



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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Retaining clients in lateral moves and mergers. Retaining clients on these occasions can be a minefield for lawyers. Lawyers often find that mergers and lateral moves are so disruptive personally that it becomes difficult to focus with clients on the impact the event will have on their interests. The secrecy surrounding many mergers and lateral moves may also prevent lawyers from a careful analysis at an early stage of their clients' interests in the outcome.

You can avoid losing valuable client relationships in the transition by putting your clients' interests first and making sure they know you are doing so.

Ask yourself how the move or merger will impact your clients.

- What value will the client derive from a merger or a move?
- Can you offer greater expertise, broader geographic scope, or lower rates?
- Will a move disrupt a team that has been working on a critical client matter?
- What will a move cost the client? Who will bear the cost?
- Will the client face business or legal conflicts with clients of the new firm?

Clearly, you need to adhere to the rules of professional conduct. Some rules, like those which prohibit departing lawyers from soliciting clients before they give notice to their firms, may seem cumbersome or impractical. However, ensuring that clients can make informed decisions and carefully weigh their options for representation is not only our professional responsibility but also an effective strategy for retaining clients.

Example: You are relatively confident that your largest client will follow you to a new firm. You are in a strong position because you have actively overseen all the client's matters throughout the firm, including billing and complaints, and the new firm has an excellent reputation, comparable rates, a broader footprint internationally, and no major negatives. Is there any reason not to ask the client to authorize you to transfer all matters to your new firm?

Two main reasons: First, your client will trust and respect you more when you review with them, matter by matter, how to protect them in the transition rather than reflexively trying to take all matters. Secondly, you will improve the transition if the two firms really have a basis to collaborate where appropriate. You will certainly need your old firm's cooperation with respect to files, staff, and information. Relying on former partners to handle ongoing matters in which you were not personally involved gives them a stake in making sure the transition goes smoothly.

Are you willing to trade off transferring a smaller book of business to your new firm in exchange for greater client trust, as well as ongoing cooperation and goodwill with your old firm?