

The Whole Lawyer Podcast with Roger Lane

Ken Turek: Hello everybody and welcome again to The Whole Lawyer podcast. I'm Ken Turek. At The Whole Lawyer podcast, we help lawyers in the courtroom, in their practice and their lives. We're advocating for your success in those ways. And today we have with us Roger Lane, a personal coach and business consultant who has helped many lawyers and law firms become successful, including mine. He's helped many businesses outside of law firms improve including Paul Mitchell Systems, American Express, Nordstrom, California Bank and Trust, and Sony, so maybe he can get us a deal on some televisions. No, I couldn't resist, Roger.

Roger, thank you for joining us, and I don't know if I summarized your background enough or what you do and maybe you want to tell our listeners what services you do perform.

Roger Lane: Well, actually, the primary function that I do is act as a business adviser or a consultant, so people use me because they've got a situation that's not working or very painful and they decide it's time to do something about it. It's kind of like, you know, you feel some pain or uncomfortableness and you put up with it long enough and you finally decide or somebody tells you just go to a doctor, and then the doctor tells you, "Here's the situation. It's not that bad. It's easy. We can correct it with this," then all of a sudden you're relieved. So I'm kind of like the doctor of business, is what some people tell me, and that's probably the closest analogy that I know of.

Ken Turek: In that regard, I know that when you helped us and you helped friends of mine, people I know, you used the diagnostic tool, at least we started there, that's on your website. And can you tell us a little bit about that, what's the purpose of that? Maybe we can talk about that.

Roger Lane: Well, a diagnostic tool is very similar. I designed it because, you know, you can spend a lot of time finding all the different situations that are going on in a business. It's like going to the dentist. You've got some pain, you can look in there and they can probably make a spot. But a lot of it may be beneath the visual that you may be experiencing, and so by doing like an x-ray, a professional can actually look below the gums, look and see not only problems but potential problems. And the diagnostic tool that I have is

designed to look at all the situations in the company in every area, find out if any of them are...what's working, which is the first one; where it is weak; and what is a potential problem so that you don't hit it, because the hitting is where it's painful just like if you don't see a problem in your mouth or in your body.

So most people should go to the doctor and get an annual physical, and there's this amazing relief after knowing exactly what is going on with your body. It's exactly the same way with a business. I believe that they should have an annual checkup or a diagnostic on your business to find out if it's running healthy, and there's this tremendous relief when you find out what's going on is very simply solvable. So that's the diagnostic visit. It's very black and white and I just review it with you and see what I see, and you can fix them or we can fix them or whatever.

Ken Turek: I noticed in the diagnostic when I first saw it and when we first started working together that you used certain terms like sales, marketing and executive management concerns, and "sales" to a lawyer is unfamiliar. We don't typically like to think about ourselves as selling. I know we do when we're at a cocktail party and somebody says, "Tell me what you do." It's a form of sales. But how do those areas interplay with a practicing lawyer, whether it is a one-person firm or a 100-lawyer firm?

Roger Lane: It's a word – it does not work. Nobody likes the word sales. It's just what's used to describe the function is. The area of...in law firms they call it business development, that's the most common, and it's a combination of two things. In the business world it's a combination of two things, and marketing is where you actually do something or say something or present something as a way that people are interested in your services. They're interested. They're not committing or anything, they're saying: "You know what? I've heard a lot about you. I would like to talk to you." That's what marketing is in traditional business.

Now, if I sit down with that person or you sit down with that person and you discuss the specifics of a case, there's a whole conversation that is designed where you sit down, you discuss it, you present how you would handle it, and they say, "Let's do it." Then you pull out your engagement letter, you sign the engagement letter, you get the retainer. Sales is that process where you sit down with them, talk about it and enroll them in the process of engaging your firm. We call that sales. If that is really easily documented, everybody really understands it, you get more clients easier. But if you don't understand

it, there tends to be a resistance to it. People don't like to do it. Lawyers don't like to do it. If they think they have to do it it's not going to work that well.

