How Attorneys Can Strengthen Client Relations and Protect their Practices During the Covid Crisis.

"The most important guiding principles are to be helpful and to steer clear of anything that might be construed as insensitivity to a client's distress—or, even worse, an attempt to take advantage of that distress. When we get through this crisis, as we undoubtedly will, clients will have long memories of both."

— *Former GC of General Electric*

REVENUE WISE

THE SMART WAY TO GROW

David Adams

Version 1.9

Contents

Welcome

We are now living in unprecedented times. Everything has changed overnight. Nothing like this has happened in our lifetimes. We are all doing the best we can to survive this and find a way to emerge stronger and with a greater appreciation for what really matters in life.

We have all witnessed remarkable acts of courage and selfless service, particularly by frontline medical and public service professionals. We've also seen individuals and businesses quickly come together to help those who are less fortunate.

I believe that above all, now is the time for each of us to operate from our better selves and do something to help ease the plight of those suffering around us.

As my way of being of service, I developed this playbook to help you find ways to serve your clients, and in so doing, sustain yourselves and your firms, and if possible, grow your practice during these extraordinary times.

I hope you, your family, and your loved ones are staying safe and you emerge from this crisis in a good place.

Be well,

David

Start Here to Learn How to Navigate the Crisis

As you will see on the following pages, appropriate, effective business development during a time of crisis requires emotional intelligence (EQ), a real desire to be of service, a keen focus on meeting a client's essential needs and most importantly, great sensitivity to what your clients are experiencing.

Now is the time to build goodwill and strengthen your relationships with your best clients and prospects by going above and beyond what might be expected. This includes finding ways to help them stretch their legal budgets, doing what you can to relieve their burdens and delivering real insights and education developed specifically for them and their situations.

Remember, if you have the right service, one that will help clients and prospects solve what we refer to as "essential legal needs," you may find them more receptive than usual. Many organizations are fighting for their corporate survival. They want to hear about anything you can do to help them survive and emerge from this crisis stronger.

The Playbook Is Organized Around 8 Core Activities:

- **Position Your Practice for Success.** Determine if it is better to focus on increasing market share now or preparing yourself for when business resumes.
- **Demonstrate You Care.** Learn what your clients are experiencing (emotionally), so you can connect with each one, before talking business.
- **Solve Essential Legal Needs.** Learn a simple way to determine what clients consider essential legal needs. This will ensure the legal services you offer are just what's wanted and needed.
- **Proactively Stretch Budgets.** Although clients are slashing their legal budgets, their legal needs have not diminished. Learn how to proactively stretch their budgets.
- **Actively Reduce their Burden.** In-house legal teams are being forced to do the work of outside counsel. Look for tangible ways to reduce their burdens.
- **Provide (free) High-Value Insights and Education.** While clients are tired of the cookie-cutter alerts and papers, they crave in-depth insights and educational webinars tailored just to them.
- **Take Appropriate Biz Dev Actions.** By demonstrating you care, find appropriate ways to contact your best clients and contacts and explore ways you can help them resolve their most pressing legal issues.
- **Prepare for the Upswing.** Prepare for the upswing by completing foundational business development tasks while you have time.

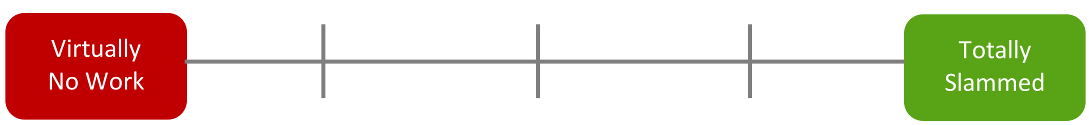
Position Yourself for Success

We have no idea how this crisis will evolve and what the long-term impact will be on the economy, our clients, our firms and our practices. Anything could happen.

Where you are starting from will determine which actions make the most sense. If your practice is in high demand and you are super busy now, this may be the time to secure more market share and try and make inroads with companies you have wanted to do (more) business with. After all, they need what you offer.

On the other hand, if your practice is not in demand and you are not busy, it may make the most sense to position yourself for when work levels return to normal by building goodwill, helping out colleagues and reducing the burden of your in-house counsel contacts. **Note: see below for some tips to follow if your practice is slow.**

Here is a useful and very simple way to plot where you are now, and where you might be in the coming months. For example, if you are an employment attorney in a large firm, you are undoubtedly slammed. Conversely, if you are an M&A attorney at a smaller firm who serves energy companies, you may be having the opposite experience.



