

ASPIRATIONAL ATTRIBUTES TO BEING AND STAYING AN “A” LAWYER



FRED TANNENBAUM is a partner at Gould & Ratner LLP in Chicago. Over his career, Fred has advised clients across myriad industries in more than 500 mergers, acquisitions, divestitures, and strategic alliances, and in over 250 venture capital transactions. He also serves as de facto general counsel and strategic advisor for close to 100 small and mid-sized businesses.

Fred is a leader in several business, legal, and charitable organizations. He serves on the boards of directors of telecommunications and technology companies and the American-Israel Chamber of Commerce. Fred is a past president and current executive committee member of Law Exchange International and has received recognition from Illinois Super Lawyers.

A frequent author and speaker on business and legal issues, Fred has written a significant business law treatise, law review articles, chapters on venture capital, and articles on topics of importance to investors, entrepreneurs, lawyers and family businesses. Through his writing, Fred also endeavors to encourage other lawyers and professionals to assess what true client success means and to consistently make strides in business development, client satisfaction, and retention.

Abraham Lincoln said that “[i]n war, both sides think that God is with them. Both may be wrong but only one may be right.” Like Lincoln’s wartime adversaries, most lawyers I know think that they are at the pinnacle of their profession and that alone will drive clients to their door. I have no such delusions about my own skill, but as both a seller and buyer of legal services for over 30 years, I have thought long and hard about what makes a truly great lawyer and what attracts clients to them. More importantly, I wonder what *clients* think makes a great lawyer and why they hire and stay with the lawyer. This article is intended to offer some ideas on how to be a truly “A” class lawyer, attract new clients, and ultimately enhance the experience for the client while also elevating the view of lawyers in the eyes of the client and society as a whole.

Several immutable traits of a successful and sought-after lawyer coincidentally all start with the letter “A.” Following these principles may serve as a checklist to mold behavior to enhance client attraction, assure client satisfaction and retention, and become an “A” ranked lawyer. Although this article will discuss these items in the context of the legal profession, they also apply universally across any service industry. When you read these observations, think

whether they may also apply to other service professionals in your orbit, such as your banker, accountant, car repairman, barber, marketer, and doorman.

Most lawyers think there is only one word starting with an “A” which distinguishes them from the competition: ability. Drummed in to lawyers’ heads from law school is the idea that you need to be, and probably are, the smartest person in the room. In the real world, few lawyers realize that being a “smart” lawyer requires much more than intellectual acumen and a firm grasp of the law. Many people have good minds and know the law. Clients, however, typically cannot discern whether their lawyer’s grasp of the law is exceptional or merely commoditized. The most successful lawyers understand that being “smart” actually requires mastery of other attributes besides pure legal ability. Clients may not know the law, but they do know and value these other attributes which I will discuss in the next few pages.

In no particular order, the 10 “A’s” to being an “A” Lawyer are:

1. AVAILABILITY

A famous celebrity once said that 90 percent of life is just showing up. If the greatest lawyer in the world

doesn't answer your phone call to hire her, or doesn't get back to you until next Tuesday, how does that affect the chances she will be hired? How does lack of availability make the client feel? When the client surmises that she has a large universe of attorneys to choose from, the absence of responsiveness and availability tarnishes the connection between the attorney and client and diminishes the chances of long-term retention. While lawyers juggle multiple tasks, and clients can't simply bivouac on your doorstep morning, noon, and night (without at least paying for the encampment), an "A" lawyer will set proper boundaries but be in touch and return calls as promptly as possible.

I learned this lesson as a young associate. I was on the other side of a deal with the managing partner of one of the largest firms in the world. I called him and got his voicemail. An hour later, his assistant called me to say Mr. X received my message, was in meetings most of the day, and would call me later. Not only did I feel 10 feet tall for being respected, but it also made me respect the other lawyer immeasurably.

2. AFFABILITY

Axiomatically, clients like working with people they like. You don't need to be the client's drinking buddy or regale them with heroic tales of saving people from burning buildings, but being friendly, warm, and personable, as well as taking an interest in your clients and their lives, are prerequisites for building trust and bonds which are less easy to sever if times become challenging. Some clients feel that going to a lawyer is barely a step ahead of going to a dentist for a root canal. Being approachable, relatable, and caring can mitigate these aversions and improve the long-term relationship. Although many lawyers feel like they need to be the guru on the top of a Himalayan mountaintop dispensing wisdom, what a client wants most is often a soft shoulder and bent ear. Clients should be able to say things to you like, "I can talk to you." "You listen to me." "I feel like you are not only my lawyer, but my Rabbi (or therapist)."

