



THE NEW ELLIS GROUP

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 Reactive or Proactive?

Existing clients who already know and trust you are the very best possible sources of new work. You are probably already working hard to stay on their radar so when matters arise, they think of you. If your clients think of you consistently when they get sued or have new transactions, you are doing well. But is it possible for you to connect with existing clients before new matters arise? Is there an opportunity for you to support clients proactively in their business planning or risk management so you are already in the flow when they need outside counsel? Here are some questions to ask yourself and your clients to help position yourself proactively:

- Are the clients with whom you work involved in risk management? If not, will they introduce you to their colleagues who are responsible for risk management?
- Do you provide routine counseling to help clients avoid liability?
- Do you encourage clients to call you preliminarily without charging for the time?
- Is there any type of audit you could offer, perhaps on a flat fee basis, to help identify non-routine exposures your clients face?
- When you share client alerts, webinars and CLE presentations on new legal developments, do you personalize the communications and invite relevant clients to discuss specific preventative actions they might need to consider, or do you just send out a generic email blast?
- Do you regularly offer to meet with clients after matters are concluded to review “lessons learned,” and to consider preventive action if appropriate?
- Do you get involved in clients’ efforts to obtain insurance coverage or third-party indemnifications for risks that can be anticipated? Do you participate in periodic reviews of whether additional insurance or indemnification is available?
- On the transactions side, are you involved with your clients early enough in their strategic planning, so you are hearing about potential transactions before they are ready to execute them?

What can you do to position yourself as part of your clients’ teams for proactively developing new business strategies and risk management strategies? If you are part of their process of developing new opportunities and avoiding liability, you won’t be just one more firm who reaches out to the company when new suits are filed or threatened, or deals are announced.

Example: A litigation partner invited several partners to team up with her to organize a program for directors on how to deal with claims which involve their CEO. She included a partner who specializes in corporate governance, a securities lawyer, and an employment lawyer. She also included two partners who had joined the firm after serving as general counsel of public companies and reached out to a public relations firm which specializes in crisis management. First, the team created a questionnaire for directors to use to identify areas of risk. Then they created a program for directors on responding to claims involving a CEO which they offered to clients either as a webinar or in person, on an individual basis. Several clients invited them to make a presentation to their board, citing the increased pressure they felt because of the #metoo scandals that had rocked the business community in the last year.

Are you working in tandem with your clients to anticipate potential crises and business transactions? Can you become more proactive than reactive, so you are in the flow when new work arises? What steps will you take today?