



# 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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**Conflicts Counsel.** Many lawyers who have relied on referrals from other lawyers when they have conflicts of interest report that the rate of conflicts referrals has declined. The decline is due in part to there being less litigation and more competition for the conflicts work. The decline is also due to the fact that law firms are pressing partners to ask clients for conflicts waivers, working harder to get clients to agree, and simply finding fewer conflicts. If you are looking for conflicts work, consider these strategies to improve your odds:

- Prioritize talking to lawyers who have seen you in action, can vouch for your excellence, and are likely to have conflicts work to refer.
- Identify ways in which you will add value to a team when you are being brought in to represent individual defendants alongside a corporate defendant.
- Adhere to a strict non-poaching policy. Articulate—and demonstrate—your non-poaching policy clearly and often.
- Offer to reciprocate in some way. Click [here](#) to read more on nurturing people who make referrals.

If you are in the enviable position of having conflicts work to refer out to other lawyers, take advantage of the opportunity by asking yourself these questions:

- Which other lawyers will best meet the client's needs and enhance the client's opinion of you?
- Among good candidates, which ones have referred work to you or are likely to be able to do so?
- Do you routinely tell each person to whom you have made a referral that you have done so and would appreciate the opportunity to work with them in similar situations?

**Example:** A former prosecutor built a successful litigation boutique handling white collar criminal defense work. Most of the work came from a network of other former prosecutors who were in big firms and regularly had to refer out individual defendants when they represented the corporations. The former prosecutor's litigation boutique was then acquired by a full-service law firm. The former prosecutor was concerned that her conflicts referrals would dry up because her old sources would see her as a potential competitor and threat. So she made the rounds of all of her best referral sources, emphasizing that she would be rigorous about not poaching their clients. She shared an earlier example in which she was referred a CFO from a firm which represented the company. When the CFO was pleased with the results and tried to refer other litigation work from the company to her firm, she refused to take the work and encouraged the company to go back to the referring firm. She also made the point to each potential referral source that she hoped she would be in a position to reciprocate with conflicts referrals from her new full-service firm. She then arranged to introduce her old sources to some of her new partners.

Are you meeting the tougher competition for conflicts referrals by finding new ways to become a valuable collaborator? And are you demonstrating that it is safe to refer conflicts to you by resisting the temptation to poach, even in lean times, and returning clients to the referring firm?