OF COUNSEL
The Legal Practice and Management Report

Vol. 43 • No. 1 • January 2024

In This Issue

New Year's Resolutions …

Grow the Ranks, Adapt to Change, Update Bios, Plan for Crisis, Seek Firm-wide Input, and More

As we start 2024, we anticipate a very eventful year as campaigns for national elections in the United States kick off and construction crews and organizers in Paris scramble to get ready for the Summer Olympics. We also know to expect the unexpected. On many other fronts we can only imagine what wild surprises lie in store for us.

But right now, and since January 1, many of us are working to adhere to the New Year's resolutions we crafted at the end of last month. Unfortunately, in reality, some (many?) of us may have already disembarked on those pledges, especially the casual vows made on New Year's Eve as the bubbly flowed and the night pushed past midnight. Some resolutions we stick to for a few weeks before we fall off the wagon and, for instance, stop

Continued on page 2

Wolters Kluwer

going to the gym. (Of course, year-round gym-goers love February as by then many of the ambitious "resolvers" have quit, and the gym once again becomes less crowded.)

Sometimes, however, we're actually resolute in our resolutions and live up to our goals throughout the year, improving ourselves, our professional lives, and in the case of law firm leaders, their partnerships.

As we have periodically done at the end of a year, *Of Counsel* asked several legal industry consultants and a legal recruiter what they resolved to do in their careers. We also asked a second question: What would be a smart resolution, or resolutions, for law firms? In addition, we asked a law firm managing partner for his 2024 aspirations, both for himself and his partnership. The respondents offered answers that ranged from the comprehensive to the circumscribed, the panoramic to the precise.

While the non-lawyer professionals we interviewed provide keen insight into the legal market and law firm activities, Eric Nelson, the managing partner of Atlanta-based Smith Currie Oles, does as well and offers his resolution for the firm. Smith Currie Oles is a national construction law partnership that's been growing its ranks significantly this past year to meet increased client demand, something it seems will continue over the next year-plus.

In 2024 the firm should "develop a comprehensive growth and expansion plan for the next five- and ten-year periods," Nelson says. "I believe we are going to need to increase our geographic footprint to serve client needs throughout the country. This will mean both growth in existing offices and adding offices in key locations."

Adapt & Adopt

Some legal profession insiders urge lawyers to stay current with the ever-evolving market and adjust their approach to serving clients and the way they run their partnerships. "Firms, and particularly their leaders, need to be clear-eyed about the changes in the competitive legal market, how that will impact their firm longer term, and how they should respond to those changes," says Lisa Smith, a law firm consultant with Washington, DC-based Fairfax Associates.

Continued on page 19

OF COUNSEL

OF COUNSEL (ISSN 0730-3815) is published monthly by Wolters Kluwer, 28 Liberty Street, New York, NY 10005. For customer service, call 1-800-234-1660. Address correspondence to **OF COUNSEL,** 28 Liberty Street, New York, NY 10005. Send address changes to **OF COUNSEL,** Wolters Kluwer, Distribution Center, 7201 McKinney Circle, Frederick, MD 21704.

Taylor's Perspective: Guest Editorial …

Five Tips to Help New Partners Succeed

Through years of hard work and commendable client service as a first-year, junior, and senior associate, you finally made it. You've been elevated to the partnership ranks. It's an honor to have gained the trust of the other partners and worthy of celebration. While most new partners feel a sense of elation about the promotion, many are also overwhelmed as well. After all, the position comes with a whole host of new responsibilities and expectations.

Consequently, you might welcome some helpful counsel.

To start off the new year, I've happily given this space to Matt Addison, leader of the highly regarded Nevada law firm McDonald Carano. He offers thoughts about ways to best embrace the role of partner and a few do's and don't's of practicing law at this next level. The following is his sage advice. – Steven T. Taylor

In the customary tradition of the legal profession, the onset of January marks the occasion for law firms to announce their newly appointed partners. Making partner signifies a noteworthy achievement in one's professional journey and stands as a moment deserving of congratulations. Now, the focus shifts from retrospection on how you got here to looking at the future and the limitless possibilities that lie ahead.

Having embarked on my journey with McDonald Carano in 1989 as a law clerk, I progressed to the role of an associate in 1991 and attained the status of partner in 1998. Since 2018, I have held the responsibility of serving as the managing partner for our Reno office. Through this article, I am appreciative of the opportunity to offer insights aimed at assisting new partners as they push forward and continue to succeed.

1. **Think and act like a business owner.** It is important for new partners to understand the practice of law and the business of law. Every attorney is involved in the practice of law, but partners are also expected to help run the firm as a sustainable business for the benefit of clients, employees, local communities… and then for the benefit of their individual practices. New partners should study answers to these questions.

How do law firms operate from a financial management perspective? How do law firms use technology to create operational efficiencies and enhance client service? How do law firms provide work assignments and environments that are engaging, inspiring, and purposeful for employees? How do law firms design an organizational infrastructure that facilitates coordination and collaboration among multiple offices and/or practice groups? How do law firms create and maintain an internal culture and an external brand? How do law firms develop a strategic plan and implement it?

2. **Build your business network both inside and outside your firm.** Strategically analyze your personal and professional contacts from a business development perspective. Research

their companies, understand their industries, take the time to visit them at their work sites, and analyze their unique needs for legal services. Figure out if you have the expertise to help them. Learn what your law firm colleagues do in their areas of expertise so you can determine if colleagues can help your contacts. A long-term business relationship is built on positioning yourself as the go-to resource for legal assistance—even if that assistance does not come directly from you.

After introducing colleagues to your contacts, you will be in a better position to ask colleagues to introduce you to their contacts. Develop and maintain the internal and external business relationships that will ensure your success. It will take time, patience, and planning.

Jumping in on Day One

3. **Advance your leadership and people-management skills.** A new partner has demonstrated excellence in the practice of law, but becoming partner also means mastering the art and science of leadership and people management. Being a great lawyer, leader, and people manager requires different skills and mastering one does not guarantee mastering the others. These competencies can be honed over time, but the process needs to start on day one. The process is retrospective and introspective. New partners can look back over their years-long journey to become a partner and reflect on the experiences and observations to help them become successful partners in their firms.

How will you inspire others to do their individual best and work collaboratively for the greater good of the team? How will you create loyalty, commitment, and the willingness to do whatever it takes to help clients on a daily basis and in times of urgent need? What is your style of delegation, communication, setting expectations, obtaining input, and providing feedback? A new partner needs to have optimal leadership skills and people management competencies in order to create and sustain high-functioning teams.

