

JAY HARRINGTON

THE PRODUCTIVITY **p1↑VOT**

Build a Profitable Legal Practice

By Selling Yourself One Hour

Every Day

Introduction

"Time is what we want most,
but use worst."

– WILLIAM PENN

You have the potential to accomplish what most lawyers fail to do, which is to build an empowering and profitable legal practice. Whether you're at a large law firm or a small one, there are opportunities for you to attract and engage with new clients who require your expertise to address the challenges they face. Clients are out there, but they won't be found—and they almost certainly won't find you—unless

you're putting in the time, and taking the actions, necessary to become more visible and build strong relationships. The reason most private-practice lawyers fail to build robust practices is that they don't invest enough of themselves in what should be their top priority: developing new business.

This problem is not new or novel. Lawyers, as they always have, feel stretched thin and receive little training and guidance on how to build a practice. They tend to focus much more on the *practice* of law than the *business* of law. They learn, often when it's too late, that the business of law—in particular, business development—should have been a much higher priority throughout their careers.

Selling legal services is a uniquely challenging endeavor. Despite all the talk of innovation, the legal industry remains the same as it ever was, in that its product—the time and attention of lawyers—is expected to sell itself. Lawyers sell expertise and then apply it. Unlike in other multibillion dollar industries, with the exception of some adjacent professional services, such as management consulting, there is no separate sales function in law firms. There is no team tasked solely with the responsibility to sell. Lawyers must solve difficult problems on behalf of clients, which requires time and specialized expertise. They also must sell, which also takes time and a wholly different skill set. And, as has always been the case, lawyers struggle to balance their dual responsibilities, and many burn out in the process of trying. I experienced this struggle firsthand.

I went to law school in hopes of finding a respectable job that provided a steady paycheck. I graduated from a top

law school in 2001 and started working at a well-regarded international law firm. I worked hard, earned a good living, and became competent at the practice of law. Mission accomplished... or so it seemed.

It was only after leaving the employ of a law firm and starting my own that I learned what it takes to excel at the business of law. Before striking out on my own—during the days when my paycheck dutifully arrived twice a month—I could focus only on serving my clients. However, they weren't actually *my clients*. I, like most of my colleagues, was merely doing the work, while a small number of lawyers within the firm were out developing the business.

Everything changed nearly a decade later. At that point, I was living in Detroit, and in May, 2009, I started a small law firm along with a partner who also took the leap from “BigLaw” to “SmallLaw.” We jumped at the height of the financial crisis, on the cusp of the automotive industry meltdown, and just a couple of years before the City of Detroit's own bankruptcy filing. At least on paper, it wasn't the ideal time to start an entrepreneurial venture.

Looking back, it was, in fact, the perfect time. Fear and adversity can be great forms of motivation.

You may have already guessed the punchline here, which is that we built a successful law firm because of, not in spite of, the adversity we faced. The fear of not making a paycheck due to the difficult economic environment—heck, even being able to make payroll for our employees or pay for our office lease—is what drove us to be out hunting for business. We gave speeches, took clients to lunch, wrote ar-

ticles, tapped referral sources, and attended conferences. We hustled in ways we never had in the comfortable confines of an established law firm.

I learned a great deal during those years. The most important lesson was gaining an understanding of the type of sustained and focused effort that is required to build a legal practice. Before starting my own firm, I focused exclusively on racking up billable hours. I worked so hard during my years at big firms that it often seemed like there was little room for anything else in my life. I barely had time for friends and family, let alone business development. At least that's how it felt at the time. It was only after facing the prospect of financial insecurity as a small law firm founder, far removed from the trappings, resources, and safety net of big firm life, that I learned how to bill plenty of hours, devote sufficient time to building a practice, and achieve greater work-life balance.

I feel fortunate for having had that experience. I'm not sure I would have ever learned what it takes to develop business otherwise.

I wrote this book because I know most lawyers have a desire to build a practice, but since the environments in which they work don't necessarily make their livelihoods dependent on it (at least for significant portions of their careers), they must rely on internal fortitude, not solely external pressures, to do it.

The period from 2010 to the beginning of 2020 was a pretty good time to be a lawyer. At most firms, over the course of the last decade, there was plenty of work to go

around. And there's the rub. In that type of environment, it's possible to comfortably coast along in service of your colleagues who have clients. However, as we know from ancient Greek philosopher Heraclitus, "The only constant in life is change."

As we're learning from the effects of the COVID-19 crisis, external pressures always rear up to disrupt the good times. It happened in 2001, 2008, and it's happening again. The only thing unpredictable about these pressures is their origin, not their eventuality. Their predictably unpredictable nature should make us better at planning for them, but as discussed in the chapters to come, our biases toward short-term rewards inhibit our abilities to prepare for the long term. As a result, from big law firms to individual lawyers, external pressures expose our weaknesses more swiftly and significantly than we could have imagined. They deepen and accelerate trends we fail to adapt to because we think we have more time to adjust than we, in fact, do.

Even when times are good, pressures arise that many are unprepared for. Every year, at law firms across the country, when associates are being evaluated for partnership, and partners are being evaluated for profit-sharing, lawyers get caught flat-footed. As the day of reckoning approaches, lawyers realize that they should have been more focused on business development, but it's too late to do anything about it, because building a practice takes years to accomplish.

