NOT JUST AN ATTORNEY: 
THE THREE ROLES OF A SMALL 
FIRM PRACTITIONER

“‘It was a dark and stormy night. Suddenly, a shot rang out! A door slammed. The maid screamed.

‘Suddenly, a pirate ship appeared on the horizon!’

‘While millions of people were starving, the king lived in luxury. Meanwhile, on a small farm in Kansas, a boy was growing up’” — to be a solo practitioner.

Author – Snoopy (with help from Ann Guinn)

Ah, that nurturing mothers and wisdom-sharing fathers across the country were growing their children to be not just attorneys, but solo or small firm practitioners to boot. The sad truth of the matter is that nobody helps grow solo and small firm practitioners—not parents, not public school, not law school; yet, well over half the attorneys in the U.S. practice in a solo or small firm, and most of these attorneys are managing the business, as well.

When asked, few attorneys will say that they entered law school with the idea of one day running their own small practice; however, life happens, and now they find themselves trying to practice law and manage a business at the same time. Rather, they may have envisioned themselves defending the freedoms guaranteed in the U.S. Constitution, but not struggling to calculate overtime pay for staff. They may be committed to insuring that our legal system works, but not so interested in developing marketing strategies to attract new business. They may spend hours on pro bono work to help provide access to justice for all—and even more hours trying to analyze the firm’s financial statements to spot ways to
reduce overhead expenses. They may be comfortable arguing a case in court, but way out
of their element coaching an employee.

The fact is that solo and small firm attorneys are frequently handling business-related
tasks for which they have had little or no training. Funny, isn’t it, that arguing a case with
no legal training is a violation of the law, but running a law firm with no business training
isn’t. In either situation, you can easily harm your clients.

As a practice management consultant to solo and small firms, I believe that the practice
of law is a business and a profession—and small firm practitioners are, first, business
managers, and second, attorneys. The business provides the framework and support
necessary to enable the attorney to practice law. Through good financial management,
the business makes sure the attorney gets paid. Through the implementation of various
marketing strategies, the business brings in new clients for the attorney to serve. Through
a steadfast focus on the needs of the client, the business insures that clients are well served
and satisfied. By providing the practitioner with trained staff, and technological aids in the
form of practice-specific software, PDAs, on-line research, and much more, the business
helps the attorney be as productive and efficient as possible.

Let’s look at how the small firm practitioner makes this happen.

The three roles of a small firm practitioner.

To be successful, you must understand and fulfill various roles in your business.
Michael Gerber did a great job of identifying the three roles of a small business owner in
his best-selling book, The E-Myth Revisited: Why Most Small Businesses Don’t Work and
What To Do About It.

The problem is that everybody who goes into business is actually three-people-
in-one. The Entrepreneur. The Manager. The Technician. And the problem is
compounded by the fact that while each of these personalities wants to be the boss,
none of them wants to have a boss. So, they start a business together in order to get
rid of the boss. And the conflict begins.

Let’s consider what these three roles look like in a law firm:

1. The entrepreneur—The person with the dream, the vision of what the practice can
become. You set the course for the firm to follow. If you don’t have a definite plan, the firm
will be forced to find its own way—and, as I am fond of saying, “If you don’t know where
you’re going, you’ll probably end up somewhere else.” Circumstances, trends, clients,
economics, etc., will shape a business without a vision and a plan. No vision, no goal, no
plan—no recipe for success.
I frequently ask attorneys to describe where they see their firms in two years, five years, and 10 years from now. In 18 years of asking, I can count on one hand the number of attorneys who had given much thought at all to the future of the firm, other than that it will still be in existence. I remember vividly the day I asked a 60-something-year-old attorney where she planned to be in five years. She looked completely stunned and then blurted out, “I just assumed I would be dead.” I guess that’s a plan, too, but it wouldn’t be my first choice!

Entrepreneurs aren’t locked into tradition—they dream of what might be. They live in the future, think outside the box, take calculated risks, are willing to make mistakes, and see opportunity all around them.

Take a moment to test your visionary skills:

• If your firm could be anything you want it to be, what would that look like?
• What’s the craziest idea you’ve ever had for your practice?
• Did you give it a try?
• How did it work out?
• If you didn’t try it, what held you back?
• What do you want to be known for?
• What do you need to do to make that happen?
• Describe the best business model you can come up with for a law firm.
• Is that your current business model?
• How can you adopt that model in your own practice?

When considering what might be possible, be aware of what other law firms are doing, but spend more time looking at what other industries are doing. When you copy another law firm’s business model, you are not being innovative, and you won’t have the competitive edge. Unless you can improve upon their ideas in some meaningful way, you’ll always be Avis to their Hertz.

