

Building Cross-Competency in Law Firms

A New Approach to the Professional Development of Law Firm Associates

A Walker Clark Green Paper

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Many law firms invest considerable time, effort, and resources in cross-training younger lawyers to work in more than one practice area. Cross-training is a worthwhile investment, but often a very costly one. This Green Paper outlines a new approach to cross-training, which achieves well-defined, measurable results without the negative business impact that most law firms experience.

Overview of cross-competency development

"We know that we should cross-train our younger lawyers to work in a variety of practice specialties, but it's bad for our business." As we help law firms to improve lawyer performance, we frequently hear this observation.

Traditional cross-training is time-consuming and costly. It requires an investment of time and attention, on the part of trainer and trainee alike, to acquire specialized knowledge that may be used only infrequently during the lawyer's career with the firm. The firm also often loses current revenue, because it cannot always charge the cross-trainee's full hourly rate for work performed outside his or her specialty.

Law firms can avoid this unattractive return on investment by focusing on the development of competencies in another practice specialty, rather than just spending time working in it. This Green Paper outlines a new approach, which produces well-rounded lawyers who not only know more about other practice specialties, but can also use that knowledge to produce clearly measurable business results.

In this Green Paper, we use the phrase *cross-competency development* to describe this process. We prefer the phrase *cross-competency development*, rather than *cross-training*, in order to focus the measurable results that the firm should achieve from this process.

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Cross-competency development should pursue these goals:

- **Provide associates with a practical awareness and understanding** of the competencies required for successful performance as a lawyer in another department or practice group. We do not expect a tax lawyer, for example, to become knowledgeable in litigation. However, she should be able to describe the special competencies required in litigation, to spot potentially critical litigation issues arising in her tax practice, and to refer her clients to the appropriate resources in the firm's litigation group. Surprisingly, most lawyers in most law firms would be unable to do this.
- **Communicate a practice group's competencies through group seminars and closer professional relationships between individual lawyers.** We do not recommend that a trademarks lawyer, for example, work in the banking group for six months. The actual benefit that the individual lawyer and the firm gain from the experience of actually working for a short period of time in another practice group is marginal. The costs to the firm, in terms of lost productivity and the possibility of reduced billing rates for the lawyer who is cross-training, usually outweigh the benefits.
- **Integrate cross-competency development with the firm-wide initiative to define and document the competencies** required for lawyers to advance in the firm. Most lawyers in most law firms have no idea what skills and knowledge they need to be successful.
- **Develop cross-competency in an overall context of improved communications and better service** to clients and to the legal markets in which the firm competes. In other words, a cross-competent lawyer will be able to demonstrate that if a client has a problem that is outside his or her expertise, the client will be referred efficiently to another lawyer in the firm. This is critically important in the development of new business from existing clients; but most lawyers in most law firms are unable to do this.

Competencies and cross-training

Law firms need practical, realistic goals for cross-training of their lawyers. In our experience, it is unrealistic to expect most lawyers to develop more than the most fundamental levels of specialized skills and technical knowledge through temporary reassignment. On the other hand, it is very important that every lawyer know and understand the fundamental characteristics of the practice of each group and department in the firm.

This knowledge is a critical first step toward effective cross-marketing. In today's competitive law firm, all partners must be business developers, each in his or her own way. Cross-marketing is probably the most powerful business development tool that every partner has. One does not have to be a rainmaker to make rain through cross-selling the firm's other legal products and services to existing clients.

The substantive goal of cross-training should be to develop cross-competency, not just to gain experience working in another practice area. General on-the-job training is a notoriously inefficient way to teach specific professional competencies. Success becomes more a matter of opportunity and luck than the result of a carefully thought-out program to acquire specific skills and knowledge that a competent lawyer needs. This is little more successful than sitting for prolonged periods in a garage in hopes of becoming an automobile.

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Cross-training, therefore, is more than spending time and doing work as it comes. Instead it should be relentlessly focused on producing an awareness and understanding of the basic competencies of practice in the other practice group or department.

Competencies in legal practice can be organized into three general categories:

- **Legal skills:** *What are the legal skills -- such as legal research, factual analysis, legal writing, or advocacy – that are required to deliver legal services in this practice area at a level that meets client needs and expectations, and that is consistent with standards of professional responsibility?*
- **Technical knowledge:** *What specialized legal, commercial, or industry-specific knowledge is required in this practice area?*
- **Practice management:** *What procedures, methods, or techniques are required to manage legal practice in this area in a way that meets client needs and expectations, supports profitability, or supports the firm's competitive position in the market?*

Group and individual cross-competency programs

The first – and most differentiating – feature of our approach is that we do not recommend that a law firm attempt to cross-train lawyers by reassigning them to work in other groups or departments. All of the benefits, both to the individual lawyer and to the firm, can be achieved through a combination of group and individual cross-competency initiatives.