Lawyers typically don't avoid business development because they don't know what to do. There is a massive amount of information available about what it takes to

build a practice. And there's no one-size-fits-all formula that works. Different lawyers use different approaches for business development, and there's no shortage of books, articles, podcasts, and other resources available to learn more about them.

No, business development procrastination doesn't result from ignorance—unless it's willful ignorance. It occurs because we perceive business development as something that is uncomfortable, perhaps awkward, and definitely risky from an emotional standpoint, because there is always a risk of failure or rejection. To one degree or another, we know what must be done. However, just as we know we should be going to the gym and eating more vegetables, but don't, we avoid it.

Since transitioning out of my law firm almost a decade ago, I've been coaching and training lawyers on the best practices involved in building a practice. My clients have used many different tactics to develop business. Some are aggressive networkers who are always out meeting new people and nurturing relationships. Others are prolific writers who create and publish thought-leadership content in the marketplace of ideas. All have one thing in common: They have systems and processes in place that enable them to devote the time necessary to develop new business, while at the same time serving their clients. They don't necessarily work harder than other lawyers who spend almost all of their time doing billable work for clients; they've just learned to work smarter.

Despite how busy you are, how difficult it may seem,

and how many times you've tried and failed before, you can excel at both the practice of law *and* the business of law. And in this moment, as we adjust to a world and an industry still coming to grips with the effects of the COVID-19 crisis, you can't afford not to prioritize the time and effort necessary to build a practice.

In this book, we will go step-by-step through the process that successful lawyers use to motivate themselves and manage their attention so they have the time—and the mental and emotional strength—necessary to develop business. We will cover best practices that are rooted in academic research and you will learn from the experiences of top performers across multiple domains.

This book is not merely a collection of disparate and unrelated productivity tips or hacks. Rather, it lays out a comprehensive system that will: (1) challenge you to determine what you really desire out of your life and career, (2) prompt you to examine your limiting beliefs about what you're capable of accomplishing, and (3) provide you with some fresh and unconventional ideas that will transform the way you think about productivity. I purposefully avoided laying out dozens of productivity tips because massive amounts of information won't solve the problem. Information is plentiful—there are plenty of books out there that spray the productivity-tips firehose. What is required is a fundamental mindset change.

You must pivot from your belief that business development is something you merely fit in when you can find the time, and instead start treating it as your most important priority.

Throughout the book I use the term “productivity” because it’s helpful shorthand, but before we dive in, I think it’s worth defining what I mean by it. To start, productivity *doesn’t mean* merely going faster and faster. As most of us who have practiced law have experienced, that’s a recipe for burnout and ineffectiveness. I consider productive lawyers to be ones who identify and focus on the small number of actions that drive the majority of their results. In other words, productive lawyers succeed because they distinguish between what is important and what is not, and create systems that allow them to work in accordance with their most important priorities.

Your goal should not be merely to be busy. Your goal should be to become as *effective* as possible. A busy lawyer is not necessarily an effective one. However, an effective lawyer is almost always busy, too. However, their busyness is directed toward high-priority, high-leverage tasks, leading to far better results. As we will discuss, those results include monetary rewards and advancement within a law firm, and also—and most important—a greater sense of autonomy in one’s life and legal career.

As a preview, here are some of the foundational principles that we will address in the chapters to come:

Vision: Success starts with getting clear on what you want way out in the future so you can know what steps are required, starting today, to get you there.

Goals: A big vision for the future must be reduced to an achievable goal. A goal should not merely be an intention, but rather a commitment to uncompromisingly pursue your

most desired professional outcome. A clear goal allows you to affirm your vision and establish systems that guide your day-to-day actions.

Goal Deconstruction: Making progress on long-term objectives is all about deconstructing your goals into specific action steps within the constraints of allotted time. We will discuss the importance of working backward to understand the component parts of your long-term goal, establishing a series of smaller goals based on that understanding, and then creating a plan that will keep you on track. You should deconstruct your big goal to the point where you have a clear understanding of the appropriate action you should be taking today—at this very moment—to be on the right path.

Time: In chapter 4, I challenge you to do something you may now believe is impossible, or at best improbable, which is to devote one hour of time each workday to business development activities. The reason lawyers resist the idea of spending what is, for most, merely ten percent of their time each day focused on business development, is that they view the pursuit of billable hours in the service of clients as their highest calling; the key to their long-term success. But that is short-term thinking. Instead of selling all of your time to clients to help them achieve their objectives, we will discuss the imperative of *selling yourself* one hour of your time every day to achieve your own.

Focus: Meaningful productivity results from understanding what you *should* do, not merely what you *can* do, to advance toward realizing your vision of building a profit-

able practice and having more autonomy at work.

Leverage: Yes, you probably can do most things on your to-do list better and faster than anyone else. No, you shouldn't try to do everything all by yourself. Better yet, have you stopped to consider whether many of the things you do even need to be done in the first place? Lawyers who generate significant results for their clients *and themselves* leverage their time by working only on their most important priorities, and delegate or eliminate everything else.

Building a productivity habit that will enable you to build a practice isn't easy. It probably won't happen quickly. It is possible, however.

Many have done it in the past, and are doing it now, which means you can, too. The fact that you're reading this book suggests that, even If you haven't yet built a practice, you're motivated enough by the prospect of doing so that you're taking an important first step forward, which is arming yourself with the understanding of what is necessary to succeed. Are you ready? There is no time like right now to find out what you're capable of.