



**ARE YOU PUTTING YOUR CREATIVE
THOUGHTS INTO ACTION?
ARE YOU ADDRESSING IMPORTANT ISSUES?**

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Too few attorneys and their firms are making decisions which will provide a positive outcome. Even more are failing to address possible problems and planning for how they can be avoided or resolved. Whether the desired outcome is retirement, transitioning the firm to the next generation, securing clients at risk, becoming more efficient, holding onto partners, or improving overall profitability, it all starts with strategic planning and decision-making.

As either Winston Churchill or Benjamin Franklin (depending on the source you check) said, “Failing to Plan is Planning to Fail.” If you search on this phrase in Google, you get over 28,000,000 hits in under 75 seconds. The results include lots of solid articles written by some great thinkers explaining why proactively planning, and committing the plan to writing, improves the likelihood of a successful outcome.

In my experience, lots of attorneys have great ideas. Put a group of attorneys together where they can brainstorm — such as in a retreat— and there is often an explosion of creative thinking. The frustration I share with many of you is that most of the time, nothing comes of all those great ideas. Why?

Numerous reasons create this common failure. Foremost, there is no Action Plan created to bring those ideas to fruition. Plans are rarely created because the ideas are raw, and overly broad and unrealistic in scope. No one follows up with the necessary research to further refine the idea with a detailing of the goals and objectives necessary to achieve it. And without breaking everything down more finitely into measurable steps, one cannot assign responsibilities and hold people accountable to get things done. Great ideas, and a total lack of execution.

Start by taking a brilliant idea and develop it into one or more goals. Gather strategic information in order to fully flesh out goals, and develop an overall strategy. (Bringing aboard outside experts is often key at this point in the process.) Once the firm has created a well-designed strategy to achieve the goals, it is time to

break down each goal into discrete, reasonable, and measurable objectives. At this point, each objective can be further broken down into each step required to achieve it. The plan should detail the goals, objectives, and each step required to achieve the objective, with specific dates and assigned responsibilities upon which all agree and are held accountable. Now the firm has a road map for success. An Action Plan.

Essential to this process is setting realistic objectives. Many of those who commit to take action bite off more than they can chew. That sets them up for failure. Failure in turn discourages additional efforts. Always keep in mind one of my favorite sayings, *“Real progress is not about taking giant leaps forward, it’s about taking continual baby steps in the right direction.”* Breaking down objectives as finitely as possible makes success more easily achieved. Success, no matter how small, encourages additional effort.

Another factor which interferes with the planning process is an inability to find a perfect path from Point A to Point B. The result is usually decision paralysis. [For a copy of *“The Art of Making Imperfect Decisions”* which appeared in the January 5, 2004 issue of the [Pennsylvania Bar News](#) send an email request to lawpractice@pabar.org.] I don’t have to tell you that attorneys tend to be perfectionists. Inability to find a perfect answer leads to a never-ending search for it. Truth is, sometimes there just isn’t a direct path from A to B. Agree to make progress, and then reassess the best way to proceed.

Always have “Plan B” ready. Or be ready to create Plan B if A is not working out effectively. Too many attorneys just give up on efforts when their plan fails to reach the ultimate goal. You rarely do that when working for clients. Why give up on your own goals and objectives so easily?

Just this month the following issues arose on the hot line. These are very typical:

- A relatively young solo attorney died suddenly. He practiced in a small town, and had no designated back-up. A concerned colleague called me to find out what should be done with deadline work for clients, money in the trust account, and client files.
- A soon-to-retire attorney was informed by his designated successor that instead of taking over the reins in a few short years, he was instead leaving to set up his own practice, and taking many of the clients with him. He had no idea the departing attorney was unhappy.



- The son in a father/son practice called me to ask what he should be doing with the fifty years of client files his father had accumulated. His father had never purged files, never sent closing letters, and never returned any original documents to clients.
- A firm's managing partner became unable to continue to manage the firm. The firm has no one else in the firm suitable to manage. They want to maintain their unique culture, but have few options.
- A firm's founder did 80% of the rainmaking at the firm. The other partners supported him. He died a while ago, and the firm has lost most of the clients. They didn't even know the key players at some of the clients.
- A senior lawyer looking to retire wants to know how to do it without giving up the ability to continue to practice part-time, or assume liabilities for another lawyer's work.

Most if not all of these situations could have been avoided with advance planning. It's just so hard to put time aside to think about such things, especially the unpleasant possibilities, when the day-to-day demand of clients is so strong.

More attorneys need to create "quiet time" which leads to thinking of such things. For me, these moments are created while gardening, driving long distances, (which I do far too often), or even soaking in the tub. That's when I have either creative thoughts, or what I call anxious thoughts. Either way, as soon as I can, I write them down. I then schedule time just to come back to each item and flesh it out further.

I admit that often I am the perfect example of the Cobbler's children who run barefoot. But I probably deal effectively with more than most of you reading this article. That's because I rarely avoid facing the thoughts later, even if my instinct is to play Ostrich and put my head in the sand. And I'm never too proud or embarrassed to contact someone for assistance. It could be a peer, or a vendor, or whoever has the ability to help me break things down, or gather strategic information, to the point where I can begin to identify the goals and related objectives.



Designate some of your time to quiet time to let your mind roam. Then make a note of the issues and ideas. Not sure where to start at that point? Start with a call to me. I'm here to help.

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