



ILLINOIS STATE  
BAR ASSOCIATION

# THE BOTTOM LINE

The newsletter of the ISBA's Section on Law Office Economics

## Attracting business 101

By Donald E. Wehl

In the March, 1995 issue of *The Bottom Line* (Vol. 16, No. 3), an article appeared entitled "Rainmaking." The article included 10 suggestions in the form of practice tips for improving a lawyer's ability to attract business. Times have changed substantially since March of 1995 both for lawyers and for clients. This article is an update of that "Rainmaking" article to express the author's observations about how the practice tips made in 1995 have changed in the past 10 years.

Attracting business is a part of practice development. It goes without saying that practice development is not only necessary day in and day out, but also must follow a strategy that has been thought out and reduced to a definable plan. This concept is much the same today as it was in 1995.

It also goes without saying that the number one suggestion in 1995 remains the number one suggestion in 2005, i.e., "Be good at what you are going to do for your clients." That said, in the past 10 years the legal profession has become even more concentrated. Most law firms of any size have now established concentrated practice areas. Similarly, concentration caused firms to identify what business areas they will practice in and

what business areas will be referred to other firms or lawyers. Still, the premise that you must be good at your specialty is at the very core of attracting business. Word-of-mouth satisfaction expressed to other potential clients by the clients you serve reflects that your skill level is high. Whether your skill level is maintained by membership in concentrated groups within the state bar, national bar, by attending CLE courses or extensive reading of focused materials in your practice area, matters little so long as the result is a high skill level. With a high skill level as a starting point, you are ready to attract business.

The **Second** suggested practice tip in 1995 was to be visible to prospective clients. Visibility has changed a great deal since then. Telephone books from many areas of the state are covered with photos of lawyers, as are internal yellow page sections. While this type of visibility is not appropriate for all areas of law, it is illustrative of the change that has occurred. Visibility today is much more advertising oriented. Appropriate placement of your name or the firm name in publications that reach your potential clients has become much more widely accepted and is now the norm rather than the exception. This means that advertising as a means of achieving visibility is a must for consideration in this day and age.

The third, fourth and fifth practice tips suggested in the original "Rainmaking" article continue to be as important today as they were then. They bear repeating in full as follows:

**Third:** Be focused on your specialty or the limited areas in which you have substantial experience and ability. Be careful not to sell yourself as having substantial experience in all areas. Have current topics in your area to introduce into the conversation. Relate current techniques that can be utilized to avoid problems or structure action or conduct that relate to your areas. By being pre-

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pared with specific subject matter, it is easier to make conversation.

**Fourth:** Take an interest in people. Get them to talk about their experience or contact with your area of the practice. Additionally, if asked, let people know you would be willing, where qualified, to offer a second opinion on an existing legal problem they have as well as informing them, when applicable, that you are able to take on new engagements. It isn't necessary to be pushy or aggressive to offer help. It is easy to tell them, that after they have addressed their concerns with their lawyer, if a present matter is not working out to their satisfaction, you would be willing to take a look at it. Your interest in helping has to be expressed verbally to let them know you are available.

**Fifth:** Develop the ability to listen into an art. When you ask what is new with, or in their business, be prepared to identify legal issues that are relevant, and if you don't have sufficient knowledge on the subject(s) at that time, make a mental note to get more knowledge on the issues and be prepared for subsequent contact should the question of your availability to render services arise. Really hear what your prospective or existing client is saying. Probe gently with open ended questions. If the occasion calls for it, suggest that you have substantial experience in furthering the positions of others similarly situated. Remember, clients and prospective clients will recognize that you are knowledgeable based on your discussion of specific legal issues. In many cases they are ready to have your assistance.

The original **Sixth** practice tip described the effective use of business

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cards. The strategy for using business cards to attract business has changed somewhat; however, business cards will always be a part of any defined plan for attracting business. The difference between what 1995 business cards looked like and their appearance today can be described in a single word, "information." Today's business cards include an e-mail address, a firm Web site address, and often the cellular telephone number of the lawyer. Computerization is widespread in our culture today. E-mail is becoming a universal communication technique. While there was always a tendency to provide a return business card when a prospective client received a card, the tendency is even greater today. When the recipient is told that the card contains your e-mail address, the urge to reciprocate with the e-mail address of the recipient is often overwhelming so that business cards are exchanged. This accomplishes a double benefit. Not only has the lawyer created an indelible impression on the brain of the recipient of the card, he has also received contact information for future use. All of this has been accomplished for the nominal cost of a business card.

The remaining four practice tips from 1995 need to be supplanted by new tips for this information-intensive decade. These new practice tips have been spawned by fax, e-mail and cellular technology that had far less use in 1995.