Keep in mind, during this acute phase of the crisis, many firms and attorneys are overwhelmed with an initial rush of work as they help clients lay off and furlough employees, cease certain operations, restructure loans, take advantage of government programs, stop using and paying non-essential vendors and more.

If the crisis continues, it's likely, after this initial rush, we will see a drop-off of work. Consequently, where your practice is today is not where it may be in the future.

The key is to know where it makes the most sense to focus your efforts: increasing market share or preparing for the upswing. However, no matter your situation, there are effective actions you can take to help your clients navigate the crisis — and improve your own condition at the same time.

Key Takeaways

If you are busy now, do your best to solidify your gains and look for ways to expand your client relationships. If you are not busy, now is the time to increase your client development efforts, build goodwill and to prepare for the coming upswing.

Keep in Mind: You're Needed Now More than Ever

In times like this, attorneys are some of the first people we call when business is disrupted, and things go off the rails. Not unlike physicians, when we call our attorneys, we expect them to be confident and informed, and reassure us that things will (eventually) be okay.

I have coached attorneys for over 20 years, and in that time, worked with hundreds of them, in every kind of firm and practice imaginable. Over the years, several have told me, with some difficulty, that they feel their work lacks purpose or meaning.

Strange as it seems, the current crisis presents an opportunity for practicing attorneys. What you do matters a lot right now. This is a once-in-a-career chance to reflect and reconnect with why you became an attorney. Your clients are relying on you to help them get through this crisis.

They really need you.

If Your Practice is Slow

If you are in the unfortunate position of seeing a significant downturn in your practice, here are a few suggestions:

1. Do your colleagues offer services your clients consider essential and that you can offer to them?

2. If the specific service you deliver, like M&A deal work, is not needed right now, can you pivot and use your corporate legal expertise in other ways?

3. While it may be a bit humbling, can you go to your busier partners and see if they need help completing some of their work? This is not the time to be circumspect.

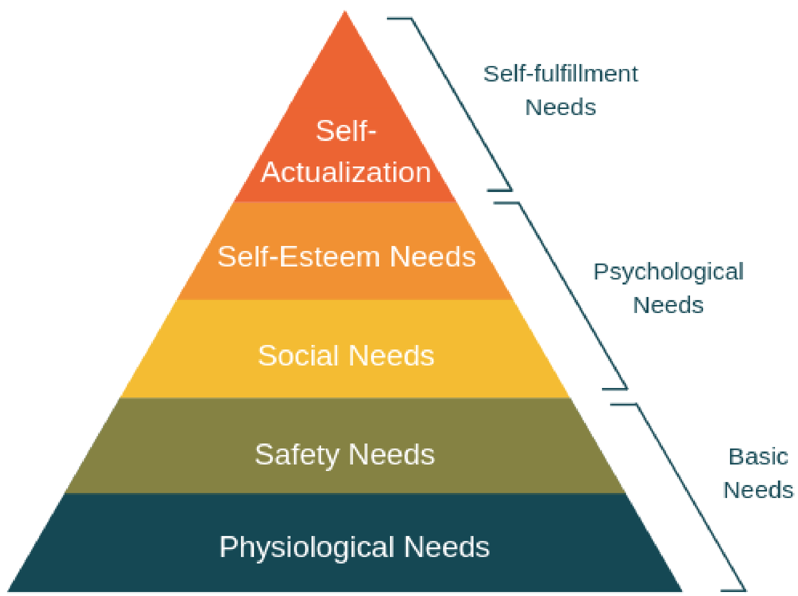
4. Can you target a different type of client, and either offer your main service or some other essential service they may need?

5. Lastly, if things are slow, this is a great opportunity to complete some foundational business development efforts you may have put off.

Demonstrate You Care

Connect with Clients Who Are Focusing on Lower-Level Needs

In 1943 Abraham Maslow wrote his seminal paper "A Theory of Human Motivation." In it he introduced a simple pyramid of human needs — and thus motivation. Not surprisingly, he determined that if the bottom needs on the pyramid are not met, a person becomes anxious and fearful. Well, guess what? Your clients are anxious and fearful.