4. **Get a mentor and be a mentor.** Find a partner—inside and/or outside your firm—who can help you understand new expectations, responsibilities, and challenges that come with being partner. A mentor can explain metrics of success and share examples of milestones along the way. Ask your mentor to help plan where you want to be and need to be at the end of each year—and to discuss ideas on how to get there. A mentor can help you find balance by helping you manage the additional pressures that are real as well as prevent pressures you may unnecessarily impose on yourself.

Becoming partner was a long journey and can be a difficult transition. Every new partner has made and will make mistakes; ask for help and guidance. As a new partner you can also share your experience with other attorneys pursuing partnership inside and outside your firm. Valuable referral connections can be established when a partner outside your firm serves as a mentor for you and when you serve as a mentor to attorneys who are on the partner track at another law firm.

5. **Stay humble, stay true, stay focused.** Changing your title to partner does not mean changing who you are. When you add partner to your business card do not also add ego. Stay focused on serving clients, developing and nurturing your team, and being a leader and role model who always strives to do the right thing.

You were made partner because of your great work for clients, collaboration with other lawyers in your firm, exemplary treatment of staff, leadership in the legal profession, and giving back to the community as a representative of your firm. None of that changes when you become partner; it actually becomes more important and more prominent. Stay the course and remain the honorable human being you were when you were selected to be a partner. Be the reason people in your law firm want to come to work every day—and want to be on your team. ■

—Matt Addison

VitalLaw™

Analysis that grounds you.
Excellence that elevates you.

When fast, in-depth research is essential, VitalLaw is indispensable. Powered by Wolters Kluwer's world-class analysis, VitalLaw's intuitive research platform gives you the depth you need for the actionable insights you want. With solutions that enrich the entire legal process, VitalLaw enables you to more effectively advise your clients.

Win more cases and clients

Faster answers

- Move further faster with the most comprehensive, leading editorial analysis and data visualization
- Answer hard questions and streamline your success
- Save time without sacrificing accuracy

Better outcomes

- Obtain actionable insights
- Craft legal strategies elevated by excellence
- Enjoy the resources needed to increase profitability

Deeper insights

- Benefit from attorney-written and expert-curated analysis
- Take advantage of over 100 years of editorial excellence
- Read expert content drawn from over 1,200 practitioners and 99 Am Law 100 firms

The Latest Law Firm Fad: "Co-Leadership"

But It's Not Easy To Make It Work!

Part One

Interestingly, there is a pronounced trend towards firms adopting a shared leadership model. If your firm has potential office, group (e.g. "our Global Litigation Practice"), or firm leadership candidates who would be great in the role but are reluctant to give up any of their client responsibilities, the notion of having co-leaders may be an attractive alternative. Some will advance a number of highly rational arguments for having two co-leaders:

- Today's pace is fast-moving and the demands on any leader have become too innumerable for a single partner to set a strategic direction and oversee a multitude of internal decisions. We can much **more effectively manage growth** with co-leaders, adding stability to the somewhat inevitable chaos of adding new laterals, new offices, and new revenue streams.
- In any growth-oriented environment, with two leaders in place partners will have **more points of contact** they can turn to for guidance and direction, which prevents bottlenecks.
- Tough situations often **call for some duality** from leadership: good cop / bad cop; theoretician / pragmatist; optimist / skeptic; reactive / proactive and so forth. A leadership duo allows these dualities to manifest in ways that aren't fundamentally conflictual.
- Combining different styles can result in the **work being divided**, which can in turn mitigate each partner's level of stress and isolation. The leaders involved should ideally take a split-task approach to the responsibilities, creating the advantage that each leader can focus on both their strengths and interests.
- Utilizing co-leaders can help **balance** claims on leadership and the **representation** of stakeholders – like having one leader exemplifying the domestic partners and one leader representing the international partners which can then serve to balance needs from different geographic areas – and allow the co-leaders to reconcile any conflicting demands.
- Co-leaders can **explore multiple options and viewpoints** to find the best way forward, which leads to stronger decisions. In doing so, a leadership duo offers more sets of eyes that can identify potential problems, evaluate situations, or offer ideas.
- A shared leadership model can provide for an **increase in innovation** and experimentation. Co-leaders can build for each other a genuinely safe sounding board and a necessary purification process to arrive at the very best option. As one co-managing partner commented to me, "*Co-leadership allows you to think bigger and dream knowing you have a thought partner to dream with. What we're able to accomplish together is way more than I believe any one individual might accomplish alone*."
- Finally, it allows each of the co-leaders involved to look after some of their clients, **bill some hours** and maintain a bit of a professional practice.

Sounds great! BUT, the reality of what can occur, is a lot more complicated.

Here is a provocative scenario: You are in your early fifties, a successful practitioner and in the midst of your best revenue-generating years, when your partners ask you to take on

being the firm's next managing partner. Your initial term is four-years, with an option to renew for additional terms; but you are going to have to give up a substantial portion of your practice to manage and lead your firm. What do you do?

My observations and research shows that firm leaders who relinquish their practices to assume management responsibility may be in a tough spot when their leadership role comes to its conclusion. In my work over the years with training (*First 100 Days Masterclass*) new firm leaders, I have found that only about 23 percent of firms have any formal 'parachute provision' or other compensation formulas to help them ease-out of the leadership roles and back into full-time practice. Thus, following your retirement from leadership, you may find yourself having to work under a new compensation arrangement, contingent on your performance as a full-time practitioner. Meanwhile, having passed your client load off to other partners in the firm, you now lack the traditional hefty book of business that makes you attractive to your, or any other firm.

What this seems to be stimulating is a growing trend towards a model of shared leadership in its many forms – either by having co-Chairs (firm or department); adding an Associate Managing Partner role or a partner as Chief Operating Officer, who continue to practice law, even while having significant leadership responsibilities. This allows each individual to keep his or her hand in and maintain client relationships against that day when they may return to practice full time. Perhaps of equal importance in some firms, it provides a measure of credibility that may be needed in dealing with certain partners.

Now we face some different challenges!

POTENTIAL CHALLENGES:

Over the years I have been a first-hand witness to numerous incidents where either the leadership duo has imploded or one of them has suffered significant burn-out. The job of leading a law firm may certainly be demanding enough for two professionals; but the acid-test is getting two people to really share the role. I have often told these individuals:

> *"Co-leaders do not get to choose their partners (like one would do in a romantic relationship) and this is the cause of much conflict and is often at the heart of any failures in sharing leadership initiatives."*

It is extremely important to create clarity around your **rationale for co-leadership**. Having two points of contact can be a very powerful thing, but ONLY if all the partners are crystal clear on WHY it is being done and WHO is doing what.

In a co-leadership arrangement, the firm will usually compensate each leader in a similar manner. The combined costs of compensation and benefits will obviously be higher than if one person was at the reins. When a firm is first launching this kind of arrangement partners can be vocal about a perceived **impact on profitability** and how that may adversely impact their own respective shares.