That's my experience in the law firm, is they're asked to do business development, and very few of them really know how to do it because there's no documented system how do you do this very smoothly like a professional salesperson who would take you through the process really, really easily. And when you do know that then it's very, very simple, but it's the non-documented system of the sales conversation, what do you say, how do you say it, and that's what usually causes the uncomfortableness or awkwardness.

Ken Turek: And you mentioned a couple of things there, but when I recall working with you before and some other folks have told me also that you've helped them with what I'll call the systems within your law firms.

Roger Lane: Yes.

Ken Turek: Many of us go to law school because we're not good businesspeople and we don't go to business school or whatever, and we just like to practice law and just hope things happen for us. But can you tell us a little bit about the systems and how you use those or implement them with law firms?

Roger Lane: Well, if you look at pure law, you go to school, you learn all the systems of cases, managing cases, presentations, you have history, you study all the history of certain cases, all this information makes a lawyer a great lawyer, and most lawyers that I have worked with and met are really very, very good lawyers. But they've got years of training, so they have a lot of confidence in that area. They can't wait to get out and do law. So then what happens is they go into a law firm. My experience, all the years that I've worked with lawyers, they go into a law firm and then all of a sudden there's, "I've got to do law, now I've got to go get some business, and then I've got to collect from the people who aren't paying their bill. It's up to me to call them. And then I've got to prepare for all these cases." There's all this stress starts to build, and then they go, "Oh my God, I'm working 10, 12, 14 hours a day five to six days a week."

Then after a few years they go, "Why am I working so hard? Why don't I just open my own law firm? If I'm going to work this hard, I might as well do it for myself." So they get a couple of friends together who say the same thing because they've been complaining about it and they decide to open their own

firm. So they go in there and they start up and they end up doing the same thing because...

Ken Turek: [Laughs]

Roger Lane: And then they get there, then they hire a bunch of attorneys and that becomes a mill, and then what happens is their lawyers leave them and go open their firm. And now you've just got this chain reaction that keeps going, and so it never ends until somebody says, "Wait, wait, wait, how does it really work?" Well, if you knew business as well as you do how to present in court, it wouldn't be an issue, but people don't prepare for business. Their businesses are not prepared the same way they prepare to go to court or the same way they prepare for a deposition. They don't do it. They wing it. That winging it causes stress.

Ken Turek: And problems, yes.

Roger Lane: Yes, major problems all across the board. Not only is there stress, we've got physical problems. People are working too many hours. They take it home, it affects their family. They don't have enough time with their families, and now when they have problems there then they take that problem into business. You've just got this gnarly mess and nobody is saying, "What do I do?" You're not saying, "Where's the doctor?"

Ken Turek: I was just going to say, what would you say the lawyer's responsibility is then to his or her business, assuming they're in a management role? Let's start there.

Roger Lane: They need to understand business. That's the responsibility. If I were hiring an attorney, I would expect them to understand the law and I would expect them to understand how to present my situation in an optimum situation, and I would expect somebody who runs a business or owns a business to understand business. By the way, just so you know, it's one of the only careers where the principals are predominantly lawyers first and not businesspeople. Because if you go to a medical doctor, they don't usually don't run the business, and they may own it but they don't run it. They have businesspeople who run them. Most all industries have real skillful, knowledgeable people running in it, but lawyers have done something differently, and in my experience it's not working that easily. I don't see happy people in law firms.

Ken Turek: Yeah, well, that's another problem altogether. And maybe I guess the message is they're tied in together and we need to work hand in hand with the business and personal aspects, and I think you've hit on that.

Roger Lane: Well, yes. Like if you have a car, it has an oil system, it has a fuel system, it has an electrical system and an air system. So when you're driving your car, you know, most people don't think about it. They know that the car's working and they will get from point A...they don't have any concern about it. But they start to hear a noise, what do they usually do? They take it to the mechanic, and he says, "Find that noise." And they fix that and they don't have to worry about it. There are no concerns occupying their mind daily. But you can't really say that about the lawyers who own businesses. You can't say they're not concerned about the business daily.