3. AFFORDABILITY

We don't sell or foster loyalty based on price. Being the least expensive lawyer is a fool's errand and a race to the bottom. Someone can always be found to do something cheaper—delivering value is the key. Efficiency and practicality, not lower rates, drive down cost and provide fair value. Even more fundamentally, clients will gravitate to those whom they feel understand their goals and provide services tailored to these objectives. Fighting over every word or incessantly revising a brief may be academically laudatory, but the "A" lawyer should always ask whether the marginal benefits of extra work on a brief outweigh the thousands of dollars of incremental bills. If the answer is yes, then ask whether you would pay for this if you were the client. And if the answer is still yes, then be sure the client is aware not only of the additional cost but also the perceived additional value created. For example, I was fortunate to have helped a client sell its telecommunications business for close to \$1 billion. While the price tag was staggering, the transaction was frankly straightforward. The business was not complex. There were no real contractual issues. The other lawyers were pragmatic and reasonable. The price was so astounding that we made practical judgments whether fighting on a point here or there was necessary. After the closing, the client sent me a letter: "You have taken great care of me through the years. You have added so much value. You charge a lot, but you are so worth it given all the value you add. Just knowing you are there and caring and watching over me, and not nit picking and making grandiose noise, makes me so comfortable. You can't put a price tag on that."

4. AGILITY

Clients appreciate lawyers who are not one-dimensional automatons. Flexibility and versatility are often prized over laser-like myopia. The more areas of law a lawyer is well-versed in, the more valuable he or she is to the client. While no one can know all areas of the law, clients who can have broader and deeper conversations with their lawyer about a multitude of topics tend to forge deeper attachments with, dependence on, and respect for, the

lawyer. Agility transcends knowledge of legal topics. It includes the application of these legal topics to business areas as well. The ability of a lawyer to alter course or revise a strategy based on changing sets of facts makes the client appreciate that the lawyer is not merely a one-trick pony, reusing the same solutions for different circumstances or goals. Most clients have wide-ranging skills and knowledge as well. CEOs, for example, will be able to answer questions about any aspect of their company's business from sales to marketing to finance to human resources to technology to manufacturing. A facile CEO can show flexibility, within reason, to accommodate the other party, whether it be a customer or a joint venture partner. A lawyer should be similarly able to demonstrate agility in disciplines and approaches to evolving circumstances. For example, I have received several referrals from one excellent referral source who tells the potential client I am "a symphony conductor." Just as top-quality symphony conductors know how to play most of the instruments in the orchestra, and certainly know how they blend into the composition, top-skilled lawyers do as well.

5. ADVISORY

Clients know you know the law. Many, however, do not want to hear a myriad of options which are then delegated to them to decipher and decide. Rather, clients want their lawyer to apply the law to their situation and make a recommendation. They want the recommendation, moreover, to be tempered with practicality for the situation the client is facing, tailored to the facts, and consistent with their overriding goals. Many clients appreciate a lawyer who is a good advisor informed with legal acumen and balanced with a perspective of where the law fits in the overall circumstance. A true advisor needs to take the time to get to know the client's business, industry, competition, supply chain, strategy, and underlying goals and objectives by being astute, reading a lot, asking a lot of questions and often using intuition and common sense to connect the dots. I learned this lesson the hard way as a young associate. I gave the client, the patriarch of a wealthy family dynasty, a memo on some minor legal topic.

He read it and said: "This is a fine legal memo. However, I can get a fine legal memo from anyone. What I want from my lawyers is someone who knows my business, tax, financial, accounting, sales, marketing, manufacturing, vendors, customers, and, oh yeah, you better know the law." While that discourse was terrifying to me, it instilled in me the importance of being well-rounded and also understanding how all the considerations fit together. A true advisor will be indispensable in juggling the balance between legal and business considerations and in recognizing the perspective that the legal tail does not always wag the business dog.

6. ATTENTIVENESS

As Linda Loman said in *Death of a Salesman*, "[s]o attention must be paid." Everyone wants to feel important. Everyone wants to feel like their lawyer actually cares about them as people and their matter is meaningful. The "A" lawyer will make the client feel important and valued, not just another file or timesheet entry. This concept is somewhat related to affability but somewhat different. Affability applies to being pleasant to deal with, if not fun and interesting. Attentiveness deals with making the client feel important and valued as a customer. Actions resonate over words. Being on time, being on budget, generating ideas and solutions, and responding promptly resoundingly manifest attention. Just picking up the phone and saying "I've been thinking about something you said" shows the client you are not an Uber driver just asking where the client wants to go, but rather an uber-lawyer who is part of the team.