The new **Seventh** is the need for lawyers to be responsive. This is illustrated by the person who says, "My lawyer is so important that I can't reach him/her by telephone." How responsive is that important lawyer? Clients think that if the lawyer receives a call, fax, or an e-mail, that the client communication will receive immediate attention. Clients fail to recognize that the recipient lawyer may be in court when the call, fax or e-mail arrives. The perception that lawyers are chained to their desks and should be immediately responsive is widespread. Lawyers need to have a system that causes the client to receive acknowledgement of the communication and lets the client know that the lawyer is going to respond, and when the response can be expected. How that system is developed and implemented is susceptible of many solutions, and is dependent on factors applicable to each specific lawyer. The fact remains, responsiveness is equated with competence, and some form of response is a must.

The new **Eighth** is structured avail-

ability. Lawyers need to schedule client responses sooner rather than later. The return call needs to be by appointment at a specific time as scheduled by a secretary, receptionist, or paralegal. The fax responses and e-mail responses similarly need to be scheduled. All of these go hand in hand with the structured availability concept. Do not see walk-ins. Structured availability is the only way lawyers are able to work efficiently. Interruptions can only be avoided with planning and with the superhighway of information bringing one interruption on top of the next, both lawyers and clients must use discipline to achieve timely output of work.

The new **Ninth** is data control. In 1995 the computer database availability was a fraction of what it is today. Microsoft Access and similar programs permit lawyers to assemble information like never before. Frequently-needed information needs to be put into an organized format and be available on computer. It also needs to be available in printed form. It then needs to be used. Lawyers need to consult the information in the data base before entering the conference room with the client. Frequent viewing of the information makes it possible for lawyers to impress clients with their knowledge of the facts. Clients equate lawyers' good memories with competence, and that is the aura that lawyers are striving to create at all times.

Finally, the new **Tenth** is to organize. This may well be the most important practice tip lawyers will ever receive. Disorganized lawyers could survive in the 20th Century. They cannot survive in the 21st Century.

Organization is the single most important trait a lawyer can have with electronic court dockets being transmitted weekly and in some case daily. Lawyers' responsibilities are growing exponentially. Electronic mail, faxes, and voicemail must all be organized and separately filed for retention or attention.

Dockets, schedules, appointments and similar data are highly susceptible to organization. Having the finely tuned organization of that data permits survival. It makes it possible to have sleep uninterrupted by that cold-sweat terror that occurs when a lawyer wonders where he is supposed to be the next morning, when the brief is due, or whether he has missed his scheduled court appearance.

### Conclusion

If you have read this far you will have noticed that Attracting Business 101 is more about getting and keeping business with more emphasis on competence than on marketing. Marketing is important. Competence is more important. The telephones of competent lawyers ring more often and have more important callers than telephones of lesser skilled lawyers. Clients are better educated and more astute than ever. Their expectations are higher than ever. Observing the suggestions in this article will attract business beyond belief and help in the rendition of services to satisfy that business demand. Good luck.

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# Back to basics: Tips to stay organized and productive throughout your work day

By Christopher D. Oakes; Cox, Oakes & Associates, Ltd.; Northbrook, IL.

**A**nthing that prevents you from effectively achieving your daily goals makes you not only inefficient but robs you of billable time. For those of you who complete each day satisfied that you are well organized and productive, read no further. For the rest of us, here are some tips to eliminate common productivity drains.

## 1. Start Each Day with a Game Plan

It sounds too simple, but how many times have you started your workday without writing down a to-do list or prioritizing your major tasks or projects for that day? Your calendar or docket system provides you with longer-term deadlines. This big picture information is essential, but does not help you pinpoint priorities for the day.

If you are averse to creating a formal to-do list that is frequently updated, at least prepare a daily reminder/task list at the start of each day. This list should focus on those matters or tasks that must be finished over the next few days or need to be completed that day. Use the list throughout the day to keep you from being sidetracked by less important tasks. As matters are completed, cross them off the list, and add new items as needed.

## 2. Prioritize Big Tasks over Small Ones

Use your to-do list to organize tasks in order of importance. Master the tough tasks during the time of the day you are

most productive. Your productivity cycle during the day varies. Find the times during the day you are most productive and tackle the big projects when you have the most energy. The easier or less important tasks should be accomplished during your lower energy periods.

## 3. Avoid Interruptions

E-mails and unexpected phone calls can interrupt your productivity. Both convey a sense of urgency, which more often does not exist. When working on projects that require your uninterrupted focus, place your phone on "do not disturb mode" so that all calls transfer directly to your voicemail or have your calls answered by an assistant. Set a time every few hours to return calls, review faxes or answer important e-mails. If a call must be taken, tell the caller up front you only have a moment to speak and that you will call them back later to discuss the matter in greater detail.