Meet Clients Where They Are At

To be more effective during a crisis, you need to demonstrate more empathy. In fact, your clients expect it. An easy way to have more empathy, is to understand what's *really* going on with your clients AND to understand the two parts of the brain affected by the challenges and stress a crisis creates.

If your client is afraid — they are fearful that their basic needs will not be met, and that to some extent, their survival is at stake — the amygdala (fight or flight) part of their brains is activated. This can lead to an "amygdala hijack," in which this part of the brain takes over completely. The other part of the brain you need to understand is the frontal lobes. This is where thinking, reasoning, decision-making, and planning take place.

For your clients to actually hear and be open to your suggestions and think clearly about higher-level business needs, they need to be reasonably calm, feel somewhat safe and be operating from their frontal lobes during your conversations. Beginning conversations by demonstrating deep empathy, will help calm your clients and help them feel safer.

Practical Application: Be a Trusted Advisor *and* Friend

Keep two things in mind as you conduct your client retention and business development efforts.

First: be a friend

Since they began practicing, virtually all attorneys have been taught to be trusted advisors to their clients. While you should do this all the time, now more than ever you also need to be a trusted friend. You need to be someone who will listen, care and help in whatever way you can.

In this time of crisis, you have the opportunity to be more than an attorney. You have the opportunity to offer your clients much-needed reassurance and support. After all, many of them are frightened and dealing with a massive amount of uncertainty.

For some people, this comes naturally. For others, this situation will be a great opportunity to deepen your emotional intelligence (EQ). Most attorneys have been taught to value their logical and thinking functions over their empathetic side. During a crisis, even the most hard-boiled in-house counsel needs understanding and empathy.

How to connect with clients:

An easy way to remember how to do this is to begin all conversations as you might with a good friend — creating a personal connection and trying to assuage their fears. Remember you need your clients to be operating from their frontal lobes, not their amygdala, if you are trying to serve them and you want to have low-key, calm, rational business development conversations.

Second: be of service

While you may be worried about meeting your lower-level needs and making your hours, you can never let this drive your business development efforts. Clients can "smell" when someone is trying to sell, rather than serve, them. So, put these feelings and concerns aside and always operate from our prime directive "How can I be of service, add value, and have a positive impact." In short, just keep asking: **"How can I help?"**

Key Takeaways

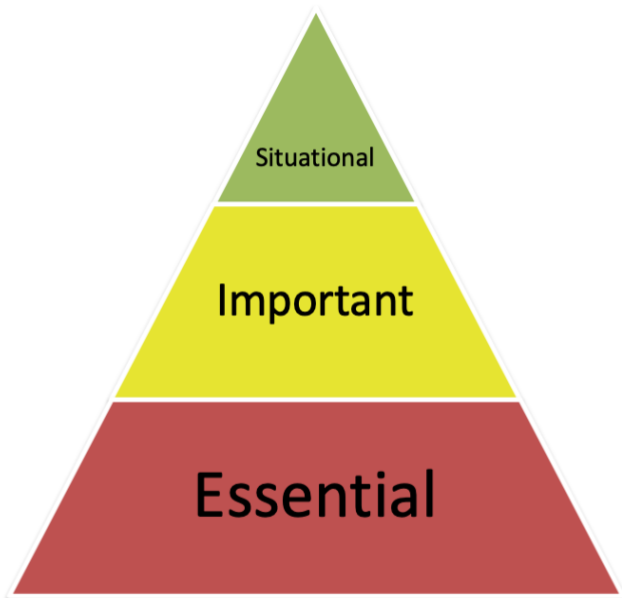
Be a trusted friend and advisor. Start by putting clients at ease. Constantly look for ways to be of service and help them.

Solve Clients' Essential Legal Needs

Maslow's hierarchy of needs can also be applied to organizations' legal needs.

When it comes to purchasing legal services, during a crisis virtually all clients will be operating at the bottom of their "legal needs pyramid." They are only buying what we call essential or "must-have" services, not "nice-to-have" services.

Dividing legal needs into these three categories is a good way to view each client's legal priorities.



That being said, one client's essential needs can be another client's situational needs. Obviously, many factors determine where a company's legal needs fall, including the type of company, the industry, the number of employees, its balance sheet, the location of its operations, etc.

Example: Macy's complete furlough

> As I write this (on March 30th, 2020) Macy's has just furloughed all 125,000 of its employees. Within the same Google search, up came an article (from February 4, 2020) on how Macy's will be implementing its new five-part growth strategy as an attempt to restore the company to its former glory.