Setting firm strategy is where co-leaders often run into a big accountability challenge. As co-leaders, you have so much to do and yet, you often have to do it, in areas where boundaries of responsibility aren't totally clear. Roles, titles, and agreed-upon purview only go so far. The rub: If more than one person is equally in charge of something, it is incredibly difficult to avoid subtly **relinquishing responsibility and accountability**. Hard decisions can become harder to make. And your firm becomes at risk of embracing mediocrity.

Now, you need to understand that your colleagues view co-leaders as a team, so what one partner does, reflects on both. Even if one leader isn't involved with some specific shortcoming, a co-leadership team **shares the blame** – all the time. If one of the co-leaders decides to pursue something that is somewhat risky, or they make a mistake on a project, any

negative consequences will be assigned to the other co-leader as well. That is because partners see co-leaders as a single CEO for their firm. That can make one leader feel rather helpless as some problem unfolds.

Meanwhile, there are certain leadership responsibilities which naturally confer **more power** than others. Duties that involve the setting of the strategic direction, investment choices, or selecting key professionals could place one leader in a superior position over another leader. Unless the power structures are equitable in these power roles, a firm may find that one of their co-leaders is a Co-Chair in name only. That can create high levels of resentment if pay levels are equal, which creates even more stress in the working relationship. Disagreements will be inevitable. If power struggles come to the fore, chaos can ensue.

Co-leadership relationships can also become strained over time if one leader has **a greater skillset** than the other. If the compensation for both is fairly equal but the skill levels are unequal, then resentment tends to build into the relationship over time. When this relationship is strained, the morale of all others tends to dip lower as well. Where co-leaders have different skill levels, one might try to lead the other. This can lead to coalitions with other Executive Committee members or even in the marginalization of the more inexperienced leader.

Attempts to split any leadership job can lead to clashing egos and crippling power struggles, and especially if one of the two partners conceals an ambition for holding the position alone.

In our next issue I will present some prescriptive steps and collaborate questions for you and your co-leader to work with to help you find the means of making your leadership relationship function effectively. ■

—Patrick J. McKenna

Patrick J. McKenna is an internationally recognized author, lecturer, strategist, and seasoned advisor to the leaders of premier law firms; having had the honor of working with at least one of the largest firms in over a dozen different countries. He is author/co-author of twelve books most notably his international business best seller, First Among Equals, *currently in its seventh printing and translated into nine languages. His most recent work,* Industry Specialization: Making Competitors Irrelevant *(Legal Business World Publishing, 2022) provides in-depth guidance on organizing your firm with an industry focus. Patrick is the recipient of an "Honorary Fellowship" from Leaders Excellence of Harvard Square. Reach him at: patrick@patrickmckenna.com*

Evolving Partner Structures

The number of U.S. law firms with true single tier partnerships continues to decline as more firms create an income partner role within their partnership structure. Among the AmLaw 200 firms, only 27 firms still identify as single tier partnerships, and at least 2 of those have recently reported that they are adding or are considering adding a non-equity tier. Forty-six percent of all AmLaw 200 partners are now non-equity partners.

As more firms move away from a single tier partnership model, many firms have also considered adaptations to the traditional two tier salaried income and full equity partner model. As the percentage of income partners grows within firms, it is time for firms to evaluate their partnership structure and test whether their current structures are appropriate in light of talent and market pressures.

Why Consider Change?

As we have written before, the rapid growth of the non-equity tier has resulted in some challenges for firms – ranging from under productivity of the non-equity group, blocking of opportunities for associates, and morale issues, among others. There is also a surprising employee mentality, rather than owner mentality, that settles in to some non-equity partnerships. And even in some equity partnerships, there can be a wide range of commitment to the firm, creating internal tensions. In addition to these challenges, there are market forces now contributing to a heightened need to consider changes to the partner structure. These include:

1. The need to pay top producing partners competitively: Given the competition for talent and the mobility in the talent market, firms need to think about which partners should truly share in the upside (and downside) of firm performance. For many firms, this is increasingly a smaller proportion of the partners in the firm.
2. Recognition of different contributions to the firm: In large firms in particular, partners can contribute to the firm in different ways, such as by offering a distinct subject matter expertise, or significant client relationship management skillset.
3. The demand for flexibility and different career paths: As generations change, lawyers may be looking for more balance and not want to, or be able to, make the significant commitment to the firm that may be required for a full equity partner.

Beyond these challenges with the traditional model, there is also a talent retention issue arising among high performing income partners. Historically, business generation was the predominant dividing line between income and equity partners. Today, we see many large firms raising the bar for equity partner admission, with materially higher expectations for business development success.

As more firms elevate equity business generation requirements, one outcome is a relatively high performing group of income partners at the top of the ladder who, even a few years ago, would have been promoted to equity. Due to their higher performance and contribution level, the traditional salaried income partner role is unlikely to be a role in which these individuals feel engaged, motivated, and want to remain with the firm.

Options to Consider

A number of firms have adopted limited or variable equity partnerships. The limited equity partnership is an elegant solution to many of the challenges of non-equity partnerships today, and one we have worked with a number of our law firm clients to implement.

The idea of a limited equity partnership is that those partners have a stake in the firm, albeit small initially, and share in the risk and rewards of the firm. In some firms this group may be a small group in between income partners and full equity while in others it may be the majority of the formerly income partner group.

While of course there are many variations on limited equity partnerships key elements include:

1. A portion of compensation based on firm performance. A typical structure might have a first year partner receiving 90% of compensation on a fixed, or salary, basis and 10% on a variable, or equity, basis. Typically the variable portion will be based on shares or units or a percentage, depending on how the firm sets compensation for full equity partners. As partners progress in their careers and contribution levels, most of the increased compensation will come in the form of additional variable compensation so that compensation evolves to 50% fixed and 50% variable under a limited equity role before they advance to a fully variable/full equity basis.
2. Partners contribute to capital. A limited equity partner is generally expected to contribute capital to the firm. For many firms, it is on the equity portion of his/her compensation. For a partner with a 10% variable compensation portion, the capital contribution would be based only on that 10%. Other firms use a fixed contribution level as the capital requirement for all limited equity partners, in some cases 50% of the equity requirement.
3. Partners have voting rights. Most firms provide at least some voting rights to limited equity partners. These votes tend to be more significant than those that are provided to non-equity partners. Generally voting in these systems is weighted, based on shares or units. Some firms weight voting by category with full equity getting a full vote and limited equity partners getting half a vote. Most firms carve out certain voting rights solely for full equity partners.

