which create *compulsory morphing*, which is, of course, the most frightening.

The signs of change can be subtle or “in your face”. When you haven’t made your overhead for three months straight, when you can’t give your support staff a raise for two years running, when the California Legislature degrades that you should only make ¼ of the earnings that you were making from an area of practice, when you hit burnout...are just a few of the signals that you should start the *morphing process*.

Although some would disagree, I think waiting too long to start morphing is the most dangerous. Yes, you must be as sure as possible that the circumstances are substantial and long term. One way to do this is to analyze your practice and ask, “if I had to sustain my practice with only the work I have today, how long could I hold out?” From that timeline, you can judge if the effects of a possible change of course of the events you see impacting your practice, can be withstood. For example, if you are suffering from burnout (don’t want to talk to people, could care less about cases, etc.) how long can this go on before you are homeless? If the answer is 8 months, then maybe you can take 2 months to see if the situation changes, but you can’t take 5 months. *You need time to morph.*

So the first step is to gather as much information about your present situation (which you have already done by answering the questions above) and then as much information about what the events or circumstances are that will impact the practice. That should then give you the timetable for morphing. In other words, the example above is really dependent on the lawyer’s mental and physical ability whereas new laws going into effect, will depend on specific dates to impact your practice.

## PROCESS

Sometimes the process can be sorted out in stages. You can try a *tentative morph* as long as you figure out how long and how much money you can spend on a “maybe”.

Usually Morphing consists of changing, expanding or reducing the law areas of your practice. So, guess what, you have to figure out what you are going to CHANGE, EXPAND OR REDUCE. No easy answers here. It is important that you know your strengths and weakness in your practice so that you can better judge what to change. If you can’t abide learning another area of law, then expanding an existing area may be preferable. If you find you are really not an entrepreneur and hate marketing and promotion, then a salaried job might be the best answer. This is time for brutal honesty.

What impact will the change, expansion or reduction have? Will your staff be reduced? Will you need more/less technology? How much money will it take to morph? Or how much money can I afford to lose while I'm morphing? Essentially, you are starting a new business, albeit, usually within another business but that takes time. The rule of thumb, is that it takes five years for a business to be solid. But don't let that scare you.....no one believes that when they are starting a business!!! Denial is wonderful and necessary.

Plan, Plan and Replan, ----that's the catchword. Be spontaneous enough to change course when you see the actions you are taking aren't working. Decide where you will take time from to do this because there is no doubt that morphing takes time and energy.

### **GETTING HELP**

There are people called business coaches which can be very helpful when morphing. If you can afford this help, they will keep you on the planned tract and give you someone unbiased and totally on your side. Pick a coach who has experience with lawyers and their problems and who is business oriented. You don't need life coaching at this point, but someone who will help with these specific goals.

If you have a mentor, use him/her before you start the process. If you are going into a new area, get a mentor or two. Sometimes friends are good if you want to ask a specific question, but keep out of the "friendly talk about your plans". You will find that everyone has an opinion and that can create, not only brain freeze but focus confusion, which you don't need during this process.

Most importantly, share these plans with your staff and family. It is vital that they understand what you are trying to do and not be in the dark. Also you need to prime them for specific requests for help that you will need as you morph. Also remember to update them as you go along, again to allay their fears and concerns.

### **LAST DITCH BACK UP PLAN (LDBUP)**

Sometimes the best laid plans-----So before you start, have a plan that will let you survive no matter what. No, that's not going to Tahiti and living on the beach. List every asset that you have. Again see how long you can stay in practice strictly on the cases in your filing cabinet. Make a list of all the salaried jobs you are qualified for. Look in the Daily Journal or other publications for possible job openings before you need them. Remember if things get this desperate, you will still need time to transition from your case load to an employer. Check on contract work in your area. Maybe do some of this as you morph, just to keep that option open if you have to expand on it.

Get creative....no that doesn't mean sending your kids out to do commercials. But look into any available cash reserves. In this day and age, some people like to take a

credit line on the equity in their home. The problem with that, as with any loan, is that you have to pay it back.

### **JUDGE YOUR RISK**

At some time after you have formulated your *morphing plan*, you need to take a careful inventory of the risk level of your PLAN. Here's how to do that: Segment your one year PLAN off into 3 months sections. Then state the goals for each of those sections up to a year. You should have 4 points or times in your PLAN. Now label your projected level of success for each of the goals in your four points of time. It should look something like this:

10/1 to 12/31/05

Goal #1	join one organization in my new area	- yes, can do
Goal #2	sign up 10 new clients in new area	- will probably take longer
Goal #3	make \$9,000 profit	-50% chance can do
Goal #4	get 2 mentors in new area	-yes, can do

Risk Total: 75% to 80% can do

You will then want to go the same thing for the periods of time from 1/1/06 to 3/31, 4/1 to 6/30 and 7/1 to 9/30/06. When you have completed this you will have a projection. You may even want to work with the last time period (7/1/06 to 9/30/06) first to set your first year goals and then work backward.

Obviously, if you see your risk total drop down to 50% or below, you will have to do new goals or change your direction. Although this is nowhere near foolproof, it can give you some direction and focus on how to get from one place to another.

### **REMOVE ALL DOGS FROM YOUR FILING CABINET**

You cannot morph and have baggage.....something like starting a new relationship? You cannot afford to clean up old messes when you have to focus totally on the future. This is one of the hardest caveats to follow but necessary for maximum success. The more pressure you are under to morph, the less dogs you can have in your file cabinet. Furry friends are wonderful but they get mean when they are locked up in our filing cabinets.

**GOOD LUCK IN YOUR MORPHING.....**