



Week of **May 25, 2010**

## Are You Frozen With Inertia?

Lawyers today often confess to being unhappy and burned out. A major source of stress for such lawyers is a sense that their practice seems to be spinning out of control. They can't decide which practice areas to focus on, how to focus on them, and whether - if they are even able to decide on a practice focus - the area they choose will provide enough income to support family and practice. Lawyers facing such an impasse should pause and physically take a deep breath. For anyone feeling stressed out, the ultimate problem is inertia that keeps us from taking the necessary actions and decisions - and sometimes we become so inert that we do nothing at all.

Taking the time to think things through is the equivalent of a deep breath that restores perspective. Technology often conspires with traditional attitudes to make lawyers think they always know what needs to be done, and that they can do it themselves if they just work hard enough and fast enough. That's asking far too much of anyone, and trying to do such a big task all at once often produces self-defeating paralysis. A thousand-mile journey is nothing more than a series of steps; take them one at a time.

If you find yourself stressed about your practice, the first step to take is strategizing what you need to do. Start at the 40,000-foot level and do brainstorming with a paper notepad or a computerized one - whatever you're comfortable with. Let's say you want to prioritize the time you spend on certain parts of your practice but don't know where to begin. Start by listing all the types of matters you help clients with. Sort them by what you enjoy doing most, or by which has the best clients to work with, or by which offers the steadiest work. Don't worry about where you'll end up with this process. By thinking through what you do piece by piece, you will be less overwhelmed by the totality of it. Then you'll be able to take concrete steps: go back to old files in the practice areas you've identified, dust off old contacts and get



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Step number two is to understand your financial position. Actually look at how much money you have coming in today compared to six months ago or a year ago. Make a list of which clients you can reasonably expect to pay you in the next four weeks, or the next eight weeks. Make another list of where your money is going - for rent, salaries, equipment, and so on. What you'll end up with is a documented cash flow analysis. If there's cause for concern, your analysis will show it. If not, it gives you a tool to keep on top of things.

The beauty of such an approach is that it involves concrete, definite actions. Taking things one step at a time keeps you from fretting and falling into a funk. The best cure for stress over not doing anything is to do *something*. You can't get the reward if you don't make the effort.

## Personal Commentary

Loyola Law School was the site of an outstanding practice management symposium sponsored by LexisNexis and I had the pleasure of being the keynote presenter. Ron Berman, managing partner of Berman, Berman & Berman, a 20+ attorney insurance defense firm and Chris Melcher, partner in Walzer & Melcher, a noted family law firm, were speakers as well. They talked about the challenges of starting and running a small law firm. Loretta Ruppert, Sr. Dir. - Community Practice Management, LexisNexis, moderated a technology panel that also included Carl Altomare, Jr. CEO & Founder of RightApp, an independent technology consultant for Lexis.

Ron Berman discussed a metaphor that I think is both brilliant and unique: Look at a lawsuit as though you're purchasing a product. The plaintiff is the seller and the defendant is the buyer. The objective is to determine the



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price of the product. In the legal environment, the parties are seeking to reach a purchase price that both can accept. Not talking about a "lawsuit" helps keep the emotion out of the conflict and allows the parties to reach agreement.

Best wishes,

Ed Poll

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*FOUNDER, RESOLUTIONWORKS*

*AUTHOR, GETTING TO RESOLUTION;*

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