Limited equity partnerships work best when the majority of the partners in the category are advancing at least part way up the ladder. While they may not be advancing at the same rate, and may plateau at different points, they need to be contributing at a partner level. For that reason, not all current non-equity partners are suited to be, nor aspire to be, limited equity partners. Firms who have adopted a limited equity structure have often adopted or retained additional income partner and non-partner positions.

While making a change like this to a firm's partnership structure is not without challenges, the benefits can be significant. They include:

1. Partners are invested in firm performance. When partners have at least a portion of income based on firm performance they have "skin in the game" and typically are more invested in the success of the firm. All partners with an equity stake share in at least some portion of the upside, and to be fair, also share the risk when firm performance is less than expected. This risk/reward sharing moves non-equity partners away from an employee mentality and towards an owner mentality. The elimination or at least softening of the bright line between equity and non-equity can also increase engagement and morale for the non-equity group.
2. Partner performance and compensation can be more closely aligned. By blurring the current lines between partner groups, the structure allows more movement between the groups. Quite a few firms have anomalies in performance and compensation such that the bottom of the equity group includes partners not fully meeting the expectations of an equity partner, and yet there is reluctance to de-equitize. The limited equity model can make movement between full and limited equity an easier decision.
3. The upside of strong firm financial performance can be more fairly allocated to those meriting additional compensation.

The strong financial performance of firms in the last few years, particularly those with a prospective point or unit based system, has resulted in an uplift to partner compensation that may be disproportionate to the contributions of some partners. While a rising tide should indeed benefit all partners, it should most benefit the partners who drove the growth. Being able to share a portion of the upside with limited equity partners (10-50% of their compensation as opposed to 100%) may more fairly recognize their level of contribution and risk.

4. More flexibility to recognize different contributions. Retention of talent remains a key issue at firms. The limited equity model can provide a path for partners who may not want to or be able to advance to full equity partnership, yet still offer high value contributions as members of the firm. The income partner model may work for some, but the limited equity model can be a better way to engage and retain high performing partners who want a different path.

Limited equity partnerships may not be an appropriate option for every firm, but they do provide a viable alternative or supplement to non-equity partnerships and may help to solve some of the challenges that firms have experienced with traditional partnership structures. ■

—Lisa Smith and Kristin Stark

This Insight was written by Lisa Smith and Kristin Stark, Principals at Fairfax Associates. Fairfax is a specialist firm of highly experienced consultants focused on serving law firms. Our focus is built on a deep understanding of the strategy, organization, and motivation of professionals. Fairfax assists law firms in defining and executing strategy, pursuing strategic growth and merger, and addressing partnership issues including partner compensation, governance, and firm performance. The Insights series draws upon our collective consulting experience to address topics that we consider of current interest to the senior leaders of law firms.

OF COUNSEL

Editor-in-Chief

LARRY SMITH
Phone 201-854-3288
Fax 201-861-6728

Senior Editor

STEVEN T. TAYLOR
Phone 503-245-3209

PATRICK J. McKENNA
Contributing Editor

Wolters Kluwer

MEGAN ROSEN
Senior Developmental Editor

Editorial Office

2700 Lake Cook Road
Riverwoods, IL 60015
Phone: 847-267-7000
Fax: 847-267-2945

The Successful Lawyer:

Imaginative Planning and Effective Brainstorming

Editor's note: The following is excerpted from the second edition of Gerry Riskin's The Successful Lawyer*: powerful strategies for transforming your practice, reprinted by permission of the author*.

Effective planning can make the difference between achieving your goals in life and not achieving them. This statement may seem self-evident, but just because it is true does not mean that most people get around to putting it into practice. In working towards any kind of personal or professional success, planning is one of the most important subjects you can consider.

I am not referring to the kind of planning many large firms do when they create a 72-page report that no one reads and which does nothing but gather dust. I am talking about a personal, living plan that is customized for you.

This plan is going to take you where you want to go. It is going to take you to the kind of practice, the kind of clients and the kind of financial and personal rewards that *you* seek to achieve.

Activating The Right Mind-Set

Before you get into creating a plan for your future, it is necessary to consciously dispense with the kind of "small-c conservative" mind-set that we as lawyers require on a daily basis in our practices. Lawyers are paid to prevent problems by foreseeing them and avoiding them, and that makes us careful. From the time we decided to go to law school, we have been cautious, choosing our educational paths and then achieving grades and scholarships with a view to being accepted by the firms that appealed to us. This necessary caution, combined with our highly analytical natures, means that lawyers naturally tend to think about any plan or course of action in terms of its consequences in the real world, and then to come to a conservative conclusion.

If you apply the same conservative approach to planning the kind of future you would like to have, that future is going to be limited and lacklustre. For example, if I asked a typically conservative, cautious lawyer if he or she would like to be the world's best environmental lawyer, he or she might respond, "Oh, no! Well, I mean that would be impossible. Can you imagine? There are already mega-firms with huge practice groups…. There are very sophisticated legal minds…." You get my drift.

The fact is that we frequently destroy our dreams before we even allow ourselves to formulate them. In order for your planning to be successful, you must paint a picture in your own mind of the kind of perfect practice you would like to have. This requires courage. It requires you to dispense with long-standing attitudes. It means that you need to throw caution to the wind. It is a necessary step.

Here is an example. Right now, use your hand to cover the next paragraphs, and then answer the following question honestly before you raise your hand again and read on:

"How much income would you like to earn as a lawyer?"

Got the answer? Write it down. Okay. Now, continue reading—

Most lawyers answer that question by suggesting that they would like to be paid at a

level commensurate with other good-quality lawyers in their community.

Isn't that a nice answer?

Isn't that a safe answer?

As we all know, lawyers can achieve enormous incomes in their practices. You may have read about one particular law firm that was involved in a tobacco case on a contingency basis. Their fee was in the hundreds of millions. There are only 70 lawyers in that firm, and their recent problem has been to figure out how to distribute 300 million dollars a year for the next 30 years.

I am not suggesting that you dream of a practice that produces mega-millions for you every month. What I am suggesting is that you *allow yourself* to paint a mental picture of what you would *like* to have. What kind of practice do you want? What kind of income? What kind of clients?

The Foundation of Your Plan

Think of a matter or file that you worked on in the last two years or so that you found particularly rewarding. Do not read on until you have selected a file or matter for consideration here, or you might as well toss this book in the fireplace.

Okay. Two attributes of this matter are extremely important to your future—its nature (the kind of matter it was), and what you brought to it. In your notebook, write a brief description of it. Explain what type of file it was – a merger or an acquisition, for example. Maybe it was a defence in a criminal matter. Perhaps it was a bid to save a park in the middle of the city. This gives you an insight into your area of passion for the practice.