After regular business hours, let the phone ring unless you are expecting the call. Most incoming callers after 5 or 6 p.m. are expecting to leave a message anyway, and answering the call will draw you away from why you are working late in the first place.

Don't set your computer to automatically check e-mail and notify you every five minutes. You will most assuredly have difficulty resisting the temptation to open each new message. Set your computer to check e-mail every two or three hours and review e-mail twice a day instead of five times an hour.

Respond only to urgent messages. The remainder can be answered later.

## 4. Get Organized

Can't find that important document because your (pick one or more that apply) desk, office, files are a mess? Disorganized files and messy office practices make you and your staff work needlessly harder. Clutter and disorder are just polite terms for chaos. How many files in your office can be stored elsewhere? How many files on your office floor can be placed in a file drawer? Don't let finding information take away from time spend during the day on billable matters. Office procedures and file management are issues well beyond the scope of this article, but the bottom line is your time, don't waste it.

## 5. End Your Day

The number of hours you spend in the office does not equate to your productivity. At some point you become less productive and your workday should end. There will always be exceptions due to emergencies or exceptional matters, but on most days you should set a time when your workday will end. Avoid abruptly stopping all work at an arbitrary time and leaving the office without winding down your workday. Spend the last portion of the workday prior to your pre-set end time to check over your to-do list and calendar and plan for the next day. Use this time to return essential telephone calls or e-mails, review non-urgent mail and finish entering billable time.

# The organizational life blood for law firm profitability: Active coordinated communication

By Dr. Thomas J. Venardos

## A viable way to address profits in your law firm

**A** new generation of law firm lawyers need new tools to maximize profitability. These tools combine the marketing of the law firm services, reinventing the law practice, promoting business-to-business practices, having improved public relations, creating a new law firm structure, and developing goals that can be

very powerful and profitable. The tool that can accomplish this is active coordinated communication.

## The problems that exist for law firms

What kind of information should be shared with internal and external clients? Who should receive different levels of information? Should you provide both negative and positive infor-

mation to clients? Should you tell clients what they want to hear, or should you tell them what they need to hear? These are the basic questions facing management leadership in today's law firms. This is why there is a need for consistent, up and down the chain of command, simple, active coordinated communication that can help improve profitability.

Basically all communication is "human communication." This means



communication speaks not only to the political structure of the law firm but to the personal and professional side as well. Listen to any conversation between two co-workers or two senior partners and you will hear comments that relate to law firm *morale problems, fairness issues, exclusion from decision making, loyalty to the company, profit margins, as well as problems in using current technology.*

Minimal communication, miscommunication, and no communication are the main factors that can cause law firms to stagnate. When these factors prevail, effective communication loses its influence. Communication is unable to be coordinated across and between practice group lines or to the clients outside the law firm. This essentially means effective communication is muffled and distorted at all levels. The best solution is to make communication a major priority so that it can be managed effectively and coordinated internally and externally. This takes leadership that is **objective** and not involved with rumors, **willing to grow** from mistakes made, and **uses personal and professional incentives** rather than threats or innuendo attempts to obtain desirable workplace results.

### Reinventing the Law Firm Culture

Positive change occurs when small steps are taken even though the big goal of reinventing the law firm culture is at stake. It begins with small successes that can be observed and measured and proceeds to a larger feeling of oneness, filled with accomplishments. It builds on itself and becomes important to everyone. Below is the sequence for positive change:

1. Sharing all information, data, and goals with everyone—both internally and externally.
2. Being available to answer any questions asked by others.
3. Informing others, in a totally honest way, that your answers and possible solutions to problems are based on facts and not biases.
4. Building human trust using your reputation by making ethical decisions.
5. Using face-to-face communication as your primary communication method.
6. Correcting mistaken assumptions quickly.
7. Overriding mistakes with positive solutions.
8. Creating a legitimate and visible position for a communicator role at the highest level with total support from senior partners and staff.

### The case for coordinated internal/external communication

In reality, lack of communication or confusing communication is a basic problem faced by most staff and professionals. It is the major issue to overcome. Therefore, it would seem natural to assume that the way to correct this is by having the communication enhanced by a member or team of members of the staff while giving it the highest priority in the firm.

Those responsible for communication would in turn be expected to assume the powerful role of sharing all the important and critical information that flows through and out the law firm. In essence they need to have:

- The authority to do their job.
- The proper professional training to communicate in diverse ways.
- A unique and supportive relationship with senior partners and all employees.
- A commitment to be a good neighbor within the law firm and with the community.
- A new set of professional standards that go beyond being a communicator.
- a proper balance of using accurate facts as they relate to others.

