

Great Expectations

By Jane Mundy

A U.S.-based survey of the legal profession found that while law firms expected their associates to have advanced client development skills, 57 per cent of firms failed to provide them with the training that they would need to possess these skills. This survey raises the concern: Are firms in Canada expecting their associates to play too much of a role in growing their business (client development skills) without providing the necessary training?

The practice of law has become increasingly competitive; the client is getting more sophisticated and demanding, the bar is going up. Now the need for associates to bring in business is imperative for most practices to succeed.

“The marketplace has changed significantly,” says Bonnie Elster, a partner with Clark Wilson LLP. “Since our associates are all coming out with the same legal skills, we need that much more to satisfy clients.”

Elster says there can't be expectations placed on associates without having the right training. Her firm sees it as their responsibility and to that end, “We have a skills training program in place as part and parcel of our obligation to associates,” she says, “After all, associates are our future partners.”

“Successful firms are figuring out client needs even the client didn't know and the complacent law firm is going to lose their shirt,” says Gerry Riskin, a Canadian lawyer and co-founder of The Edge Group that specializes in law firm management. He concurs that expectations are too high and associates need training.

“Associates are coming in with no client development skills and learning by the seat of their pants,” Riskin says. His organization helps lawyers learn how to acquire skills that range from how to listen to billing to managing client expectations. “For instance, most lawyers are petrified at the thought of asking a client for referrals; they don't want to act inappropriately. We help them to maintain their dignity and ask without looking hungry.”

Unless lawyers have practiced for a few years, they haven't a context to use business skills such how to deal with billing and retainers. “Most associates think that when you bill, the client just pays,” says Riskin. “They don't know what a sand trap is; they are just walking on the green behind Tiger Woods.”

But the good news is that, according to Riskin, lawyers are the easiest of professionals to train. “It is a joy to watch associates acquire skills because the law teaches you to grasp concepts and so they get it fast,” he says. The key is to practice, just like any skill. In a perfect world, Riskin advises that associates

attend education programs. “Take a golfing lesson, you are already on the golf course,” he says. Failing that, there are many books on the subject.

An important factor of the training program is evaluation. Elster asks associates for continual feedback but this isn’t an easy task. “The business of law is very demanding and it is one more demand on their non-billable time,” she says.” But overall, associates realize it is time well spent and recognize they need the training.”

In 2001, a study in the U.S. surveyed approximately 10,000 associates and asked them, “What do you want from your law firm and what will it take to keep you there?” Training was one of the top three responses: they wanted training in business and marketing and supervisory skills – the entire business of law that nobody prepared them for.

Thelma O’Grady is manager of professional development at Bull, Hauser & Tupper in Vancouver and former director of programs at CLE in British Columbia. “Associates were fearful about asking how they were supposed to bring new clients to the firm,” she says, “so I developed a training program around business development with the full support of the executive.” O’Grady had an outside speaker help create a business plan and she created sessions where partners and senior associates speak individually about what they do.

According to O’Grady, the big firms have been thinking about formal training for the past decade. “Now there are about eight firms in Vancouver that have hired full or part-time professional developers,” she says. As well, O’Grady has formed a loose-knit organization called The Professional Development Network. “About 20 people from other law firms get together four to six times a year to discuss issues and share ideas.”

O’Grady believes that the U.S. surveys are a message to firms to recruit and maintain good talent, “Because good associates will go where they get good training and we want to keep them in the firm.”

Associate training is a win-win opportunity for all. And in the end, clients will be happier, which in turn produces more revenue!