Now think about what you brought to the file or matter that was special. What did you offer the client or contribute to the outcome that was unique? What did you do that was different from what the client would have experienced with some other firm, or by picking a lawyer at random? Do not be modest here. This is just you and your notebook: you don't need to be humble. Write down what you did that was special.

In this exercise, some lawyers report that what they contributed to their memorable file was synergistic – they drew a number of different disciplines together in a meaningful way, and when various areas of expertise were brought to bear on the problem, a solution emerged that might otherwise have not been found. Other lawyers report successes of an altruistic nature: perhaps they helped to save a unique ecological area – perhaps they got no fees for it, but they liked the way the outcome made them feel. Others were proud of the quantum they obtained. "It was such a huge deal," they say, "it was satisfying just because of the millions involved. It didn't matter whether the fee was all that big or not, it was just the quantum that made it significant for me." For still others it was indeed the fee they were able to command that meant so much to them in retrospect, because of the financial benefit to the practice or the firm.

Reflect again about the matter that you wrote down in your notebook. Ensure that you have honestly described what was, for you, the unique nature of the matter, and what unique skills you applied to it that made it so satisfying for you.

Now combine the two attributes to gain insight into what you truly like and want to do. If helping the underdog is a much bigger thrill than doing a big plain-vanilla deal then maybe you will want a practice where the Robin Hood cases are a more significant part of the mix. If you like to organize synergistic solutions, then maybe you will want to work on matters involving different disciplines—some forms of specialized litigation, perhaps intellectual property.

If you look at them carefully, these statements will reveal to you what you enjoy most about the practice of law – the nature of the matters you like, the nature of the matters you want.

Envisioning Your Future

All right now. Based on the type of legal work you want and like, and assuming that you want to make a good living —that goes without saying —imagine for a moment that your fairy godmother has just walked into your office. She says "Look, I'm busy. I have other lawyers to see. You have about twenty seconds. Now, what kind of practice do you want?"

What do you tell her?

Think about that. Take a moment and write down your answer.

Now you have the beginning of a plan.

A Planning Exercise

Over the years we at Edge International have developed a number of tools to help individuals learn to plan effectively. Our feedback from the particular planning exercise that I am about to describe to you has shown that the practitioners who have used it have found it to be highly effective for them.

Again, you will need your notebook. It is very important to the success of this exercise that record your responses in each section.

Part A

Imagine that it is two years from now – whatever the date is today, it is exactly two years hence. You have been away from your practice, writing a textbook in an area of law that is important to you, teaching at a prestigious school, sailing around the world, whatever. Now, after two years, you return to your practice – and it is phenomenal! Your fairy godmother has come through. As if by magic, in your absence your practice has become exactly as you dreamed it.

Now, I am going to give you the beginnings of some statements about that practice and I want you to complete them – seriously, but with your small-c-conservative cap stowed in your attaché case. Take time to actually write down your answers.

Statement 1: My clients view me as _____. (Finish that sentence: that is, describe how your clients view you in the perfect world that you are picturing two years from now.)

Statement 2: Other professionals see me as_____.

Statement 3: My support staff (or, if you are a partner and you have associates working with you, My support staff and associates) are feeling _____. (In this perfect world, how do these people feel about *their* work?)

Statement 4: The values and behavior that I reward are_____. (In this perfect practice what values and behaviors in yourself and in others do you find worthy of reward? Note that "reward" here does not necessarily relate directly to the compensation system, which you may or may not control or even influence very much. "Reward" here includes positive reinforcement and recognition, and/or perhaps represents the kind of behavior that you feel commands respect.)

Part B

When contemplating change, it is important to identify aspects you *do not* want to alter. To help you do that, answer the following question:

Now that you are in this perfect world, what single aspect or what aspects of your practice that you were proudest of two years ago (i.e., "today") are you glad has/have not changed?

Write it (or them) down.

Part C

What areas of concern in your practice two years ago (i.e., "today") are you glad have been resolved?

(This gives you an opportunity to write down what is not right about your practice now. Be very specific and thorough here.)

Part D

The next step is to revise the first four statements from Part A so that they reflect your current situation. For example, in the first statement, given the reality of your practice as it exists at this moment, how do your clients view you?

Statement 1: Today, my clients view me as _____.

Statement 2: Today, other professionals see me as_____.

Statement 3: Today, my support staff (or My support staff and associates) are feeling _____ about their work.

Statement 4: The values and behaviors that I reward today are_____.

Part E

The magic of this exercise has nothing to do with fairy godmothers. The magic is in comparing the two pictures. Take a look at the kind of practice you would describe in a perfect world two years from now, and take a look at the practice you have described today. Are the pictures different?

What you need to do now is to draft a *statement of objective* for every area of dissonance between the picture of your perfect practice two years hence and your practice today.

Developing Statements of Objective

The objectives that firms develop in the work I do with them include statements such the following: "to enhance the quality of our practice and make the quality more consistent," "to enhance the perception of clients of the quality of our practice," "to enhance our skills in [some particular area]," " to more effectively transfer skills to juniors," and so on. In your personal plan, for these statements to be effective they need to be personalized to *you*. They must emerge from *your* assessment of the present and *your* picture of the future.

Let us say that in your perfect world your clients would see you as a top expert in the field of environmental law. Today your clients view you as a quality lawyer but not necessarily a specialist. In this case, the statement of objective you would draft would be, "My objective is to become perceived as an expert in environmental law."

At this point in the process, you will have drafted several statements of objective. These give an overview as to the kinds of changes you would like to achieve.

Brainstorming to Implementation

The next step in your planning process is to engage in brainstorming.

Many of us have been introduced to the art of brainstorming at some point in our lives, but as lawyers if we ever had any skills in the area, we have since had them nearly surgically removed. Consider Brainstorming Rule Number One: "Say everything that comes to mind." This is completely inconsistent with our training. We have been taught, "Think before you speak." Now I am telling you to "Speak before you think." However, as you follow your quest to steer your practice in

more stimulating and rewarding directions, it is necessary to learn to distinguish between times when you need and want to be critical and analytical, and times when you need and want to be creative.

You are about to start building on the imaginative planning of the previous chapter to create a list of alternative actions to help you meet your goals. You are creating a menu of options available to you that will help you to achieve the kinds of changes you would like to achieve. You want to create the most comprehensive, most diverse, most innovative list you possibly can, and a brainstorming approach is one of the best ways you can do that. Why? Because you want to create a great menu of action options from which to choose, including unique and imaginative ones. Later, when choosing the actual actions you will implement, you will have an opportunity to be selective and discerning. Now is the time for untrammelled creativity.

The Preliminaries

Before you begin your brainstorming session, review the following rules:

Rule #1: Write down everything that comes to mind.