### Professional traits necessary for enhancing this kind of role

In the eyes of those in the law firm, a communication department of this stature must have many of the following professional traits: be credible with the public, be believable, have accurate information to share, be timely, have good professional judgment and wisdom, be sensitive to everyone they come in contact with, be accessible, and promote confidentiality. This is a tall order for any one person or group of people. But the result that it yields is greater than the sum of its parts. The point is this: whenever you communicate law firm information, it concerns human elements. So it is important to represent the issues fairly with people in mind. There needs to be a separation of issues from personalities. Both positive and negative feelings should be taken into account. Finally, there should be the realization that there are supporting and opposing opinions and perceptions that create innate conflict and must be dealt with by overcoming any potential human conflict. Further, when coordinating sensitive information it becomes necessary to speak with one voice, simplify the message, and use a variety of communication tools. Every

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aspect of human relations should prevail.

### Communication tools for the 21st Century

Like newspaper, radio and television were communication tools for the Twentieth Century, so it is that computer technology is the newest tool for the Twenty-First Century. Herein lies the potential success of the communi-

cator. Computer technology can be used for both internal and external communication. It is an efficient tool that has multiple uses: word processing, verbal, visual and auditory e-mail, information gathering and disseminating capabilities, monetary transaction ability, global influence and positioning, business-to-business relationships, record keeping materials production, creative materials development, distance education and career enhancement potential. In turn, this technology can be used as a mobile office, which works best for those professionals on the go and who need to keep in contact with their office and clients. Therefore, active coordinated communication can be implemented nearly all of the time.

### The Powerful Effects of Active Coordinated Communications

The list below reflects how active coordinated communications can create more profits for law firms provided it is established in a professionally sound manner. It will take creative risks, planned directives, monetary support, time investments, a high learning curve, and innovative adopted business practices.

#### **Creating a New Law Firm Structure:**

By creating this new active communications structure that oversees both internal and external activities, your law firm should generate a more consistent, meaningful and effective means of generating greater business. This kind of structure could in turn create the loyalty, security and growth your employees are looking for.

**Law Firm Objectives:** These need to be established by all employees of the law firm, and should attempt to promote personal productivity, monetary aspirations, profit sharing, compensation issues, cost cutting measures, marketing strategies, and business practice skills. These shared objectives can then be communicated by everyone.

**Marketing Law Firm Services:** This is a distinct plan for everyone to be involved in because marketing is such an important priority today. Active coordinated communications can enhance this practice via different activities: speaking engagements, newsletters, advertisements, a Web site, television appearances, brochures, newspaper and magazine articles and Internet business-to-business practices.

**Reinventing the Law Firm and Law Practice:** There needs to be a focus

actively changing the way the law firm does business by establishing flat fees, using non-billable hours to work productively, offering ways to help clients keep costs down and expanding practices by having other professionals make referrals.

**Business to Business Practices:** Begin to use legal resources on the Internet that deal with business-to-business issues like finding your law firm clients, putting out bids, allowing them to bill and collect for your firm, and marketing your firm on the Internet.

**Improved Public Relations:** Your active communications can lead to better public relations if you control what is said and how it is delivered to others. Your image can become valuable if you work on making it positive and more acceptable to others in the community.

#### **Document, Document, Document:**

There is a critical need to measure what you are doing so that you can see any progress. This can be done by counting the number of activities each person performs in the law firm, counting increased client contacts and inquiries, reviewing accounts receivable and collections and, identifying cost cutting measures.

### Can You Answer These Eight Questions in the Affirmative?

- Do we agree that we have excellent communications within our law firm?
- Do we agree that we have excellent communications with our current clients?
- Do we agree that we have excellent communications with our community and potential clients?
- Do we have common law firm objectives that everyone is in agreement with?
- Does everyone in our law firm know how to effectively market our services?
- Does everyone in our law firm know how to cut expenses via sound business practices?
- Does everyone in our law firm know how to profit from business-to-business practices on the Internet?
- Do we use the most current tools of the 21st century for promoting our services?

Unless you can answer at least six of these eight questions in the affirmative, there is room for improvement of law firm operations. Positive change begins with admission of the problems and proceeds with workable solutions that are openly discussed among everyone.

### Where to Begin:

1. Find someone in the firm, or hire someone, who is very comfortable with expressing themselves in written and spoken fashion.
2. They should demonstrate clear, effective writing skills.
3. They should be competent on the computer and with the Internet.
4. Your clients and others in the firm should think highly of them.
5. Involve a person who is very familiar with new technology and who is good at learning and using it, because they will have a different way of thinking that can benefit your law firm.
6. They must be assertive and speak up when they are challenged.
7. They need to be able to measure all the results of active communication in the law firm.