Imagine if you were one of the attorneys who was going to help them implement this new growth strategy. The only legal services Macy's needs today are those that will help it survive the crisis: debt restructuring, lease terminations, furlough assistance, employee benefits, supply chain changes, and litigation defense, among other things.

Practical Application: Focus Only on Essential Needs

To guide your client and general business development efforts, I suggest you do the following:

1. Develop a legal needs hierarchy for each of your best clients. Divide their needs into essential, important and situational needs.

   Pay particular attention to what essential services they will need, even if they aren't offered by your firm. (This is a good time to refer work to attorneys who may send you work in the future.)

2. Develop a legal needs hierarchy for your target clients. These are the clients you typically sell to (e.g. large banks, real estate departments). If you serve more than one main client type, develop one for each type.

3. Use this needs hierarchy to guide your discussions with clients and potential clients.

Key Takeaway

Focus your client development and business development efforts on just the essential legal services needed by each company.

Find Ways to Add Superior Value

To differentiate yourself during the crisis, you've already read how important it is to be sensitive, demonstrate empathy and have strong EQ. The second half of the equation is to <u>deliver superior value</u>. I'm going to assume you will continue to deliver excellent legal work that solves essential problems and is priced fairly.

What I'm talking about here is doing things that go above and beyond the usual, build goodwill and are remembered.

This can happen in many ways. In fact, the ways you can add value are only limited by your imagination and generosity. This list is not meant to be exhaustive, but rather illustrative.

<u>Ways to Add Value</u>

1. Proactively, make financial accommodations to help clients stretch their legal budgets.
2. Find ways to reduce the burden on in-house counsel.
3. Deliver truly exceptional insights and educational experiences tailored to each company.
4. For those who need it, help them take advantage of the government's crisis-relief programs and offer specific advice on successfully navigating the crisis.

Key Takeaway

Now more than ever, you need to deliver "superior value" in every way possible to your clients and prospects.

Ensure your level and quality of service is noticeably better than the competing alternatives.

Proactively Stretch Clients' Legal Budgets

I'm not going to explain all the different types of financial accommodations you can make. Most of it is common sense (rate reductions, write-offs, sensible billing, extending payment terms, etc.).

<u>But I will say, that anything you can do to PROACTIVELY help clients stretch their legal budgets will be hugely appreciated, build goodwill and go a long toward you being hired more in the future.</u>

The former General Counsel of General Electric wrote an excellent article on his experience dealing with outside counsel during the 2008 financial crisis. In the article, he laid out specific actions taken by counsel that pleased him and upset him.

One of the things he mentioned, was how much it meant to him that one of the managing partners of a firm they used proactively called him during the depth of the crisis and told him they would reduce their rates 20% across the board. He said he never forgot that, and the firm still benefits from the largesse they bestowed on the client.

Reduce In-House Counsel Burdens

One of the negative byproducts when clients cut their legal budgets, is the obvious reduction in using outside counsel to help get things done. When this happens, in-house counsel has to pick up the slack and do the work. In short, their burdens increase exponentially.

> *"In terms of legal department workload, approximately three out of five of respondents (62.7%) report that their current workload has increased as an immediate result of COVID-19."*
>
> *— MOFO April 2020 Covid Impact Report*

All of you have relationships with in-house counsel and executives who could use an extra pair of hands to complete some essential legal tasks. If you have free time and can do this work either for free or on a deferred billing basis, you will build significant goodwill and they will undoubtedly remember your good deeds for years to come.

This is an excellent way to put attorneys to work who are not busy.

Provide (free) High-Value Insights and Education

As you have no doubt heard or read, clients are overwhelmed by all the Covid-related "content" they are receiving. Some of the complaints I've heard are that everybody is sending similar material. Further, it is often too long and assumes in-house counsel knows little about the topic.

However, the biggest complaint is that almost all of what they receive is <u>not</u> targeted directly to their type of organization and their essential legal needs.

Create a Presentation that Solves Essential Needs

This presents a great opportunity for attorneys to deliver something that's highly valuable, generates goodwill, and possibly leads to future work. Those of you who have worked with me in the last couple of years know that I am a big fan of using Signature Talks to add value to clients and prospects.