7. AUTHENTICITY

Lack of authenticity can undermine the perception of affability and attention. Clients appreciate genuine and sincere concern. They like to feel that you really care and have their back. Most clients can spot and dismiss empty canards. While you will not always like every client and will not relate to every business and matter, most "A" lawyers can nonetheless be pleasant and attentive without compromising their integrity and sincerity.

8. ASSERTIVENESS

Lawyers are all trained to be zealous advocates. Besides being persuasive and persistent, advocacy has two main nuances. First, these skills should be measured, and dispensed on the spectrum somewhere between meek and aggressive. The “A” lawyer will be able to deftly make their points with conviction and power without dividing and alienating others with aggressive behavior. Assertiveness, not aggressiveness, allows you to “know when to hold ‘em and know when to fold ‘em.”

Second, assertiveness embodies proactively looking for constructive ideas to add value. Anyone can simply say “no.” Anyone can fight every fight. The “A” lawyer will try hard to gain an edge for their client yet at the same time be practical and prioritize what is important for the client and find constructive and practical compromises.

9. ALIGNMENT

Clients need to feel that their interests and those of their lawyer are aligned. Too often, the client just wants to get the deal done or the dispute resolved. The lawyer, however, has other motivating interests. A junior lawyer, for example, is often afraid of missing something, desirous of displaying their mental acuity, loath to make a judgment or decision, or simply needs the hours to make their personal quota. A senior lawyer perhaps would not mind a larger fee. The lawyer needs to take stock and ask questions. “Am I adding value with this step?” “Am I going on offense to help the client?” “Am I going on defense to protect my backside?” That conundrum occurs frequently as secondary or tertiary issues take on a life of their own. As a young associate, I was working on an acquisition of a curtain company. Both sides were arguing, quite venomously and vehemently, about an employee benefit representation in the purchase agreement. The conflict and attempt to solve it polarized the parties. Finally, the lawyer on the other side reminded us: “This is a deal about curtains. It is not about pensions. Can’t we just split the difference and move on for the sake of the deal?” This perspective brought everyone back to earth

and aligned the lawyers’ interests with the clients’ in getting the deal done.

10. ACCOUNTABILITY

We all screw up. Sometimes, we are late or over-budget or fail to comport ourselves with dignity and refinement. As unappealing as these occurrences may be, nothing can undermine trust and confidence more than pointing the finger at someone else or not owning up to a mistake. Prompt atonement restores some credibility to the wrongdoer. In fact, sometimes admitting error actually benefits the wrongdoer. On a very small scale, I remember blowing a deadline for a merger filing with a secretary of state’s office. I first tried to fix it. Then I tried to finesse and rationalize it. Then I tried to find someone else to blame. I finally walked into the office of our senior partner and told him I blew it. He looked up from his desk, put his reading glasses down and said, “Don’t worry. We all make mistakes. Your integrity in just admitting the screw up is far more important than the slight harm in the error.” The bottom line is that being responsible is not just the right and honorable thing to do—it will also be beneficial.

CONCLUSION

These above principles apply not just to providing “A” service to existing clients, but also to attracting new clients. For example, being affable and attuned to the potential client’s needs helps develop trust and reduce barriers to being hired. Asking a range of questions about the client’s business demonstrates your agility, which gives the prospective client comfort that you are multi-dimensional and have a range of talents to be of value. It also displays authentic care and desire to be part of their team. Finally, a lawyer can reinforce this attentiveness by calling potential clients to discuss an industry contact or sending them articles related to their business. While some clients like to be wined and dined, many busy prospective clients appreciate the attentiveness and display of agility and affability that are tailored to their actual needs. Relationships that are based on all of these “A” principles will be deeper, longer-lasting, and more likely to withstand any potential difficulties. I remind younger colleagues

that $R + R = R$ squared. In other words, Relationships + Relevance = Revenues.

I hope that this article will help lawyers and other service professionals assess what clients value beyond a good work product. Hopefully, this discussion can put in perspective the true items that matter to achieve success and client attraction, satisfaction, and retention. Possessing these qualities will help ensure that you are never outshined by the next lawyer out of a fancy school or big firm or made redundant by the final “A” I will leave you with—the latest piece of legal software utilizing AI. 🍀