



# 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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**Using Conflicts to Create New Opportunities.** If you have had difficulty distinguishing your firm from other firms who service the same clients or if you are tired of competing on price, consider paying closer attention to your competitors' potential conflicts of interest. Whether you are looking for new clients or more work from existing clients, you face the fact that virtually every one of them is already embedded in relationships with other law firms who they trust and know as well or sometimes even better than yours. Of the many strategies available to compete, one of the best is to take advantage of conflicts that arise between your clients or prospects and other firms they use. The first challenge is to identify the situations which give rise to potential conflicts. Hopefully, you are communicating often enough with clients and prospects to hear directly about these types of situations. Here are some additional steps to consider to improve your ability to take advantage of conflicts of interest:

- Ask clients periodically to explain the types of conflicts, especially those that are not obvious, that concern them so your firm can steer clear of them or wall them off when necessary.
- Pay close attention to the legal and business issues that make your clients sensitive to other clients your firm represents. Understand when loyalty matters the most to them.
- Offer to serve on internal firm committees that sort out conflicts of interest so you become more astute about conflicts issues generally.
- Know which other law firms represent significant clients and prospects of yours.
- Track new litigation and transactions involving those clients or prospects.
- In connection with each new matter you track, check whether your competitors represent any of the parties who are adverse to your client.
- Jump on any situation in which you see a potential conflict of interest on the part of competitors and come up with a tasteful way to raise the issue with your client.

**Example:** On several occasions, one of your clients has expressed irritation with another law firm which requested a conflict waiver to represent a company which is frequently adverse to the client. In each case, the client said that they had grudgingly agreed to the conflict waivers because the other matters did not impinge on the client directly. On the latest such occasion, you asked the client to identify other parties whose representation by your firm would make the client uncomfortable. The client identified a number of major competitors and major lenders. The next time this client invited your firm to respond to an RFP for a tranche of the client's work, you made a point of the fact that your firm is not representing key competitors or lenders of the client. When the client informed you that your firm had been selected to be on the short list of firms to handle these particular matters, the client said that one reason your firm was selected was because they were grateful that they would not have to negotiate conflict issues with you every time they had a new transaction to assign.

Are you paying close enough attention to your significant clients' sensitivities about legal and business conflicts to position your firm as a true "preferred" provider? If these issues concern you, which of the proposed strategies above will you consider implementing?