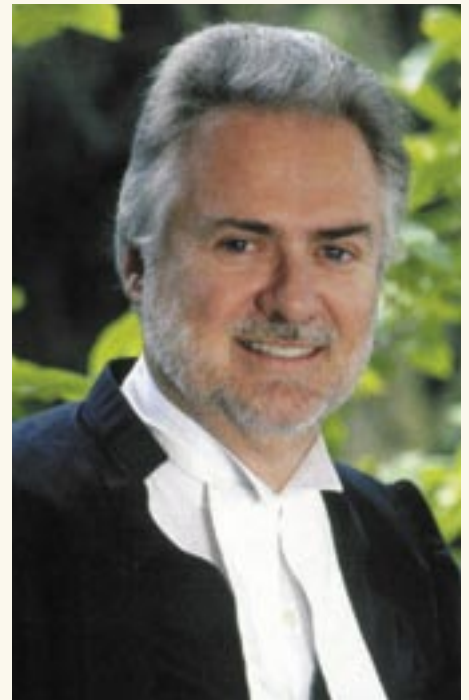




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Practising *in a Niche* Is Best

Introduction

Studies have shown the following.

- 20 percent of practising lawyers love their work and 20 percent of lawyers strongly like their clients.
- 60 percent of lawyers are found to think that their practice is “all right” in the sense that it is *work* and 60 percent have the same ambivalence about their clients.
- 20 percent of lawyers literally hate their work and 20 percent of lawyers hate their clients.

For approximately half the 31 years I have practised, I was a 60/60 lawyer—it was all just “OK.”

Since developing a niche practice in estate litigation, I am, generally speaking, a 20/20+ lawyer, depending upon with whom I have just done battle.

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Problems Facing the Legal Profession

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1. Too many lawyers	There are now over 1,000,000 lawyers in the United States. This is approximately 1 lawyer for every 300 persons. The trend in Canada is not far behind.
2. Job dissatisfaction	Many lawyers, particularly the younger ones, seem to be experiencing increased job dissatisfaction, for a number of reasons. Many firms demand almost ridiculously high expectations for annual billings and seem to be inflexible with office management.
3. Long hours	Nearly all lawyers experience the feeling of working too many hours and being on a treadmill.
4. High stress	It is quite telling that disability insurers have refused to accept lawyers for disability insurance for the last several years in the United States. You can hardly blame them when you consider the number of lawyers that are off work due to stress.
5. Not enough remuneration	Despite the ballyhooed headlines of newly called lawyers starting at US\$100,000 in New York, most lawyers I know feel they are underpaid for the type of services they provide. Lawyers now earn a fraction of what they earned historically.

6. A sense of no control over the practice	With the high pressures to increase billings and work longer hours, more lawyers have a sense of no control over their practice—they often take on files that they either should not or do not want to accept.
7. Non-lawyers doing legal services	This is just another example of the eroding client base that lawyers experience. While on one hand, the areas of law have expanded, the downside is that non-lawyers have made significant erosions into the practice of law. For example, paralegals in Ontario are now allowed to do many areas of law that the lawyers have historically performed.
8. Eroding client loyalty	Lawyers historically thought of their firm as handling clients from one generation to the next. This is simply not the case anymore, as most clients inform themselves through the use of the Internet and seek out experts.
9. Lack of mentoring	Historically there was a lot of mentoring in the legal profession. This has diminished more and more as the pressure to bill and perform increases. Senior lawyers are working hard at their files and often overlook the need to mentor junior lawyers.
10. Lack of fun	The practice of law has increasingly become less fun. There are fewer “characters” than in the past; the profession seems to be dealing with one crisis after another.
11. Lack of peer recognition	There is a great deal of personal satisfaction in achieving recognition from peers. Lawyers are not quick to give out praise. When given, it is usually well deserved and well received.
12. Client sophistication and price shopping	Coupled with eroding client loyalty is the phenomenon of clients searching out lawyers on the Internet, then engaging in competitive shopping to find the best rates and the best fit. Practices such as conveyancing have, in the past 30 years, gone from being the “gravy” to that of a cut-throat loss-leader to meet new clients.

The list is long and depressing. The purpose of this article is to focus on achieving the type of niche practice a general practitioner may wish to attain. By stressing the positive, rather than dwelling

on the negative, the aspiring practitioner can improve his or her practice, income, and lifestyle.

The Advantages of a Niche Practice

1. More profitable	Niche-practice lawyers simply make more money than general practitioners do. This will increasingly be the case as the general population seeks out experts.
2. Less stressful	The niche practitioner can generally pick and choose his or her cases and is not constantly “reinventing the wheel.” By having better and more consistent work, the amount of stress can be minimized.
3. More efficient	Niche practitioners can compete with any size of firm and generally beat them. They are efficient in what they do; this can lead to great price-leveraging and increased profits.
4. More peer respect	If you as a niche practitioner are recognized by your peers as an expert in the area, you will be shown greater peer respect, which can have multifold benefits.
5. More interesting work	It is my experience that the more you practise in one focused area, the more interesting are the files that are referred to you. “Interesting” can sometimes equate with “difficult,” but most practitioners enjoy the study of law and creating new law.
6. Less risk of malpractice	We have all met many lawyers that we felt were practising beyond their capabilities. That is a very dangerous tendency and is increasing, due to the pressures to bill. By focusing on one niche area of practice, it is far less likely that the lawyer will be negligent in his or her practice.