Okay, “How can I get these brilliant new ideas?” you ask. Well, to get new ideas, you have to take in new information from new sources and new experiences.

• Spend time thinking about your business and its future. Where are you now, where do you want to go, and how will you get there? Go on an annual retreat. Spend a couple of days by yourself away from distractions (that means Las Vegas is out, a quiet resort in off season is in). All you need is a yellow legal pad and a pen.
• Do something you wouldn’t ordinarily do, try something you wouldn’t ordinarily try. Rent a movie you’ve never heard of, try ordering a new dish at your favorite restaurant, read a book on a topic that is of no interest to you (I borrowed a book
from the library on the history of undergarments—I’d like to tell you that it was uplifting, but it was just plain boring!). Take a new route to work or to another regular destination, read a business magazine, or buy fresh flowers for your desk. You get the picture—shake things up a little. Each new experience will give you new information.

- Watch trends and demographics in your geographic area for new opportunities.
- Check out other service industries. What value-added services does your hairstylist offer? How does your mechanic charge for services? How does your CPA maintain communication with you throughout the year? How do you feel when you’re speaking with your doctor? How does your financial advisor market her services? Other service professionals can be a great source of new ideas.
- Refuse to let the “what ifs” or “buts” argue you out of new ideas.
- If you have negative people in your life, don’t share your new ideas with them until you’ve put them into action. Well-meaning, but fearful, friends and family members can quash even the most exciting ideas, and you don’t need that.

**Envision your dream firm and then stand back and let the Manager in you make it happen.**

2. **The manager**—The person responsible for the day-to-day operations of the firm. The manager keeps the business solvent, staffed, on track, productive, and efficient. Small firms don’t have the layered infrastructure found in larger firms; they don’t typically have a CFO, marketing director, human resources manager or firm administrator to assume the myriad responsibilities of the manager. In a small firm, the manager typically handles tasks ranging from marketing to coaching employees to analyzing financial statements to collections calls on past-due accounts, and everything in between. As if this weren’t enough, the manager must also implement the plan that will help the firm fulfill the vision of the entrepreneur. Sounds like a full-time job, doesn’t it? However, in a small firm, the manager is usually a practicing attorney, as well.

It is the role of manager for which most attorneys are ill prepared. Law schools tend not to offer courses on law practice management, and not many post-law school continuing education programs deal with the business side of the practice of law either. That leaves solo and small firm practitioners on their own to figure out how to run a business. Thankfully, there are a great many excellent books dealing with various aspects of business management available through the American Bar Association and your local bookstore. [NOTE: A suggested reading list is included in this book.] In addition, the American Bar Association and a number of state bar associations now sponsor solo/small firm conferences each year. Lucky attorneys find mentors to teach them what they need to know, both about the practice of law and about running a law firm.
3. The technician—The person who actually performs the work (the attorney, in a law firm). This is what you trained to do, where your passion lies, where you are most comfortable. For the most part, attorneys just want to practice law. That’s what they studied for and that’s where their skills lie. I think most attorneys would be happiest if they could just concentrate on the legal work all day long and never give a second thought to a timesheet, a past-due account, or a networking opportunity.

Which of these roles is your favorite? How do you feel about the other two? How much time do you spend in a month in each role? What can you do to get better at handling each of these roles?

I have often noticed a distinct disconnect between the technician and the manager. When I ask a solo practitioner about a current case, the technician becomes quite animated describing the circumstances of the matter and the strategies that will help the client. Let me ask about last year’s profit and loss statement, and the technician’s brow furrows, a frown appears, and the attorney’s whole physical demeanor can change. It’s obvious to me which role is most comfortable for the attorney—and, it’s usually not that of the manager.

Technicians/attorneys tend to be reactive managers—they often address management issues only when they can no longer be ignored. Unfortunately, reactive management is all about putting out fires, and not about planning for success. Proactive managers develop strategies, have a game plan, anticipate problems and head them off, bring out the best in their employees, and guide the firm. Reactive managers follow behind as external forces, rather than internal strategies, shape the firm.

Proactive managers take charge of the future. Reactive managers are victims of the future.

Would you describe yourself as a proactive or reactive manager? How’s that working for you? What could you do better?

Recognizing the three roles that you fill in your small practice is the first step. Learning and accepting the responsibilities of each is the next. Even if you choose to delegate certain of your duties to others, you are ultimately responsible for the well-being and success of your firm. Give every role the time and attention it requires.

Envision your firm’s future, plan for its success, and build a business that allows you to practice law in an environment that is supportive and satisfying for you. It’s certainly within your reach if you’ll attend to the three roles of a solo or small firm practitioner.

Tip: If you think just being a good attorney assures success—think again!