



# Monday Monday

*Connecting the Dots with Karen Kaplowitz*



*Helping you create and reinforce the habits of successful career building,  
gleaned from my work as a business development strategist, trainer and coach*

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**Ghost Lawyering.** When colleagues ask for advice on issues that are outside their expertise and squarely in yours, without giving you access to the client directly, they are often asking you to condone “ghost lawyering.” Ghost lawyering occurs when a lawyer wants to appear to be an expert to the client without acknowledging that the source of the intelligence is someone else in the firm. Sometimes the reason for not acknowledging outside contributors is control; sometimes it is greed, particularly if involving another subject matter expert on a matter would require sharing credit for the matter. Before acceding to requests to serve as a “ghost lawyer” ask yourself these questions:

- Does your colleague have a sufficient grasp of the nuances to proceed without you?
- Do you have enough information to provide advice without client contact?
- Is your colleague creating potential liability for your firm by holding himself out as an expert without acknowledging your role?
- Is your colleague writing off your time and depriving the firm and you of the billings in order to carry on the façade of being an expert?

To avoid being set up as a ghost lawyer, consider asking your colleague these questions:

- Is he prepared to take full responsibility for anything that goes wrong?
- Does he think that keeping you on the sidelines is the best way to serve the client? Would he agree to be a ghost lawyer if he thought the arrangement would poorly serve the client?
- If there is a problem, what would be the ramifications to the firm and to the client?

**Example:** After being recruited for your subject matter expertise, you made the rounds to all the offices to introduce yourself and your capabilities. You offered to provide support and suggested situations in which it might make sense to include you on pitch teams for new matters. One partner was very enthusiastic about your background and said that the issues came up regularly on his matters. He started calling you for guidance on a regular basis but you noticed a pattern. He never invited you to participate in the initial pitch, frequently asked you for advice “off the clock,” and resisted your suggestions that you talk to the clients directly. When you asked for factual background, he would ask you to respond on a hypothetical basis, without having investigated the facts. Since the time was nominal, you did not notice initially that he wrote off your time.

Then one of his matters blew up over an issue relating to your practice area. When another lawyer called for help, you learned that your partner had been holding himself out as an expert with no reference to your participation. He had gotten in trouble because he was not sophisticated enough to deal with complexities he had not discussed specifically with you. You bailed him out but then insisted that he allow you direct access to the clients on all new matters.

Are you treating your suspicions about being used as a “ghost lawyer” as a matter of firm politics instead of blowing the whistle on risky behavior that puts you, your clients and your firm in jeopardy?