### Active Coordinated Communication and Profitability Increase

The relationship between active coordinated communication and increased profits becomes clearer when hard data is gathered and analyzed. Examples where you may want to gather data are listed below:

- Number of retained clients and accounts that report satisfaction with law firm communications.
- Number of referrals by established clients because of law firm communications.
- Number of referrals by outside business contacts as a result of effective law firm communications.
- Number of marketing strategies that are a direct result of active coordinated communications.
- Number of referrals from other lawyers or law firms as a result of effective law firm communications.

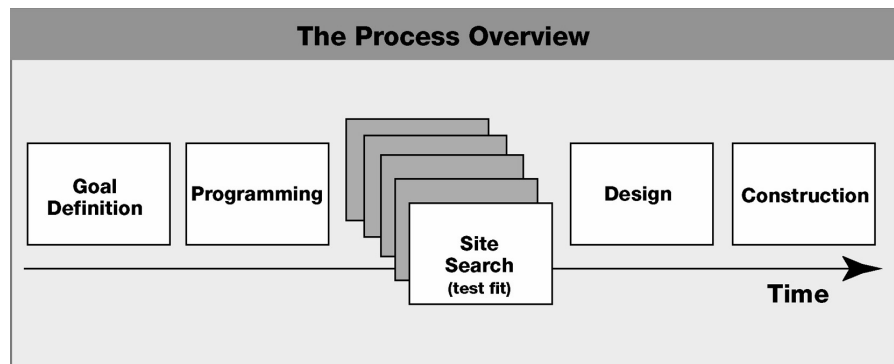
The lifeblood of a law firm is how it effectively communicates from within. The sooner this is realized and made a reality, the quicker you will start to generate the results you want.

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# Introduction

## 1. The Power of Process





planner's responsibility to establish the planning agenda and facilitate the process of planning and design.

Our suggested process benchmarks include the following:

Preparation: Interviews Surveys Goal Setting: Image, Culture, Budget, Work Flow Visual Tours Industry Model Searches Program Documentation: Quantitative and Qualitative
First Presentation: Goals and Program Review

Preparation: Concept Planning Options Exploration (test fits) Concept Design Documentation Comparison to Goals
Second Presentation: Concept Plan/ Options

Preparation: Detailed Plan Preliminary Finishes Probable Construction Cost Technology Integration
Third Presentation: Design Development

Such a process includes the senior stakeholders in initial interviews and presentation reviews during the course of the planning and design process. It is assumed that the planning committee is more fully engaged in the step-by-step preparation work.

The American Institute of Architects promotes a standard sequence that can be adapted to this process, and many design firms will use these phases as the critical benchmarks:

**Schematic Design:** Includes concept plan and preliminary image/finish concepts.

**Design Development:** Includes fully developed plan, documentation of all user requirements, proposed finishes and overall scope of work.

**Construction Documents:** Includes all architectural drawings and specifications.

### Bidding and Construction

**Administration:** Includes usual services in selecting a contractor and participating as a design consultant through the construction phases.

### Goal Setting

Our process starts with identifying the basic elements of the business model:

1. What is the distinguishing competitive position of the firm?
2. What is the "cultural" workplace character of the firm?
3. What is the professional staff mix, including expectations for growth?

These three questions provide the foundation for addressing a broad range of tactical issues, from the appropriateness of universal office size to the composition of practice neighborhoods. The planning agenda quickly progresses to the issues of visitor accommodation, file management, and library conversions.

### Future Thinking

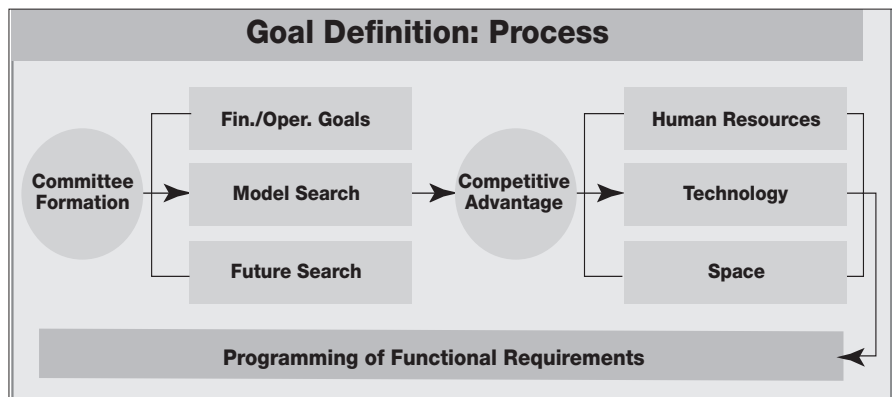
Future thinking requires the planners and planning committee to place themselves four to six years in the future, understanding the full impact of current market and technology trends. An office space designed to accommodate the

practice over ten to fifteen years should, above all, accommodate change. While the seeds of future thinking might lie in a business plan, the opportunity to replace existing office facilities frees us of the behaviors that are shaped by our existing offices.