Rule #2: No crossing out of ideas at this stage. (As lawyers, we tend to reflect on and review everything, probably because in groups we are so critical and analytical that we feel we have to protect an idea from the assault that is likely to attack it the minute we have said it. In a brainstorming session, however, our goal is to develop a list of alternatives as quickly as we possibly can. We will analyse them later.)

Rule #3: No value judgements. Value judgements are a little easier to control if you are on your own than if you are in a group, but you still need to be wary of them – both positive and negative value judgements. During the brainstorming session, try to avoid even thinking "Hey, good idea!" or "That's a terrible idea! I know a firm that did that, and they are out of business." If you do not follow this rule, your creativity will dry up in short order.

Rule #4: Piggybacking on other ideas is encouraged. Suppose in a moment of creativity you come up with something "off the wall," like "I will hire an airplane to drop my business cards over a football field during a big game." Admittedly, this is a bit bizarre, but if you ponder the intent of this idea for a moment, you might think: "Okay, so what are some other options for getting blanket coverage in a particular community? How about taking out an ad in the football program congratulating the team on getting to the finals?" The point is that great ideas often emerge from crazy or unusable ones, and if we are too rigid in our thinking, we may simply not allow for diversity at all. Aside from being less useful, mundane ideas create less competitive advantage—and they are simply not as much fun to execute. So remember that apparently stupid or ridiculous ideas can often lead to far more brilliant ones, and let one idea lead to another: that is the nature of the brainstorming activity.

List Actions, Not Ideas

When we talk about "taking action," we move into another area of vulnerability for many lawyers. As I mentioned previously, studies show that lawyers grasp concepts faster than any other identifiable group in society. This is basically good news, because it means that we are able to identify issues quickly. However, the ability to grasp concepts can lead us to think conceptually so often that "concepts" and "actions" become confused. As you are brainstorming, you will need to be extremely specific, and to make certain at each step that you are putting

actions rather than concepts or ideas on the list or menu you are creating.

Here is an example. If you are brainstorming around the goal of enhancing client-satisfaction levels, you might write, "Communicate more with key clients." This *is* a good idea, but it is not an action.

I have devised a test that you can use to determine whether something is an action or not. I call it the "telephone delegation test." If you can pick up a telephone and delegate it, it is an action. If you can not, it is a concept. For example, let us imagine that after the brainstorming session, you say to your secretary, "I have decided to communicate a little better with my key clients. Will you get on that for me please?" The secretary is likely to reply, "Could you be a bit more specific about what you want me to do?"

How you respond to that request gets you closer to the difference between actions and concepts. If your goal is to communicate better with key clients, how do you do that? How do you begin? Well, perhaps first you will need to identify who you consider your "key clients" to be. Maybe you will ask your secretary to print up a client list that you can go through with coloured markers. In this case, the action you write down will be, "Identify key clients by colour-coding list."

Next you will need to decide how you will communicate. What are your options? Well, you can visit key clients. You can write to key clients. You can telephone key clients. Now you are developing a list of optional *actions* that can actually be implemented. And that is the goal of this exercise.

The Brainstorming Session

For each of the statements of objective that you created in Chapter One to describe a change you want to achieve in your practice, brainstorm a list of specific alternate actions that you could take—actions that might help you move from where you are to that perfect picture you described for two years hence. Write them down in your journal. Your goal is to find at least three to five actions, ranging from the ridiculous to the sublime, for each statement of objective. Remember to

- put down every action you can think of, without value judgement or discussion;
- allow yourself to piggyback on your own ideas;
- list actions, not concepts.

Think divergently. Let yourself go. Have fun.

Following Up

Some people are nervous about the brainstorming process. They say, "Just a moment. You've told me to speak (or write) before I think. You've told me to be innovative and creative. You've said it doesn't matter how silly or ridiculous my ideas are, they still have to go down on paper. What's to prevent my ending up with a silly, preposterous action plan?"

After you have created this innovative list of actions for each statement of objective, you do not have a plan of action—yet. What you have now is a menu, or series of menus. It is at this point that you are allowed to be critical and analytical. This is the time for you to be discerning. This is the time when you are able to put your wisdom to the test.

This is also the time to be realistic.

Sometimes when I am working with groups or firms, highly worthwhile actions will be identified, but then later when we go around the room and ask who feels so strongly about these actions that they would actually be prepared to roll up their sleeves and contribute to them, no one volunteers. At times like that, I take a marker pen and draw a line very carefully through the action under discussion. I usually hear gasps: "You can't take that off

the list. That's skill-building! We've got to do that." My question in such circumstances is, "Why deceive yourselves? If there is no one in the room who feels strongly enough about it or enthusiastic enough about it to actually roll up their sleeves and contribute to it, then why keep it on the list? It is not going to get done anyway."

A discussion or debate usually ensues, and that is when we really decide whether the action is important. If it is, we decide what piece or part of it really needs to be done.

Think about this in terms of your own planning. When you created your list of possible actions, you were applying your creativity. You were brainstorming all kinds of possibilities. Now these options must meet reality. Now is the time to assess whether you actually feel these actions are important enough that you are prepared to allocate real time to them.

Be very discerning about which actions you choose from the list. Choose only those things you feel most strongly about. Choose very few, and ensure that the ones you choose pass two tests. Ask yourself:

1. Will implementing this action have a high yield for me? Will it be highly effective? Will I get a good rate of return?
2. Do I feel strongly enough about this action that I am likely to apply the discipline I need to really get it done?

There will be many actions on the list that you will think you should be doing, and perhaps you should. But you will not. You will do one or two, so choose only one or two, and remember that doing even one will give you a tremendous competitive advantage.

Those who take one action or maybe two from their lists and really put them into practice are miles ahead of those who take many actions but wind up doing none. Use your journal to help you with the discipline of actually doing this. This will also give you a convenient place to review your thoughts and, if necessary, revise them in the future. ■

—Gerry Riskin

Gerry Riskin is an internationally recognized lawyer, author and management consultant at Edge International. He specializes in counseling law firm leaders and partners on issues ranging from leadership, management, business development to client satisfaction. He has advised many firms as they move from a traditional Practice Group Structure to an Industry Group and Client Team orientation. Reach him at riskin@edgeinternational.com.

Continued from page 2

A few of our sources say those changes include adopting high-tech advancements such as, not surprisingly, artificial intelligence. Smith puts it succinctly: "Firms need to really embrace digital disruptors like AI rather than see it as something that will cannibalize their hourly work or requires a constricting policy."