- *Group cross-competency programs: Internal seminars*

One of the desired outcomes of cross-competency is improved communications. Every lawyer in the firm – not just those who are being cross-trained – benefits by learning more about issues that their partners and colleagues confront in their everyday practices. These can range from the impact of new legislation on the work of a practice group to the practical problems of finding and keeping new clients in a price-sensitive practice area.

- *Individual cross-competency: Shadows and Guides*

The best way to learn about another lawyer's practice is to work alongside that lawyer. The economics of law firm practice, however, make this approach an impractical model for building cross-competency. Therefore, the lawyer who is being cross-trained should remain in his or her regular practice group or department. However, he or she is assigned to a close professional relationship with a lawyer in the other practice group.

This program is known as shadowing because the lawyer who is being cross-trained acts like the shadow of his or her counterpart in the other group. The lawyer who is being cross-trained is known as the Shadow. The lawyer in the other group is known as the Guide.

The Guide is usually a lawyer with roughly the same professional experience and length of service in the firm as his or her Shadow. The shadowing relationship should be monitored by the partners who normally supervise the two lawyers; but the day-to-day responsibility for communicating and building competency in the Shadow rests with the Guide.

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The shadowing relationship should continue for a minimum of six months; although sometimes the two lawyers may decide to continue it for years. This chart outlines some of the more important responsibilities of the two lawyers.

Guide	Shadow
Develop an informal “shadowing plan” outlining the general nature of the work that the Shadow will learn, as well as the specific competencies that are of the greatest interest to the Shadow. What are some of the matters that the Shadow will observe? What are some of the issues that are specific to the practice area, in which the Shadow will become involved?	
Meet at least once every week , for at least an hour, to discuss the Guide’s practice.	
Discuss in depth, and answer questions about, special legal skills, technical knowledge, or practice management methods in the Guide’s practice area.	Ask questions and learn.
Provide opportunities for the Shadow to contribute billable work, if possible.	Perform billable work on the Guide’s cases or matters, if the Shadow’s regular work load and fee rates permit.
Provide opportunities for the Shadow to review matter files, pleadings, memoranda, or other work product by the Guide.	Review matter files, pleadings, memoranda, or other work product by the Guide, and ask questions.
If possible, introduce the Shadow to clients being served by the Guide.	When possible, learn firsthand about the needs and expectations of the clients and their businesses.
Provide ongoing feedback on the Shadow’s awareness and understanding of competencies in the Guide’s practice area.	Request and receive ongoing feedback on the Shadow’s awareness and understanding of competencies in the Guide’s practice area.

The partner in charge of the Guide’s practice area will be responsible for certifying, at the end of the formal shadowing relationship – usually six months – that the Shadow has a reasonably satisfactory awareness and understanding of the competencies of the Guide’s practice area. We therefore recommend that the certifying partner meet at least monthly with the Shadow and the Guide to discuss the progress of the relationship and to provide whatever assistance or guidance is needed.

Awareness and understanding of the other group’s competencies

Cross-competency will not usually produce a lawyer who is “just as good” as one who practices everyday in the cross-trained specialty. That is not the purpose of a cross-competency program. Instead, it should be aimed at developing awareness and understanding of competencies outside one’s own practice area. The end result should be a certification, by the partner in charge of a practice area or group, that the cross-training associate possesses a satisfactory level of awareness and understanding of the legal skills, technical knowledge, and practice management competencies of that group.

How do we measure “satisfactory level of awareness and understanding?” Here are three practical metrics, each of which produces measurable business results:

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- **The ability of the lawyer to identify in his regular practice issues that are relevant to the other group's practice.** For example, a securities lawyer would be able to spot issues in one of his matters that could complicate the client's legal position should the matter result in litigation. This can be measured by the extent to which the lawyer consults with fee earners in other practice groups or areas of legal specialization.
- **The ability of the lawyer to refer clients accurately and efficiently to another lawyer in the other practice group.** For example, if a general corporate lawyer spots an issue with potential insolvency implications, he is able to refer the client to the lawyer in the firm's insolvency practice who is best able to serve the client. Successful law firms track this type of cross-referral activity.
- **The ability of the lawyer to perform basic legal functions in the other practice area, under reasonable levels of supervision, should the need arise.** We do not recommend that successful cross-competency should mean that a tax lawyer should be viewed as a "backup litigator." However, this is one possible test for "satisfactory level of awareness and understanding," and also a possible benefit to the firm should the need arise.

Poking holes in silo walls

Lawyers form law firms to offer a more comprehensive range of services to their clients and to obtain financial results that they cannot achieve alone. Yet far too many law firms – including quite large ones – still practice as confederations of solo practitioners. Such law firms are unlikely to produce the three results described above when each lawyer practices only within his or her specialization silo. Cross-competency, such as has been described in this article, poke holes through the silo walls and allow multidisciplinary teams of lawyers to create the synergy that law firms were meant to achieve.



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