FOR LAWYERS

BHARATEEYA STRATEGIC INTELLIGENCE

LAWYERS EDITION

The Counsel's Call

You argue every client's case. Who argues against your own decisions?



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The Counsel's Call. Bharateeya Strategic Intelligence, Lawyers Edition
Adapted from *Bharateeya Strategic Intelligence* by Kuruva Venkata RamanaMurthy.
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The Seven Disciplines

One decision, carried through seven stages, in a fixed order.

V1 **Drishti** · *Reality*
What is the Maximum Friction?

↓

V2 **Nischaya** · *Direction*
Which direction removes it?

↓

V3 **Bodha** · *Stakeholders*
Who must align for this to succeed?

↓

V4 **Swadharma** · *Natural Strength*
What unique strength do I build on?

↓

V5 **Margarekha** · *Sequence*
In what sequence should this happen?

↓

V6 **Pramaan** · *Evidence*
What evidence proves this will work?

↓

V7 **Sadhana** · *Build, Fix and Scale*
What do I build, fix and scale?

↺ *Every cycle removes one friction and reveals the next*

Diagnose Design Prove and execute

BEFORE CHAPTER 1

Quick Start

Get One Decision Working in Two Pages

Do not finish this book first. Finish one decision first. What you write here is **provisional** until you complete the full V1 to V7 worksheets. Seven disciplines, fixed order: Drishti, Nischaya, Bodha, Swadharma, Margarekha, Pramaan, Sadhana. Carry one decision through all seven. Illustrative example: *Form a two-partner firm and sign the lease near the High Court only if the deed provides a review and a clear exit at eighteen months, and decline if it does not, by Monday 16 August.* The full model is in Chapter 10, after you learn the disciplines.

Page 1. Choose, name, and aim

1. One real decision this week (a practice, chamber or career decision):

_____

2. What is REALLY happening (one factual line; a number if you have one):

_____

3. Three friction points. Evidence you can point to today:

1. _____ / Evidence: _____
2. _____ / Evidence: _____
3. _____ / Evidence: _____

4. Candidate Maximum Friction (longest cascade is a clue; confirm the upstream cause):

_____

Mechanism (not the gauge alone): _____ **Measured today:** _____

Page 2. Direction through first action

5. Nischaya. Do: _____ Delay (when): _____ Delete (because): _____

6. Bodha. Builder / ask this week: _____ Who loses / what you will say: _____

7. Swadharma. Scarce strength for this direction:

8. Margarekha. What must happen first:

9. Pramaan. What would prove this wrong (write before you start):

10. Sadhana. Action this week: _____ Number watched: _____ Review date: _____

Take this same decision into Chapter 3 (V1), then V2 to V7, without switching problems. Where the decision turns on a statute or a rule of professional conduct, read the current text first. Chapter 10 shows a completed illustrative walkthrough.

CHAPTER 1

Why Strategy Fails Before It Begins

Somewhere in your practice there is a problem you have already solved more than once.

You found it. You dealt with it. Things went quiet for a while. Then it came back in slightly different clothes: another month of fees not paid, another junior who left, another stretch of weeks spent in court waiting for a matter that was not reached. And you dealt with it again.

Nobody was careless. The response was sensible both times. And yet here it is.

This book is about why that happens, and why it matters most when you are about to make a decision about your practice that you cannot easily take back.

♦ ♦ ♦

Every lawyer wants a good outcome.

Clients who return and refer. Matters you can be proud of. Fees that arrive on time. A name in the courts or the sector you chose. A practice that still makes sense in ten years, and a life that fits around it.

To get there, lawyers usually respond by acting. They accept one more brief to keep the diary full. They take on another junior because the work is piling up. They say yes to the client who sends the most matters. They move to a bigger city because that is where the work seems to be. They add a new practice area because a friend's firm did.

Some of these moves work.

Many do not.

The common assumption is that a practice fails because of bad luck. Courts did not sit, a client did not pay, the market turned. But luck is rarely where the failure begins.

Failure begins much earlier.

It begins when you act on a problem before you understand what is actually holding your practice back.

The Painkiller Worked

Imagine a patient walking into a hospital with a severe headache.

Without asking questions or running any tests, the doctor prescribes a painkiller.

The headache disappears for a few hours.

A week later, the patient returns with fatigue. The doctor prescribes vitamins.

A month later, the patient develops a high fever and is finally diagnosed with an infection that had been there from the beginning.

The treatment was not the problem.

The diagnosis was.

Notice the detail that makes this story dangerous, not just sad.