From his Princeton, NJ office, long-time legal industry consultant Rees Morrison, founder of Savvy Surveys for Lawyers and known for his expertise in and analysis of law-related online surveys, suggests law firms use a two-pronged approach in making decisions and changing with the times. "Combine data with experience and intuition when making important decisions," he says. "Quantifying input into a decision, with data analysis and statistics, helps leaders of law firms test prejudices, gut feelings, and predetermined outcomes."

Of course, most everything law firms aspire to do ultimately centers on clients. Deborah McMurray, CEO and strategy architect of Dallas-based Content Pilot, which serves the legal profession with law firm website creation and renovation, among other things, says partnerships should place even more focus on enhancing client service. And, she adds, managing partners and other law firm leaders need to find out what, exactly, clients want.

"Invest in ways that add true value to your clients," McMurray advises. "The legal press has been fixated on law firms' associate salary match—$225,000-plus guaranteed bonus for first-years—as it has for countless years in the past. This irks clients who are seeking their own ways to leverage talent and investment for greater company value. Of course, to identify what clients truly value, firm leaders should ask them. And then deliver."

Speaking of websites, legal recruiter Sean Burke says partnerships need to examine their online presence and make requisite changes. "Law firms should resolve to update any partner bio photos that pre-date 2007," says Burke, founding partner at Whistler Partners, a New York-headquartered national legal recruitment firm.

It's worth noting that Burke practices what he preaches. He and his team make sure to keep the Whistlers Partners website fresh. It may be one of the most compelling, engaging, and humorous-but-still-professional legal-profession sites on the internet. Take a look and start with reading Burke's own, first-person bio in which his wit shines. *https://www.whistlerpartners.com/home-page*

Seek Input & Crisis-plan

While inclusion has been an important point of emphasis in law firm diversity efforts, it's also a practice that firms should conduct to get firm-wide participation and input, according to Michael Rynowecer, founder and president of The BTI Consultant Group, located in Wellesley Hills, MA.

"Give everyone a voice on how the firm can improve the experience for attorneys and staff—and clients," Rynowecer says when asked what law firms should resolve to do this year. "It can be as small as an email asking for their anonymous opinion, a survey, or a series of digital round tables. This will improve employee satisfaction and engagement—and help them feel empowered. They will improve performance and drive improvement in all aspects of the firm, including the client-facing experience."

Of course, no matter what goals a law firm works to attain, surprises can derail the best-laid plans. Elizabeth Lampert, who leads her own Bay Area-based PR and strategic

communications consultancy that advises organizations internationally, counsels firms to be ready for the unexpected.

"A smart New Year's resolution for law firms could be to implement a comprehensive crisis plan and prioritize regular tabletop exercises to ensure preparedness for unforeseen challenges," Lampert says. "In an ever-changing legal landscape, being proactive in addressing potential crises is crucial for maintaining a law firm's reputation, client trust, and operational continuity."

Individual Resolutions

So what do these professions vow to do to enhance their own performance and careers? We asked this question: What's your professional New Year's resolution?

Elizabeth Lampert: "As a PR professional, my New Year's resolution is to elevate my strategic communication skills to new heights. I will enhance my ability to craft compelling and authentic narratives that resonate with diverse audiences and commit to fostering strong and transparent relationships with media outlets ensuring open lines of communication and mutual understanding. In the pursuit of excellence, I will prioritize continuous learning and advise my clients to do more tabletop exercises throughout the year."

Michael Rynowecer: "I am going to push forward to find the breakthrough insights to help law firms improve their client-facing operations and talent retention."

Sean Burke: "I resolve to live every day like it's 2021. Signing bonuses for everyone!

Deborah McMurray: "To continue to seek 'high economy' processes that will streamline both my thinking and action."

Rees Morrison: "As a survey data specialist, I will push myself continually to learn new packages and methods of the open-source R programming language. Don't get stuck in the rut of the familiar; try out new methods to the analyses or graphs."

Lisa Smith: "Do even more work with clients we like and for whom we can make a difference and add value. This means turning down work that doesn't meet one or both of those criteria."

Eric Nelson: "I want to start transitioning management responsibilities to the next generation of attorneys. We have been around for almost 60 years and have always done a good job in making those transitions. I need to make sure that process continues moving forward." ■

—Steven T. Taylor

Of Counsel Interview

Continued from page 24

by a federal circuit court judge and, later, the first woman partner at a major antitrust firm.

Willis has prosecuted antitrust matters, as well as cases involving unfair trade practices, false advertising and vicarious corporate liability. She brings to her clients a deep well of knowledge and extensive experience in helping them navigate matters involving competition, pricing, distribution agreements, marketing programs, competitor collaboration, joint ventures, mergers and acquisitions, and intellectual property, among others.

Recently, *Of Counsel* talked with Willis about her decision to go to law school, her career, some of the cases she's handled, women in the profession, and an array of other topics. What follows is the first part of a two-installation edited interview.

"A Viable Alternative"

Of Counsel: What led you down the legal profession path, Marguerite? Why did you become a lawyer?

Marguerite Willis: Because I couldn't become a doctor. I grew up in Greenville, South Carolina, and I was the oldest of nine grandchildren. That matters because my grandfather was a doctor, and my father's brothers were doctors. I always wanted to be a doctor, but no one ever said to me, "a girl can be a doctor." That may seem strange today, but I never saw female doctors, and so I thought, "Well I have to be a teacher. That's what women do."

My mother had taught at Thurman University, home economics back in the day, and had a graduate degree in nutrition. She was a college professor. I thought I would end up being a teacher. Long story short, there was a personal incident that happened when I was 19. I got caught in bed with my 10-years-older, family-friend boyfriend, and that caused me to get married five days later, because my folks didn't want me to live in sin with somebody.

So I transferred to the University of Michigan—I had been in a girls' school—and I realized pretty quickly that this was not going to be a great marriage. I didn't have enough science to be a doctor. I was an English major and doing well. I also realized that I was going to have to take care of myself. I wasn't going to be married and have kids, and I wasn't going to be able to be the doctor I had dreamed about. So law school was a viable alternative.

OC: That's an interesting path that you took. When did you decide that you wanted to become an antitrust attorney and why?

MW: That's another story. A lot of my history, as I think back on it, was simply doing something because at the time it seemed like the right thing to do. It was less planned out. I didn't know any lawyers. There were no lawyers in my family. I'd never seen a female lawyer, and when I walked into law school on the first day, I didn't know what a plaintiff and a defendant were.

I ended up going to Charlotte, North Carolina, where I got a job with the law firm that's still there, Moore & Van Allen. I was their first female associate. As a matter of fact I walked into the Charlotte law firms. I had a resume. I hadn't called ahead; I just showed up at three of the law firms. All of them offered me a job because none of them had any women. And I came with two clerkships under my belt, one in the old Fifth Circuit and one in the District of Miami—two great years for me.