A Signature Talk is a particular type of presentation that is highly engaging, offers great value, and includes an appropriate and subtle business development hook that moves participants to the next stage of the sales cycle.

Further, once you have a Signature Talk, you can "take it on the road" and use it over and over with multiple organizations. Education around COVID-19 is a perfect opportunity to develop a Signature Talk.

Lastly, given everyone has become accustomed to using Zoom or Go-To-Meeting, delivering your presentation via webinar should not present a barrier.

Note: If you want more information on how to develop a Signature Talk, just ping me and I'll send it.

Key Takeaways

If you are going to create a presentation, ensure it is highly targeted to each client or prospect's essential legal needs.

(Appropriate) Business Development Tactics

As You Begin...

Check Your Motives. As you have no doubt gathered from the opening pages of this document, now is the time to be extremely sensitive to what's going on with your clients and prospects. Given this, before you begin any business development effort, check your motives: are you just trying to sell something, or do you genuinely want to be of service?

Everyone is "Listening for Value." As one of my teachers pointed out, during any kind of business development conversation, the listener is always "listening for value." They only want to hear from someone who is offering something truly valuable and helpful.

Focus on Solving Essential Legal Needs. As you look for opportunities to be of service, look for essential legal needs you can help clients and prospects meet.

Update Your Sales Pipeline

One of the most important business development tools is to maintain what we call the sales pipeline. A sales pipeline is a prioritized list of your best clients and prospects. It includes additional fields such as the opportunity, and the obstacles to converting them to clients, the last action you took with this person, and most importantly, the next action and the next date to contact them.

For those of you I've worked with in the past, we have most likely created a pipeline in either Outlook, Excel, or Word.

If you're like most attorneys I know, you may have stopped updating your list. This is the ideal time to update your pipeline with your best clients and prospects.

Note: If you don't have a good tool to use, ping me and I'll send you an Excel version of our sales pipeline.

Connect with Your Clients (via phone or Zoom)

Now is the time to make a *personal* connection with your best clients and prospects. Do not just email them. Set up a time for a phone or Zoom call with each of them. Use these calls to find out how they are doing personally and how you may be able to help them solve their essential needs.

A recent article in Law.com documented several in-house attorneys who said that while they received an untold number of Covid-related emails, very few of their attorneys actually called them to see how they could help.

Basic Checklist to Follow When Calling Clients

Since each client's situation is different, each call will vary. However, I summarized everything we have covered so far into a basic checklist. Use it to guide your client conversations.

- **Connect Personally.** As suggested, begin each conversation by connecting with them as a friend might. Find out how they are doing personally and what challenges they are experiencing. This will not take much time, and is essential.
- **Look for Essential Legal Needs to Solve.** At the appropriate time, transition to the business at hand. Begin by finding out how the business is doing, and where they need help. Look for their essential legal needs. It is also useful to help them prioritize the issues they need to resolve.
- **Stretch their Budget.** This is a good time to find ways to stretch their budget. You can defer work that is not essential, defer invoicing for certain work, provide rate reductions or even write off past work. This will build *massive* goodwill. Tangibly demonstrating that you are a genuine partner, and are willing to shoulder some of the financial burden, is an act that will be remembered for years.
- **Reduce In-House Counsel Burdens.** This will obviously vary with the type of legal services you provide and the challenges the in-house counsel you work with are experiencing, but look for any ways that you can reduce their job burdens.
- **Provide Excellent Education.** This is a great opportunity for you to offer specific types of education (your Signature Talk) that will help your clients navigate this crisis. These need to be highly targeted educational offerings that train their staff on how to deal with a myriad of issues that are occurring. Do not create, boring, long presentations-as-usual with mind-numbing slides.
- **Offer Colleagues' Services.** If the services you provide don't fall into the "essential" category, see if your clients' needs are a match for those of your colleagues and offer those.

- **Refer to Other Firms.** If they have needs outside your firm's scope of services, refer this to colleagues at other firms. This will pay dividends in the future. Again, the key here is to understand their needs, and meet them. Worry about capturing revenue later.

Connect with Your Best Prospects

As "sheltering-in-place" becomes more of the norm, prospects will become somewhat more receptive to calls from attorneys trying to secure their work. That being said, you still need to use the same sensitivity and emotional intelligence as you reach out to your best prospects. Remember, you still need to focus on solving your prospects' essential needs.

