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## Living the changes since 1978

By Mark Ballard

SPECIAL TO THE NATIONAL LAW JOURNAL

SOMETIME WHILE checking a brief from a cafe in Tuscany, it dawned on G. William Jarman just how far the legal profession had progressed during the past quarter-century.

Fresh out of law school in 1973, he became the ninth lawyer in an all-white male, politically connected firm in a sleepy Southern town. Every document was on paper, and everything stopped when his secretary made corrections on the carbons.

Now he shares a secretary with two others in a 105-lawyer firm and types his own briefs on computer. He carries a pocket computer and a cellphone so that he can work from wherever he happens to be, including on vacation.

Since his first job, Jarman has lived the dramatic changes in the legal profession. During the past 25 years, the legal profession has seen leaps in technology that has had an impact on everything from research to trial preparation; widespread advertising and marketing that had been unthinkable previously; firm consolidation and growth; and the aggressive hiring of women and minorities, who had been largely excluded before.

"The awareness among lawyers that they need to run their firms like a business has caused every single change we have seen in the last quarter-century," said Burkey Belser, a principal in Greenfield/Belser in Washington, the widely acknowledged "father of law firm advertising."

Not just megafirms in New York and Los

*G. William Jarman at  
Kean Miller's office in  
Baton Rouge, La.*



Angeles have embraced the change, but smaller ones like Jarman's Kean Miller Hawthorne D'Armond McCowan & Jarman, in Baton Rouge, La., the nation's 86th-largest city.

"We've seen a whole wave of midsized and small firms organizing under business models," said Richard S. Levick of the legal business development company Levick Strategic Communications in Washington. "It is just part of what all law firms have to do today to remain competitive."

### Starting out in seventies

Jarman went to law school at Louisiana State University largely because it allowed him a three-year deferment from the Vietnam war. In 1978, he joined Sanders, Miller, Downing & Kean to handle 44 condemnation suits for a pipeline.

About 75% of the revenues of the old Baton Rouge firm, whose partners included a former governor, came from real estate transactions. Multinational petrochemical corporations had

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hired the small firm to handle acquisitions of property along the Mississippi River on which they built manufacturing plants.

When the federal government began taking an interest in environmental issues, Jarman said the partner he worked for tossed him the book. "He told me to find out what this statute means and how it'll affect our clients," he said.

It turned out that the government began demanding permits, limiting emissions, controlling waste disposal and demanding all manner of changes in their clientele's operations. The industrial practice grew.

The older partners were reluctant to endanger their real estate bread and butter by investing and hiring to address the complex issues their industrial clients now demanded, Jarman said. They had built a fairly profitable firm based on personal relationships and saw no need to change.

"We wanted to hire more women, the very best people we could find," to handle the increasing demands, Jarman said. "We felt like if we wanted to evolve we needed to do something different."

In something of a coup d'état, the industrial practice lawyers in 1983 voted to dissolve Sanders Miller, then reconstituted it as Kean Miller with many of the same partners along with some other lawyers, 11 in all. Kean Miller set up under a business model that included a structured compensation system and a business-management orientation.

"We weren't really influenced by any outside person or trend but it was a formula that we felt would answer our needs at the time," Jarman said. "We later became aware and have since been consciously evolving the firm" along corporate lines.

The firm hired more women and minorities, partly because their corporate clientele demanded it. Kean Miller now has 105 lawyers, 58 of whom are partners, including 41 women, 16 of whom are partners. There are two Asian-Americans, both associates; five black lawyers, two of whom are partners; and two Hispanic-Americans, both partners.

Nationally, minorities make up about 8% of the legal profession, about a third of their

portion of the population of the United States, but 500% more than 20 years ago, according to the American Bar Association. So Kean Miller's percentages are just about average.

Kean Miller instituted efficiencies because clients were concerned about costs. It invested in personal computers, partly because its clients transferred documents that way.

The technological revolution has been one of the great leaps forward, not only on trial strategies but also on research, said Robert C.

## 'We have to be much more sophisticated.'

Berring, a professor at the University of California, Berkeley School of Law. The days of scrambling through library stacks are long gone.

"To someone who grew up on search engines and multitasking, a day in the library seems like a day in prison," said Berring, who has taught an advanced legal research course for the past two decades. "Today's students come to law school not using books. They think in terms of Google over WestLaw."

Jarman said he uses technology in the courtroom. As defense counsel in complex environmental litigation, the science can be confusing and intimidating to the jury. Graphics-laden presentations allow defendants to get their side of the story across to jurors, he said.

But trial preparation in the age of technology is expensive. "Our clients want some other way to resolve disputes other than slugging it out in the courtroom," Jarman said.

Jarman said the number of trials has been steadily decreasing as arbitration and mediation have taken its place.

Professor Peter B. Knapp, who teaches at the William Mitchell College of Law in St. Paul, Minn., said trial skills was a basic requirement 25 years ago at his school but the course was de-emphasized about eight years ago.

"The emphasis now is on interviewing,

negotiating, counseling because we found a large number of students were going out into the workplace and not doing advocacy. We have a lot more students who enter their third year...wanting to acquire skills they'd use in arbitration and mediation," Knapp said.

The most extraordinary change has been the acceptance of marketing by law firms, said Levick.

About 12 years ago, firms started assigning secretaries to handle marketing. When that didn't work, they hired a single professional to handle the tasks. In the last five years, law firms have realized the necessity of long-term plans, market research, sophisticated sales events and the targeting of efforts at particular clients. Firms then began to hire professionals to staff full marketing departments.

Most recently, firms have been marketing specific practice areas or creating "brands" through which to sell their services, he said. Much as a consumer buys Ivory soap, not Procter & Gamble soap, the firms began identifying themselves by special practice areas.

Around 1998, "lawyers started to get it," said Belser, the advertising consultant. "The firms had reached a size and sophistication where they realized that marketing plays the key role in business generation."

Jarman said Kean Miller is in the midst of developing its marketing strategy. Though initially reluctant to advertise and uncomfortable with selling, the partners now acknowledge marketing as a key component of a business model.

"The law once was a business where you were a professional counselor. But over the years it has evolved to a hybrid, a services industry with business concerns. We have to be much more sophisticated than we once were," Jarman said. "I don't see that as a bad thing." **NLJ**

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