As law office planners, the first question that we are asked regards the trends in law firm design. We attempt to answer this question as comprehensively as possible, but our real goal is to encourage future thinking. While technology is the primary driver, it is not the only one. It affects how we store and access resources, prepare documents, and communicate.

Other factors include the mix of services that the firm provides, the broader range of professionals that will work in the firm, the effect of market pressures on fees, the effect of regulatory changes, and the need to change the presentation of the firm to clients and visitors.

These trends manifest themselves in planning strategies relative to confer-



### Preliminary Design Program

Personnel	QT	Sq.Ft.	Ext.	Sq.Mt.	Ext.	10 Yr \$\$
Partners	24	225	5400	21.4	514.3	\$1,350,000
Associates	24	150	3600	14.3	342.9	\$ 900,000
Legal Assistants	6	100	600	9.5	57.1	\$ 150,000
Secretaries	20	75	1500	7.1	142.9	\$ 375,000
Support Service Staff	QT	Sq.Ft.	Ext.	Sq.Mt.	Ext.	10 Yr \$\$
Administrators	2	120	240	11.4	22.9	\$ 60,000
Clerical	12	45	540	4.3	51.4	\$ 135,000
Professional Support		Sq.Ft.	Ext.	Sq.Mtrs	Ext.	
Library	1	1400	1400	133.3	133.3	\$ 350,000
Word Proc./Bus. Office	1	400	400	38.1	38.1	\$ 100,000
Distributed Filing	48	21	1008	2.0	96.0	\$ 252,000
Central Filing	48	10	480	1.0	45.7	\$ 120,000
Work Rooms	5	180	900	17.1	85.7	\$ 225,000
Conference Rooms	6	250	1500	23.8	142.9	\$ 375,000
Large Conf. Room	1	450	450	42.9	42.9	\$ 112,500
Reception	1	500	500	47.6	47.6	\$ 125,000
Copy/Supply	4	100	400	9.5	38.1	\$ 100,000
Mail/Service Cntr.	1	450	450	42.9	42.9	\$ 112,500
		<b>11880</b>				
<b>TOTAL NET AREA</b>		<b>19,368</b>		<b>713</b>		<b>\$4,842,000</b>
<b>Circulation and Services</b>		<b>8,716</b>		<b>321</b>		<b>\$2,178,900</b>
<b>TOTAL GROSS AREA</b>		<b>28,084</b>		<b>1,034</b>		<b>\$7,020,900</b>
<b>Area per Attorney</b>		<b>585</b>		<b>22</b>		

ence centers, libraries, technology hubs, and even private office design.

## Programming

The space program is, on the most basic level, the list of spaces required by the law firm. This "list" usually takes the form of a spreadsheet, and includes the quantity and size of offices, the conference rooms, the support spaces, and a grossing factor that estimates the amount of corridors required. This same spreadsheet should provide an estimate of total usable space required, which will be a critical first step in assessing real estate options.

While frequently represented as being the program, this spreadsheet is about as useful as the list of ingredients at the beginning of a complex recipe. Without the additional process and performance information, the plan will not function effectively. Corridors, for example, shape our experience and the basic functionality of the firm. The space the corridors occupy is a critical "active ingredient" to the experience of the space. In the space program, however, corridors are represented by a simple multiplier, generally referred to as the grossing factor.

A more appropriate "program" will include the behavioral requirements of the space, that it be expandable, that it encourage certain interactions and discourage others, and that lawyers should travel no more than 30 feet to a secretary, a hundred feet to a copier.

The significance of the program, however, remains that it is the pre-design-phase, quantified identification of space requirements. It is, in effect, the space budget. Space and space resources will be allocated according to this program for the duration of the lease. To determine the cost of a space, multiply its size by the net present value of a square foot of rent payments. The careful review of this document becomes particularly important to the process, in that the program defines the staff ratios, conference room mix, filing strategy and library capacities of the future firm.

## The Bottom Line: Rentable Square Feet per Attorney

If programming is to be compared with budgeting, then the process should begin with a target bottom line: a goal for the total rentable square feet (RSF) required. This becomes the most controllable variable in the occupancy cost equation. It is also the easiest one to

benchmark in terms of rentable square feet per attorney, a benchmark derived from the total attorney capacity.

Like any benchmark index, the use of this index is more for self-evaluation than goal setting. Ultimately the goal is to find the correct floor area for the firm, and to then be certain that the resulting occupancy costs are supportable. As simple as the index is, several factors can influence it dramatically:

1. Proportion of non-lawyer professionals.
2. Proportion of home office administrative functions.
3. Extent of large case areas supported by fewer lawyers.
4. Size of lawyer offices.
5. Efficiency of administrative support teams.