Anyway, I wound up working with Moore & Van Allen, and they were representing the

old Gulf Oil Corporation in a dispute with Duke Power Company over uranium. At the time, there was a uranium cartel in operation. And so I spent two years working for Gulf Oil. It was not in court; it was a mediation but it might as well have been in court.

OC: What did you do after that litigation ended?

MW: When that case was resolved, I was going to stay at Moore & Van Allen because that case had absolutely fascinated me. I had flown around the country in a private jet; I'd gone down in a uranium mine in New Mexico; I'd worked with experts, and so on. But the first case they gave me after that had been resolved was [a minor case about] a dentist who was left out of the phone book. [*laughter*] I went in to see the head of the litigation section, which wasn't that big, only 40 lawyers, and said, "John, where's the next big case?" He said, "Marguerite, we don't get those very often."

I thought about that for a minute, and I did what today I probably wouldn't have the guts to do, which is, I picked up the phone and called the general counsel of Gulf Oil Corporation. I thought, *Well, I knew who he was. I'd met him, and he surely would remember me.* I told him that I liked working on his case, I knew the facts of his case, and I'd move anywhere to continue working, because it was related to litigation.

So the general counsel of Gulf Oil Corporation called up the old Howrey & Simon law firm and said, "Hire her. Give her a job." And that's how I got into antitrust law. It was learning the facts of the Gulf uranium cartel, being fascinated with that, wanting to continue to work on big cases that were interesting to me. See, this was a world that I had no idea about.

Straight to the Top

OC: But yet you had the nerve to make that phone call and to step aside from the law firm that had hired you. So that really says a lot about your strength of character.

MW: When I talk to young women in particular, I say: "Call the top. Don't call anybody at mid-level. Don't call a middle manager. Because the person at the top can do something, and they may take your call." And that's what happened to me. That started me at Howrey & Simon in Washington DC.

I became the first woman partner there, and I learned antitrust law as I went along. And it was fascinating and wonderful. [Willis traveled all over the world and handled many major cases.]

In several cases, we would have meetings with counsel, and there would be two other lawyers in a conference center. There were very few women. I got another big opportunity in those cases because there were several defendants. The general counsel of one of the companies was a woman, and she said, "I will not go to trial, unless there is a woman at the counsel table." She turned to me and said, "She'll do." She didn't even know me, but she picked me as somebody who could go. I wasn't her lawyer, but she just said that I'd do. And so I was able to network at a higher level because of that. Her name is Dorothy Watson, and she's still a good friend of mine.

The antitrust bar is such a small community. There were some parallel state court cases. All of these defense groups have these just interminable calls all the time, joint defense calls. Some of the cases were in Alabama and Mississippi. Now, all the big fancy older attorneys were dealing with the Chicago cases in federal court. But there was a handful [down in the South] in state court that hadn't gotten removed. Somebody said on a conference call, "Why don't we let Marguerite handle those, because she sounds like them?" I'm not making this stuff up.

And then ultimately I was assigned, or given—I like to think it was one of the greatest professional gifts I've ever received—to a guy by the name of Saul Morgernstern. He's

now at Arnold & Porter; he was with the old Dewey Ballantine firm. He and I worked together on those cases, and, as fate would have it, one of the law firms involved was the old Maynard Cooper & Gale firm. I met a lot of people down there, and that's the firm with which the firm I was with, Nexson Pruet, merged this spring [and is now Maynard Nexsen]. So I knew antitrust lawyers from back in the day.

Back to South Carolina

OC: That's a very interesting arc of your career. I want to leapfrog to what you had mentioned to me yesterday that your practice changed 25 years ago when you married your husband.

MW: Yes, 25 years ago, I married Frank Willis, the mayor of Florence, South Carolina. He died two and a half years ago. But I moved from DC back to South Carolina. I'm a native South Carolinian, so it wasn't far in that sense. But the practice was totally different. There was no antitrust practice in South Carolina. And I was coming back with basically 20 years under my belt as an antitrust lawyer. Those were the clients; that was the knowledge I'd developed; that was my specialty.

When I came back, I had a major case where I was representing Monsanto that Dupont had filed against them in federal court in South Carolina. It was a dispute over Roundup Ready crop technology, a big case. The law firm, that was a local firm, Nexsen Pruet, the firm that I ultimately joined, didn't have any ability to process the documents.

So we had to create, and I did create, what ultimately became a subsidiary of the firm, called Nextra. I brought someone down from Howrey, and we created a document production processing company. There are lots of them today. But at the time there were very few of them.

When the Monsanto case settled overnight, I was left with this huge juggernaut of an enterprise. And so I went around and sold [their services] to my former clients, who were looking for competent help in producing documents in big cases. And ultimately that became such a large company, and when Pfizer [the multinational pharmaceutical company] wanted us to move into one of the floors of their building on 5th Avenue and do all of their document work and all their cases, the firm decided that they were just a small South Carolina firm. They were in over their heads. Nextra was bigger than the law firm. So we sold that operation.

End of Part One. To read Part Two and see how Willis's career shifted again, the work she's done to support women in the profession, and other aspects of her work and life, please see the February issue of Of Counsel.

—Steven T. Taylor

Wolters Kluwer

Wolters Kluwer
Of Counsel
Distribution Center
7201 McKinney Circle
Frederick, MD 21704

Of Counsel *Interview, Part One …*

South Carolina Native Defies the Odds, Goes Where Few Female Lawyers Go, and Thrives

Practicing law wasn't the first career choice for Marguerite Willis. Growing up in Greenville, South Carolina, she defaulted into law school—despite knowing virtually nothing about the basics of law and not knowing any lawyers. And the many clients she's represented over the last five decades are fortunate she did.

Nor did Willis think she'd specialize in antitrust law when she started her career as the first female associate for Moore & Van Allen, a North Carolina-based law firm. The partners there assigned her to work on a collection of huge, complex antitrust cases known as "The Uranium Cartel Litigation." She litigated private antitrust cases in many regions of the country—the Southeast, Midwest, Southwest, and a related federal grand jury investigation in the nation's capital.

When that litigation ended, Willis continued to build her career by handling difficult and important antitrust cases, often with multiple parties involved. Clients still turn to her today to take on their toughest disputes—challenges that she relishes. In fact, go to her website bio and you'll see her professional motto, "If it's easy, you don't need me." Willis has earned a reputation for her attention to detail, creative and successful legal strategies, ability to connect with judges and juries, tenacity, preparation, and more preparation.

Having cracked the glass ceiling a few times, Willis has no doubt inspired countless other women lawyers. Before she broke the gender barrier at Moore & Van Allen, she also became the first female law clerk ever hired

Continued on page 21

January/10041444-0850