Ken Turek: And I would think it is the responsibility of the people in management to educate the--I'll call them the non-management lawyers--on the business of running the business, including associates and people coming in to serve the client, to know what the business aspects are of the firm.

Roger Lane: Yes. Well, a business is like a...to me, I give the analogy that it's a game and there's a team. If you have a football team, everybody has their position, don't they? If they don't play their position well, it's going to affect the whole team. So it's important that everybody in the firm knows their position and knows it really, really well, and plays their role really, really well. And so that's the owner's responsibility, like the team captain, the leader, to say, "Does everybody understand what they're doing? Is everybody able to do that? At the end of the month, we want..." Because in business, you're not playing against another team, you're actually playing against what you said you wanted out of the business for the month. And for business owners, that's profit, and did you accomplish the profit goals that you want each month? If you don't, then there's something not understood about the game of a business.

And that's what a business owner knows, all business owners that I know of, really successful ones, they know the game of business. They know how it works. You could apply it to any business, any business there is, if you understand business.

Ken Turek: And what is the...let me put it this way. We have listeners that range from people in large firms that probably do have some type of business adviser on staff or on call or maybe multiple business advisers or managers down to

single, solo practitioners. Are there certain rules or responsibilities that apply across the board to those folks or are they different?

Roger Lane: No, everybody's position in the law firm has a responsibility. Everything must be...it should be defined, their role, and they're playing their roles successfully. If everybody's role is defined and everybody understands their role and everybody understands the quantity which they're supposed to be producing for the month, that business is a successful business. It'll have to profit. People are not working ridiculous hours, more than eight or 10 hours a day. There's no reason to. Everybody knows their role real well.

So if you go all the way down to a junior or new lawyer, they have to be trained how to make sure they do their position that fits with the culture of that particular law firm. Most of them that come in, they don't really have a very good indoctrination training by the firm. They just bring them in and they're supposed to be hitting the field or do the best they can. That's not the way you bring somebody in.

So they have to have a way that they're indoctrinated into the culture and they're successful. If they're successful, the new people, they feel very confident and they grow and develop, and if they grow and develop they go right up all through the ranks and what you have are some very happy, successful people. But they don't begin—is there a system that you bring in new people and they're cultivated to be successful people? Usually does not exist in a law firm, and that's why you may have a...

Ken Turek: You may have what?

Roger Lane: Well, you have a lot of confusion on some people or concern and people get very frustrated and you have problems, and you can feel it. Most people won't talk about it but you can feel it. In a business, it's somebody's job to make sure that everything's working for everybody. In companies, somebody's making sure that things are working for everybody. I mean, there is that culture because that's a prosperous firm. You take the big firms like Apple and Google and those companies, they have people to make sure that what is...reviewed on a regular basis, are employees. "How is it working for you? And if there's a challenge let me know, we'll see what we can do to solve it." But in law firms, everybody's too busy about getting the quotas or billables or whatever it is. We're not taking care of the people. We're not nurturing people, and people are your business.

Ken Turek: Tell me more about that. What do you mean?

Roger Lane: Well, people...your staff is your business. They serve those customers. If your staff is confident and clear and understanding, they serve the clients better. If they serve the clients better, that's the best marketing there is, because people say, "You've got to work with this lawyer that I worked with because they're just extraordinary. They did a great job with my case." That's the best marketing you can get, when somebody refers a law firm to another client.

And then I see where law firms are asking or making or expecting lawyers to do business development. Most of them are not trained how to do it but they're expected to. There's a certain stress. Then they've got to still produce the work, prepare for court, and then if they get a problem collecting, collect the money from their client...lawyers are doing everything and they shouldn't be. They want to do law.

In other business, they don't do that. The waitress in a restaurant does not cook the food, does not figure out how to get more people in the door. But I'll tell you what, when the waiter does an extraordinary job there's more sales, and when there's more sales they hire marketing people to bring in more business.

Ken Turek: What challenges do you see lawyers and law firms facing in your work?