The painkiller worked.

The headache did go away. The doctor had evidence. The patient was satisfied for a while. Nothing in that first visit looked like a mistake. If the patient had never come back, everyone would have called it a success.

That is why wrong diagnoses survive. They succeed a little, immediately, in a way that is easy to point at.

Practice works the same way. A lawyer whose income has stalled takes on two more retainers from the same group of companies. For a few months the money improves. The relief is real. The reason the practice cannot grow on its own was never touched.

The Reasonable Decisions

Lawyers make this mistake every week.

Fees are slow, so the lawyer takes more matters. The diary is too full, so the lawyer hires another junior. Work from one client is drying up, so the lawyer goes looking for another client exactly like it. Briefs from a senior are not coming, so the lawyer starts going to every bar function. A partner feels stuck, so she applies for an in-house role because two batchmates did.

Each decision looks reasonable. Each one addresses the problem as it was first felt.

And each one produces something. More matters do bring more billing. The new junior does cover some hearings. The new client does send work. There is always something that improves, and there is always a full diary to point at.

Yet, after a few months, the same problem returns.

Why?

Because the lawyer treated the symptom instead of understanding what was creating it.

What It Actually Costs

We tend to describe a wrong diagnosis as time lost. That undersells it.

A wrong diagnosis is not a pause before the right one. It costs your practice in three separate ways, and the third is the one that shapes your reputation.

It spends the budget of the correct decision. Your hours, your savings, your goodwill with the people who brief you. Those are now spent, and they were what the right move needed.

It manufactures evidence. A year of running hard in the wrong direction produces a full cause list, a stack of drafts and a sincere belief that things are moving. You now have proof that you worked. That makes it harder to reopen the question than it was at the start.

It multiplies whatever the practice already is. If most of your income comes from one client group, taking more of their matters does not fix that. It deepens it. A lawyer who opens her own chambers before she knows who will brief her, then rents a bigger office, then hires two juniors to look busy, has not built a practice. She has moved the same uncertainty into a more expensive stage.

By the time the real diagnosis arrives, it must be funded from a smaller budget, argued against commitments you already made, and acted on with less patience from everyone around you.

The Most Expensive Error in a Practice

The greatest danger in running a practice is not making the wrong move.

It is making the right move for the wrong problem.

You can argue brilliantly and still end up somewhere that does not work, if you were solving the wrong problem.

You can take more matters, appear in more courts and draft longer petitions, and still make no real progress, because your effort is going to symptoms instead of causes.

This error hides inside competence. Skill cannot find it, because skill is not the missing ingredient. Harder work cannot find it, because you are already working hard. It survives every good order you obtain, because a good order answers *did I argue well?* and never *was I building the right practice?*

Before asking *what should I do?*, ask:

What is really stopping my practice from moving forward?

And before telling a client *we will fight this*, ask the same question about their dispute.

This question changes everything.

Every Serious Profession Knows This

Think about any profession where mistakes are expensive.

A doctor diagnoses before prescribing. An engineer finds the fault before replacing parts. An architect studies the land before drawing the plan. And you, in court, read the whole file before you open your mouth. You would never argue a matter you had not read.

In every discipline, understanding comes before action.

Your own practice should be no different.

Yet many lawyers reverse the order when the matter is their own.

They act first. They understand later.

Not because they are careless. Because of pressure. The matter is listed tomorrow. The client wants an answer today. The rent is due on the first. Thinking about your own practice has nothing to show for itself on a court day.

What This Book Will Not Do

It will not give you legal advice, and it will not tell you which brief to take, which court to practise in or what to charge. It cannot. Nobody who does not know your practice can.

It will not replace the professional rules that govern you. The Bar Council's rules on conduct, advertising and soliciting work apply to every choice in this book. Where a decision touches those rules, read them yourself or ask someone senior you trust.

And it will not save you time in the first week. It will cost you time in the first week, and return that time many times over in the months after. That is the same deal you offer a client when you insist on reading the full file before advising.

What it will do is stop you from working brilliantly in the wrong direction.

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Because activity is not a strategy. A full diary is not a strategy. More briefs are not a strategy.

A real practice strategy begins with understanding your actual situation. Real advice to a client begins with understanding theirs.

Every practice has many problems. Only a few decide what happens next.

Your first job is not to solve all of them.

It is to find out which problem must be solved first.

That raises an uncomfortable question, and the next chapter has to answer it.

If diagnosis matters this much, and lawyers are trained to examine evidence for a living, why is the diagnosis of their own practice so often wrong?