Note: When contacting prospects, you will follow the same checklist used with clients, with nonapplicable steps removed.

- **Connect Personally.** Begin each conversation by connecting with them as a friend might. Find out how they are doing personally and what challenges they are experiencing. This may not take much time, but it is essential.
- **Solve Essential Legal Needs.** At the appropriate time, transition to the business at hand. Find out how the business is doing, and where they need the most help. Look for essential legal needs. This is also useful in helping them prioritize the issues they need to resolve.
- **Provide Excellent Education.** This is a great opportunity for you to offer specific education that will help them navigate the crisis. These need to be highly targeted educational offerings that train their staff on how to deal with the issues that are occurring. Do not create, boring, long presentations-as-usual with mind-numbing slides.
- **Offer Colleagues Services.** If the services you provide don't fall under the "essential" category, see if your clients' needs are a match for those of your colleagues and offer those.

Key Takeaway

An excellent way to expand into a new practice area with an existing client or secure work from a top prospect, is to offer to complete an essential piece of legal work, at no charge.

Prepare for the Upswing

It is very rare that attorneys are not busy, but if you find yourself with some extra time on your hands, this is an excellent opportunity to develop some of the foundational business development tools you may have let languish somewhat. This work will pay off for months to come, and now is an excellent opportunity to get it taken care of.

Here are a few suggestions.

1. **Update Your LinkedIn Profile.** LinkedIn is still one of the best platforms to use for attorneys to market their services and connect with those in their network. Unfortunately, very few attorneys have good LinkedIn profiles that describe their practices well and differentiate them from the competitors.

   Note: If you don't know how to write a good profile, ping me and I'll send you our LinkedIn guide.

2. **Develop a Signature Talk.** Those of you who have worked with me in the last couple of years know that I am a big fan of using Signature Talks to generate business.

   A Signature Talk is a particular type of presentation that is highly engaging, offers great value, and also has a business development hook that moves participants to the next stage of the sales cycle. A Signature Talk is one you can "take on the road" and can use with multiple organizations.

   Education around COVID-19 is a perfect opportunity to develop a Signature Talk.

   Note: If you want more information on how to develop a Signature Talk, just ping me and I'll send you some information.

3. **Develop a Personal Content Marketing Effort.** While your firm's marketing department sends out client alerts, based on much feedback, most clients are overwhelmed with all the alerts they receive, particularly now.

   If you feel so inclined, I suggest you start your own personal content marketing effort. This can be done simply using Microsoft Outlook and Word. You can send customized emails with targeted content to specific groups of people. Because it comes directly from you, it further reinforces that you're trying to send them something uniquely useful –and this is important – *for them*.

Conclusion

I hope you found this guide helpful. As you saw throughout the document, there are many additional resources I mentioned that I would be happy to send you.

If you would like some personal guidance on how to get through this crisis and either protect or grow your practice, I'm happy to talk with you anytime.

And above all: now's the time to do extraordinary things for your in-house counsel, solve their essential legal needs better than they could've imagined and build massive, lasting goodwill.

Stay safe,

David

Feel free to share this document with any of your colleagues inside or outside your firm.

David Adams Bio

David Adams is a seasoned coach, author and speaker. He has more than 20 years of experience helping attorneys and firm leaders improve their business development and leadership skills. David is an expert at helping lawyers and practice groups develop the attitudes, behaviors and capabilities necessary for success.

He helps attorneys achieve the ideal combination of professional success and personal fulfillment.

David has worked with hundreds of lawyers and dozens of practice group leaders at such firms as Davis Polk; Morgan Lewis; Orrick, Herrington & Sutcliffe; Polsinelli; Locke Lord; Fenwick & West; Latham & Watkins; Littler Mendelson; Kilpatrick Townsend & Stockton; Holland & Hart; Keker, Van Nest & Peters; and Farella Braun + Martel.

As a coach, consultant and trainer, David is focused on producing measurable results and helping lawyers overcome the internal and external obstacles to success in business development. Many firms have adopted the Revenue Wise approach to business development.

David works with practice groups to refocus their efforts, reposition them in the marketplace, formulate effective plans, promote teamwork among leaders and members, and create systems of accountability that help them achieve their objectives.

David also works with firm management and leaders to develop effective growth strategies and plans, implement cross-selling programs, develop the next generation of leaders, help the management committee work more effectively together and facilitate effective retreats and meetings.

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