In terms of general planning, it is our experience that no single strategy (universal office size) will reduce the total floor area significantly. Reduction in proportional support staffing and support areas is typically the first strategy, but clearly the payroll savings of this strategy far exceed the space rent reductions. In our experience, the firms with a low RSF/attorney ratio have gained this primarily on the inside of the suite, through reduced support staff and support areas.

The "right" target for a firm might be determined by the following matrix:

### Test Fits

Most searches for real estate involve the test fit. The test fit yields a plan that demonstrates how effectively the site or building accommodates the firm's identified needs. Alternative buildings will have different floor plate sizes, different views, differing glass-to-floor ratios, etc. This is also an opportunity to validate the program and experiment with alternative plan concepts: universal office sizes, litigation suites, etc. The ultimate purpose of the test fit is to confirm the potential of the building geometry to accommodate the firm's needs, and to assist the firm in negotiations.

Test fits are frequently prepared at the expense of the landlord. In 2004 in our community the going rate remains \$.15 per sq. ft. At that rate the fit is prepared by the design firm very quickly and with minimum opportunity for client feedback. The test fit should not be accepted as a final plan. The test fit plan, if adopted, will determine the firm's lease of space for ten to twenty years. The plan is the most important contribution a design firm makes to the success of the practice, and the team should be encouraged—and paid—to develop it as necessary.

On several occasions we have been invited in after the test fit is accomplished because the firm believed that more could be achieved than was demonstrated in the plan. In these cases the planners had simply recorded the existing space requirements and fitted

<i>RSF/Attorney Characteristics</i>	<i>Type of Firm</i>	<i>Physical Characteristics</i>	<i>Practice</i>
450-550	Branch offices	Small floor plates	High attorney/support staff ratio Managed or remote filing
	Defense firms	Smaller offices	
550-650	Typical of "efficient" practices	Mid-sized floor plates	Efficiently managed
650-750	Typical of multi-specialty general practice firms, home office locations, etc.	Frequently with larger litigation support areas, conference areas, etc.	Often include growing IT functions and business incubators
Over 750	Specialty firms with low attorney/support ratios. Smaller boutique firms (under 15 attorneys)	High proportion of support space or staff per billing attorney	



them into an alternative floor plan. The process doesn't feel right because clients intuitively recognize the potential of a relocation for "re-inventing" their firm.

### Design Phase

The design phase begins with plan validation. Ideas and concepts from other test fits are introduced as appropriate. Options are explored reflecting alternative filing and clerical distribution strategies. Early on, our process becomes obsessive about lawyer office dimensions, secretarial stations and the neighborhood plans described elsewhere in this publication. The plan decisions made during this phase have the potential to transform the firm, or preserve existing culture and work patterns. More discussion of image and design follows in the "Image and Culture" chapter.

The design phase continues with the development of interior image, including materials, lighting and architectural features. Functional requirements are accommodated for everything from kitchen equipment to initial audio-visual programming. Documentation of all design requirements and features is included in the design development drawings. These can be used for initial pricing and for detailed client review.

Following sign-off of the design development documents, the architects prepare the construction documents. These are the plans and specifications providing detailed information required for the construction of the suite. We recommend detailed review and sign-off of the construction documents by the tenant. These will become the basis of the tenant's agreement with the contractor and landlord.

Frequently the mechanical, electrical, plumbing and fire protection sub-contractors will prepare the engineered documents for the building systems. In most tenant fit-out cases, the systems are pre-engineered and are simply being reconfigured for the specific tenant's needs. The renovation of an older building or the construction of a new facility might require more complete engineering.

### Construction Phase

The construction of the suite is the most traumatic part of the process, where the seemingly small decisions can suddenly loom large. Offices get framed and appear much too small until

they are furnished. Finishes are applied which were approved with a four-inch sample. This is particularly difficult when attorneys have ready access to the space. The trauma continues until move-in day, when it all makes sense again, and the big problems become small again.

During this phase a member of the team should participate in construction meetings. The architect should also continue to monitor the process. Normal architectural services continue until construction is completed.

### Integrated Services

The process involves other integrated services. To the fullest extent possible, these should be procured through the same design firm to keep management and accountability centralized.

The most critical of these is furniture planning. If what matters most is what we touch, then furniture is indeed important. In the end the furniture should complement the office design in style, finish and color. Furniture should represent a good long-term investment for the firm.

Other services to be planned and budgeted at this time include voice/data cable distribution, which can be contracted with the electrical work, phone installation, and audio-visual installation.

