



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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Are You a “Safe” Choice? In selecting counsel, especially for significant matters, clients often consider how their selection will be viewed if the matter has a bad outcome. If you are seeking the most challenging work, your strategy should take into account whether you will be perceived as a “safe” choice. Even if you have convinced a key decision-maker, like a general counsel, to retain you, it is important to provide your champions with data points that reinforce their decisions and give them cover if the matter goes awry. To protect your champions and avoid pressure on them to go somewhere safer, here are some issues to consider:

- Do you understand the risk to the client of selecting your firm?
- How strong is your firm’s brand, particularly in the specific area at issue?
- Were you referred to the client by a peer of the client, preferably one who is known to the client’s board and senior management?
- Can you provide the client with recommendations from other clients they consider to be peers?
- Have you personally handled similar matters with successful results?
- Have you been recognized in peer-reviewed listings that are not pay to play like Best Lawyers, Chambers, Super Lawyers and the like?
- Have you been recognized by major media like American Lawyer or the National Law Journal?
- If you are not an obvious candidate for the work, is there a compelling reason to use you?
- Have you encouraged your champions to include other leaders in the decision of who to retain?
- Have other key executives or board members also met you or seen you in action?

Example: You have made good progress in building a relationship with the general counsel of a Fortune 500 company who is deeply committed to diversifying the pool of trial lawyers who represent her company. You are anxious for her to retain you but also understand that she is concerned about simply imposing her judgment about the value of diversity on the company especially because the company’s trials tend to be high profile, high risk, and high value. Instead of pressing her to retain you immediately, you encourage her to expose you and other diverse lawyers both to lawyers in the legal department and also to their clients in the company. She then invites you and other diverse lawyers to make CLE presentations and to participate in mock trials to showcase your talents to help assure senior management that you are competent to handle the company’s most important work. Her initiative helps create wide acceptance of her choices of diverse lawyers and also helps insulate her selections from criticism in the event that some of the matters have poor outcomes.

Are you helping to protect your champions by building a strong record that you are a safe choice for significant matters? When you are not the safest choice, and you know that your champions’ careers may be at risk, are you willing to back off?