Roger Lane: To be honest with you, to say it really bluntly, and I mean this, is ignorance, not knowing that they don't know. They don't know it and they keep doing the same thing over and over and over again, not saying, "Hmm, maybe there's an easier way to do this." It's putting up with the pain. How many people put up with pain in their body after six months or a year and then finally go to a doctor and maybe eat differently or get some exercise and do something right? To me that's not knowing, and not knowing what to do about it. They're not asking for help. And it's across the board in every business.

How you know that, how I know it, is I see levels of concern. So if a thought comes up one or two times a day and you've got a concern about any area of the business, whether it's profitability, collections, worrying about a case, whatever that is, you need to get some help from somebody who knows, because somebody knows the answer to these. You just have to be willing to find it rather than try to: "I can do it myself," or "I've got to do it myself." That kind of thinking, it does not do anything except spiral a business down.

Ken Turek: Now, what do you see with those lawyers in law firms that are really hitting the mark? Let's go to that person in your mind that has established

themselves either individually and/or within a firm or that has a firm that is operating well, serving the client but still operating as a business.

Roger Lane: What I find is it's almost like walking into Nordstrom. I can walk into an office and people look up and there's a smile on their face. And they've still got their work to do, but you know what? They feel good. They're glad about what they're doing, they enjoy what they're doing, and they get back to work. So they're happier people. They're proud of where they work. They do their best for the client and the clients know that and the clients are really blown away, and if the subject ever comes up about needing a lawyer they will gladly tell somebody, "This is who you should use."

And I was working with a...actually it was a doctor who went to a CPA one time and she said--and of course the CPA firm had referred her to me because she owns a practice--and she said, "I knew something was going on when I walked into the CPA firm. It was April 13th and everybody was happy. I didn't expect that," she said.

Ken Turek: [Laughs]

Roger Lane: Everybody had looked up and said, "Oh, hi! How are you?" "Fine," and then they just went back down to work. She says, "That's not my picture of a CPA firm on April 13th." But it is a very well-run CPA firm. Actually, I talked to them today and...oh, yesterday, at 11 o'clock. I said, "How are you doing?" "Fine, we'll be finished with everything by 5 o'clock." I said, "You don't have to work late to do these?" "No, no, no, no, we'll be finished. Everybody will be gone by maybe 5:15." See, that's completely different. It's the same way on April 15th as it is on October 15th, and then there are some of them who are just grinding it out. See the difference?

So law firms can be that way, but they'd have to be a business, realize it's a business first that provides excellent services. So it's a shift for lawyers to realize the business, if you're...fine, be a lawyer, but the minute you own a law firm the primary function is not being a good lawyer. The primary function is to be a great businessperson and then provide a culture and a system where everything functions very smoothly because it is a business and it really can.

Ken Turek: Well, I think you need to be a pretty good lawyer though, Roger.

Roger Lane: No, actually, in a law firm...now, look at this, Ken. If you...it's interesting that I've wondered about this, but you know, you cannot own a law firm and not be a lawyer, right?

Ken Turek: Right.

Roger Lane: Okay, it's one of the only industries...doctors...doctors do not have to be a doctor to own a clinic. You can be a businessperson.

Ken Turek: So what are you concluding from that?

Roger Lane: I'm concluding that lawyers who own firms need to realize the priority is to understand a business that provides legal services. So you're a businessperson that provides legal services, but you see, they're trained to think, "I am a lawyer." The real thing for an owner, if you're the owner, should say is "I am a business owner who provides legal services."

Ken Turek: Well, one of the ways you help folks, and I know you helped me and my firm, and you do this both personally and for the business, is to teach the importance of the purpose of the business, which I think in a way you're touching on right now. What is our firm's or my personal purpose for practicing law, for instance?

Roger Lane: Yes.

Ken Turek: Can you tell us a little bit about that please?