The more aesthetic needs are met by graphic designers who design signage and revise the firm's nameplate identity, or brand, as required. Artwork and plant specialists assist the firm in sourcing and maintaining art and plant collections.

### Glossary

**Churn** - The term used to describe internal relocations. A twenty percent churn rate suggests that twenty percent of the staff are moved in a given year. Churn costs are the total planning, moving and technology costs related to a move.

**Greenfield Planning** - The development of ideal plans freed from all existing constraints, a concept that allows all participants to visualize what is possible and, more significantly, understand the extent to which existing plans are compromising the firm's interests.

Greenfield Planning occurs quite naturally in the context of relocation to "white box" space. This is the real advantage of having test fits prepared by

a qualified law firm planner. It comes far less naturally to remodeling exercises where debate about preserving existing partitions and decorative features confuses the clarity of vision.

**Integrated Planning** - The incorporation of multiple viewpoints into the office planning process. Most significantly, integrated planning depends on collaboration between designers, technology leaders, and managers. It is this team that can conceive of the new ways that the job will be done in the future, and understand the recruitment, training, equipment and facility requirements to support those future work requirements. The process works when all parties are stretching each other to think into the future and re-invent the culture and operations of the practice.

**Planning Pattern** - The planning pattern is the repeatable element of the plan reflecting the distribution of lawyers, paralegals, and secretaries around the office floors. The plan is typically standardized to reflect normal staff ratios, and to allow for the greatest flexibility in the relocation and expansion of practice groups. The planning pattern will typically account for up to seventy percent of the leased floor area, and requires the most careful analysis and design development.

**Planning Agenda** - A sequence of presentations, deliberations, and decision benchmarks prescheduled to allow all participants to anticipate the sequence of issues to be raised during the planning process. The word "Agenda" applies not just to a single meeting, but to a series of events over several weeks or months.

**Practice Groups** - This term refers to the specialty practice groups composed of lawyers, paralegals, secretaries, and associated resources. Whereas all litigators might be in a department, there will frequently be practice groups that specialize in medical malpractice, personal injury, etc.

**Rentable Square Feet** - Standard Building Owners and Managers Association (BOMA) term for measurement of floor space that is being reflected in the lease. Frequently higher than the usable floor area because it accommodates the shared portion of floors and building lobbies.

**The Universal Plan** - A plan with a

single office size. The strategy is adopted to both increase flexibility and reduce the hierarchical trappings of stepped office size regardless of position in the firm. We do not believe that this strategy is as effective in reducing overall space requirements, unless the universal office size is 160 sq. ft. or less.

**The "Neighborhood" Concept** - A term coined by Christner to describe the "firm within the firm," typically applied to practice groups clustered around a practice leader. The neighborhood accommodates almost all staff, equipment, records and space resources required for the practice, and encourages collaboration and knowledge sharing between lawyers.

**Usable Square Feet** - Standard BOMA term for measurement of floor space, describing the space that is "used" by the tenant. BOMA standards leave some room for interpretation; plan-based measurements can differ from field-measured calculations.

**White Box** - Prior to building out a space to accommodate a tenant, the space is frequently referred to as a "white box," meaning that all ceilings, mechanical and fire suppression systems, lighting and typically window treatments are in place, ready for the tenant build-out. Second and third generation space might often be returned to "white box" condition to help make it attractive to new tenants.

Dan Jay's expertise in planning and designing law firms has been acquired over the past 20 years, in working with firms of all sizes and legal specialties. He is a principal of Christner Inc., a St. Louis, Missouri-based architecture, design and planning firm. He holds Master of Architecture and Master of Business Administration degrees from Washington University in Saint Louis. He can be reached at [dan.jay@christnerinc.com](mailto:dan.jay@christnerinc.com)

This is Part 1 of a three-part article designed to help attorneys in planning and designing their law firms.

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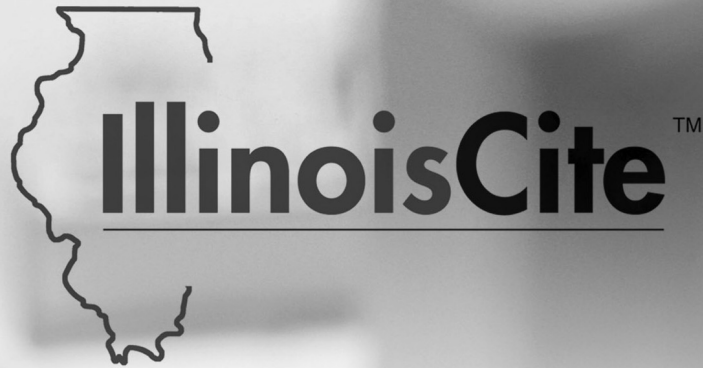
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