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Institutionalizing Relationships With Clients

By Steven A. Meyerowitz

Clients do not retain law firms, the saying goes, they retain individual lawyers. By the same token, lawyers are hired by individuals -- not by corporations, limited liability companies, partnerships, trusts or other business entities.

It is particularly important for lawyers to keep this in mind because more and more of the people who have hired them in the past no longer have their same jobs. One can credit, or blame, the new trend toward downsizing and mergers, as well as the old constants: taking a position at another company, starting a new business, retirement, and death.

A lawyer who has not institutionalized his or her relationship with a business client before the lawyer's contact leaves can be at risk. The problem is quite straightforward: The contact's replacement may hire a new lawyer. Lawyers, however, can take at least three steps to try to prevent that from occurring.

From the beginning of a lawyer/client relationship, lawyers should broaden contacts within client organizations, strengthen client links and give continuity to client relationships.

Broaden Contacts

The first step for lawyers is to develop a strategy, explicit or implicit, aimed at

broadening contacts with key people -- decision makers, policymakers and check writers -- in key departments in a client's organization. Typically, this would include in-house lawyers, general counsel, department heads and other middle-level and senior executives, corporate officers and directors.

Once a lawyer decides with whom he or she wants to be in contact, the next step is to determine what channels of communication are available. If appropriate channels to more than just the lawyer's contact at a particular client do not already exist, the lawyer needs to establish them.

There are a number of ways to open channels of communication with a client. Lawyers can go to a client's special events such as annual meetings or receptions, get themselves invited to, and attend, clients' holiday parties and contribute to their clients' favored charities.

Lawyers also can create communication channels themselves, by including, for example, a number of people from a particular client on the firm's mailing list for its client newsletter. Or a lawyer can send a client's chief operating officer or director of administration a newsletter, bulletin or memorandum on specific subjects, such as recent legal developments of interest to those people. And a lawyer

who publishes an article on a topic of interest to the client's chief executive officer should send the CEO a reprint. Naturally, it is important that a lawyer not appear to go around or over the initial contact or make the contact feel less significant while trying to broaden the client relationship.

Finally, lawyers must define the message they want to send to the client. To do that, it may be helpful to answer the following questions: What does the lawyer have to say to these people? What can the lawyer's firm do for them? What product or service could the lawyer develop for, or offer to, them? What information can the lawyer provide that will be of value to the people the lawyer wishes to reach?

Strengthen Links

Lawyers can strengthen the links they have with clients by going beyond superficial communications. Sending out one article reprint or one issue of a newsletter during a calendar year is simply not enough.

Instead, lawyers should find subtle, noncommercial ways to communicate their own expertise -- as well as their firm's abilities -- and to inform or remind various people at the client organization (including those who are not yet in a purchasing

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position, but may soon be) of the relationship between the lawyer and the lawyer's firm and the client. Lawyers should think about what would be of value to these people to help them better perform their jobs.

Another way a lawyer can strengthen a client relationship is by appealing on a personal level to people at the client organization. In that regard, lawyers can talk about their own children and personal interests; offer tickets to sporting, arts and music events; and send appropriate greeting cards.

The relationship between a lawyer and a client should have some continuity. Even a lawyer who is not providing legal services for a client should try to maintain at least a minimum level of contact. Sending regular newsletters, article reprints and other publications is one way.

But lawyers can do more. For instance, a law firm might hold or sponsor its own conferences, seminars and workshops for clients. One Boston-based law firm holds an annual two-day conference on doing business with Canada and publishes a newsletter throughout the year on the subject.

Along these lines, a firm might engage in "network maintenance," such as by holding annual holiday receptions to which clients -- and contacts, referral sources and friends of the firm -- can be invited.

One key to effective network maintenance -- indeed, one of the keys to institutionalizing a client relationship -- is to be subtle.

Neither the lawyer nor the firm wants to appear to be too aggressive or commercial or obviously self-serving.

Lawyers who take these and similar steps will be in as strong a position as possible when the unfortunate happens

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and their contact leaves for one reason or another. At that point, it is very important to communicate.

A lawyer needs to communicate with the people in charge, remind them what the lawyer and the lawyer's firm have done in the past and offer to update the replacement and do whatever is needed to help make the transition smooth. The lawyer should not be shy about explaining how many years the lawyer has worked for the client or the number of projects for which the lawyer has provided essential legal advice to the client.

The lawyer could subtly point out his or her unique services and explain why the lawyer is of particular value to the organization. Although a lawyer in this position should not act too threatened, it also is important not to appear too presumptuous or casual; such an attitude might seem arrogant. It is important for the lawyer to make his or her presence known at this particular time.

A Beginning

Of course, when an executive with whom a lawyer works is downsized or merged out of a job, the lawyer would be well advised not to just give up on the relationship with that person.

A person in such circumstances will likely want to maintain relationships with colleagues and advisors. To the extent possible and appropriate, a lawyer should stay in touch, help the person out and offer contact with others who might become that person's allies. It is, of course, common decency to be empathetic, and it may even be remunerative: The person likely will land in a responsible position at a respectable company, where he or she might again be in the position of retaining lawyers.