Roger Lane: Yes. Mostly, if people really told the truth and you're a business owner that says, and you've heard this in businesses, the purpose of business is profit. The purpose of business is profit. Well, that's what they say most that the purpose of business is bringing in money, well it is definitely not about bringing in money. The end result is profit, but when you provide extraordinary service to clients the end result is predictable, is profits. So people are trying to get rather than give. So if you want a result, you have to give something first and then it comes in afterwards. So by trying to get profits, they're not realizing, "We have to figure out the strategy to provide service all across every area." Every area has to be figured out, and if that really is figured out, well, then the profits come in. And look at Apple. Do you know how much Apple has in cash?

Ken Turek: I'm afraid to think about it.

Roger Lane: About 180 billion dollars in cash. That's not the value of their business now, just cash. Because they made a point to figure out the touch points of the

client. Every area that the client would interact with their company, whether it's going into a store, picking up a product, calling on the phone, what is the customer experience and how can we make that better? And Apple's biggest marketing is not on TV. Biggest marketing is grassroots, always has been. Apple's customers made Apple. It's a phenomenon being studied by Harvard right now.

It's a phenomenon because it's extremely successful, and what made it is everybody in this company realized everything they do is going to affect the customer, and they focused on that. Now, that's not the way it used to be, because I opened the first Apple computer store in Hawaii in 1980. It wasn't that focused. It took Steve Jobs who was an innovator but was not very good at running the company and that's why they fired him. When they brought him back, he learned a lot when he was gone and he came back and said, "We've got to focus on the customers, not just focus on the product."

Ken Turek: So if I'm a lawyer that's listening, what do I take away from that lesson you just gave us?

Roger Lane: Make sure that everything you're doing is to the benefit of the client because the client is the one who pays your salary, not the firm owners. The client pays it. If they're happy to pay you, then you've got a good client. They will refer you out again. So they realized the customer is the one who pays all the bills.

Ken Turek: And that applies to the lawyers that work on contingency as well because some of our listeners do that.

Roger Lane: Absolutely. Absolutely, because if you do it well, you're presenting it the best you can, more likely you're going to get that, you see. And contingency is a very interesting way of doing business. It's very lucrative when done really, really well, and in the law firms it's important not to have too much of your business in contingency. The problem with contingency and businesses, if somebody gets too stretched out, there's heavy cash required to do contingency. So if you have a lot of capital to back you, it's very, very good. It can be very profitable. If you don't have that much cash to easily do it so there's no stress, then I recommend that you do your billables enough to cover your monthly expenses.

And then...so literally that is really the cream, and you can put that into...I've called it a bonus pool or something like that for the owners or staff of whatever, but the operations month to month, you just don't want stress in a

firm. It's like cancer. It just affects everybody, and it works all the way down to the customers and they can feel it. They don't tell you, but they can feel it.

Ken Turek: Well, yeah, what I'm taking from what you're saying is the combination of customer service and systems in place that have to be set up and reviewed and refined. These are the keys to cutting that stress. Is that a fair way of putting it?

Roger Lane: That's exactly right, yes. So if you have systems in the areas that make it easy and it flows, you will have excellent customer service. Now, that's the reason for the diagnostic. We'll ask you questions, where are the systems and all the areas of business, and if they're not there or they're not being followed, then they have to be put back in. That's what that does. It finds two things, what systems are missing...because systems in a business allow for consistent high quality. If not, you've got people doing it sometimes and other people doing it a little time and some people doing it more times. You have inconsistencies and that shows up in your customer service. If everybody's following it, then you have consistency.

And like the system of McDonald's, it's like Ray Kroc didn't develop McDonald's to flip hamburgers. He figured out, "If this system works in every area smoothly, I can replicate this." And like now fast foods is about 80% of the food industry. In the businesses, service businesses and retail businesses, 40% of all the businesses are now all franchises. Franchise is just a system of doing business. I don't say turn law firms into franchises. That's not what I'm saying. But if you approach it that same way, you will have consistently good service for everybody and then it prospers.

Ken Turek: And it also helps lawyers when we get into the inevitable crunch because it's going to come. If you're a trial lawyer, it comes when you're in trial. If you're a transaction lawyer, there are deadlines to meet, etc. So I think that helps a great deal and that's great advice, but my next question is if you wanted a change, if you're a lawyer and you're listening and you say, "Hey, I need to make a change in this area. I'm not doing x, y or z," what do you suggest to take that step or those steps?

Roger Lane: Get advice. Just get advice. If I had a legal issue...in fact I just recently had one, it was a very minor thing that was actually a little bit of a real estate situation, really minor, and I thought, "You know, I could handle this. It's really simple. It's not a big deal." Then I thought about it and I said, "No, wait, it is simple, I probably could do it because it's really so simple, but is that the best use...?" It could go another way, and I thought, "You know what? I'm just

going to call somebody that I know," I did and she said, "Call this lawyer." And then I called this lawyer who was the best where I live and it got dismissed. You see? So did I have to go through the time and energy and all that? No. Did I pay him? Absolutely. See? So that's getting advice...

And he said, "You know, it could go this way, it could go this way," he said, "but it's up to you." He said, "You probably could do it." I said, "But here's the downside of that." And so he gave me this talk free, then all of a sudden I decided, "No, you just handle it." And he said, "Okay," and it got dismissed. See, that's getting advice, isn't it?

Ken Turek: And where do you turn for that? I know people can contact you. I know you have the diagnostic. That's one option, and the other option is to just talk to your friends and others in business and see who they have used.

Roger Lane: Talk to somebody who you know, when you look at them they're successful, and it doesn't just have to be another law firm, it could be a successful business owner, because most that I've known, most of the successful business owners have business advisers. That's just the way it is because it's like almost everybody who's really healthy has a good relationship with their doctor or a medical adviser, and everybody who has—like if I've had my car for 31 years, I have a mechanic. If I really want that consistent quality, I have advisers. I can't know everything. And what I do know is I know what I know and I really know what I don't know, and if I don't know I would rather ask somebody who can talk to them. Most everybody that I know of including me will talk to somebody at no charge. You see, because if I can help them I will, and if I'm not I will refer them on to somebody who can.

Ken Turek: And if folks did want to talk to you they can go to rogerlane.com and download your confidential business questionnaire, fill it out and get it to you, and will you take some time with them? Is that something you do?

Roger Lane: Absolutely, or they can just call me, at the phone number. They can just call me anytime and say, "I'd like to talk to you about something," and then I'll take it from there and say, "Let's understand it," and if I can help them I'll tell them how I can help them, and if I can't I'll tell them also what to do. Because I'm not saying I do everything, but there may be a very unique issue where they need a real specialist in an area. Maybe an accountant, they have a question about financial, I can't do that. So that's what I would recommend, but don't sit on it. It's too painful and life was not meant to be painful and uncomfortable and frustrated.

Ken Turek: Yes, and it can only get worse sometimes.

Roger Lane: It gets worse and then it backs up to physical, and I know a lot of lawyers are not that healthy and I see it eventually backs up into their family. They're not having enough quality time with their family. We know where that ends up. It's not worth it.

Ken Turek: Yes.

Roger Lane: The other side of it is it really can be a very fulfilling career to be in when done holistically and correctly.

Ken Turek: Do you have any closing comments you'd like to share with us, to our listeners?

Roger Lane: I just hope that people will choose to have a healthier business. We spend so much time in business. I think people should really learn to enjoy it and I think it's very satisfying. I see the service that lawyers give, they really take stress out of people's lives by solving situations. I would like to see this industry consider looking differently at things and maybe deciding to have it easier and more fulfilling because it's available in any industry. I would just like to see this industry...and I know some people that you and I know who--and you in what you're doing--are committed to the industry, looking for a different way to function, and that's what I hope.

Ken Turek: Well, that's great. Thank you, Roger.

Roger Lane: You're welcome.

Ken Turek: And if folks want to get in touch with you, they can reach you at rogerlane.com. That's R-O-G-E-R-L-A-N-E. And Roger's available at his telephone number, it's on his website but I'll give it to you anyway. It's (808) 248-7804. And Roger, we really appreciate you joining us and we'll talk to you again. Thank you so much.

Roger Lane: Right. Thank you, Ken.