

Small Firms Can Land Big Clients

By Jack Harari, Esq.

It was the mid-1970's. The elementary school was running its annual two-on-two soccer tournament. Two of the smallest kids in the school formed an unlikely team. Not many took them seriously, thinking that they didn't have the size or the power to beat the bigger kids. They developed some basic sign language to use during the matches (pointing left meant "go right," pointing right meant "go left"). They moved easily through the early tournament rounds, met some limited competition in the semi-finals, and ultimately won the finals, taking first place in the competition. They learned their first lesson in teamwork and tasted their first sweet drops from the fountain of victory. They remained trusted friends throughout the years, entered high school together, attended college together, lived across the hall from each other in the fraternity. Roughly twenty-five years after their initial soccer success, they are the name partners of Weidenbaum & Harari, LLP, a small but growing Manhattan-based law firm.

This is an article about how to grow a successful law practice by cultivating positive relationships built on core character traits such as honesty and trust. It is an article about how to survive in a competitive environment with sanity and dignity still intact. Those looking for the secret tricks to success hidden among the volumes of text already written on the subject should probably skip this article. Those looking to be reminded that the tips to success are things they already know, read on.

This is not to say that careful planning, effective accounting, and aggressive marketing are not integral to the development of a small law firm. Lawyers should always keep their eyes and ears open to new strategies, new ideas, for this is a profession built on a continuously

emerging body of intellectual concepts. It should be noted, however, that the most important and often most overlooked commodity of a small law firm is the character of its lawyers and support staff. Successful law firms are not bound together by six-point marketing plans, powerful computer networks, fancy websites, or even by brilliant attorneys, but by competent individuals who share the desire to be part of an exciting, healthy, and decent work environment.

Many lawyers incorrectly assume that larger firms have an insurmountable advantage in cultivating business. On the surface, this assumption might appear to be correct. How could you stand a chance against something that occupies ten floors in the Chrysler Building? But if you look carefully at the largest firms, you will notice the turnover rate among young associates, the frequency of lateral moves among mid-level associates, and the number of saber-rattling partners who consistently threaten to take their clients elsewhere. These “big firm” problems often lead to a lack of continuity in the representation of a client, and often fuel the client’s perception that a law firm is simply a commodity consisting of anonymous and interchangeable parts. Do you think your small firm does not stand a chance against the big firms? Think again.

Relationships are at the very center of the practice of law. Most lawyers will admit that the success of their firm depends on the relationships cultivated with their clients (some lawyers are more reluctant than others to admit even this most basic fact). What sometimes gets lost in the struggle to obtain and preserve clients is the idea that *all* relationships are important, whether with clients, judges, clerks, lawyers within a firm, support staff or even adversaries, and you do not need a post-graduate degree to understand this. This article will focus on the importance of building positive relationships. The conclusions to be drawn are somewhat obvious, and reaffirm what our mothers and fathers have been telling us all along. Success is not measured in gross profits, but rather, as Margaret Mead said, “in terms of the contributions an individual

makes to her and his fellow human beings.” The sad truth is that many people assume these two statements are mutually exclusive.

Small firm success begins with the relationships built by the members of the firm. Sometimes these relationships were fostered long before the firm may have even existed. In my first full-time job, I worked for a small firm with an office in the Bronx, in an area of Broadway that I didn't even know existed. Instead of personal secretaries and complex computer systems, I was given two keys-- one to the rusted outside parking lot gate and another to the bathroom. Like many young associates, I believed I was overqualified and underpaid for this job. Nevertheless, I approached the job with the highest possible work ethic, always trying to earn the confidence and respect of my employer. People who say that your first law job is not important, that it's just a place to get some experience and pad your resume are missing a key point: your first job in the legal profession is your first opportunity to make valuable contacts, to establish relationships that could, by definition, become the longest relationships of your legal career. Almost ten years later, I have still maintained close friendships with many of the lawyers and support staff from that job. As our firm handles a large volume of commercial collection matters, we have served as local counsel to many of the lawyers from that firm when they are in need of assistance, have received many referrals from those lawyers, and have even handled the personal legal matters for lawyers at that firm.

One of the untapped resources of a small firm is the relationship built with opposing counsel. While still at my first job (the office had since moved from the Bronx to an industrial road in Westchester, one of the benefits of small firm practice being the mobility of the firm), I was chosen to handle an ERISA collection matter as counsel for the plaintiff. Over a two-year period, I conducted numerous telephone negotiations with opposing counsel. This was not your

ordinary opposing counsel. He believed in reducing stress, not creating it. Sometimes he would call from his home, sometimes from a fishing spot in Maine. Even the light-hearted tone of his voicemail message had a calming effect. After many back-and-forth negotiations, we eventually settled the case with a substantial sum of money going to our client. By this time, we had a very friendly working relationship. We kept in touch through the years. One day, around the time Weidenbaum & Harari, LLP was born, I received a call from this attorney. He wanted to retire from the practice of law to spend more time traveling and enjoying life's other pleasures. He offered to refer me all of his active clients, and sought little in return but the right to put in a few work-hours every now and then, a place to "hang his hat." He said that he "wanted to know his clients were in good hands"—that's what he told me. We didn't disappoint. Some of his clients now make up the core of our successful construction law practice, and have referred our firm to other colleagues and peers in their industries. My friendship with this attorney has grown stronger, and the members of our firm have enjoyed receiving postcards from around the world, following vicariously his trails through Europe and Asia. The next time you find yourself staring at the eyes of opposing counsel as if they were the double barrels of a shotgun, remember this story. This is not to suggest you should compromise your zealous representation of a client in the hopes of gaining favor from opposing counsel. It is, rather, a reminder that your adversaries are the people in the trenches with you on a day-to-day basis. They are in a unique position to observe the nature of your character. You may choose to make enemies of your adversaries on a short-term case-by-case basis or make allies in your shared struggle to achieve long-term success. The choice is yours.

And now a few words on a topic you might find truly distasteful: charging clients LESS than you rightfully should. Remember, this article is about forming healthy, positive

relationships, and how such relationships lead to the success of a small firm. When we started the firm, one of our first clients was a high school friend in need of representation for a residential real estate transaction. Because we had some time on our hands (probably too much time, to tell the truth), we were able to develop solid relationships with our client, as well as with his real estate broker and his mortgage lender. Unlike a large firm, where most of the work would be performed by a paralegal, we were a small firm, and took a hands-on approach. As is often the case, there were several unexpected bumps in the road during the course of the transaction, but we were always open with our client as to the progress of the case, or the obstacles we faced.

At the successful conclusion of the representation, we sent the client a drastically reduced fee for services rendered, in light of our friendship, and in recognition of the firm's then brief existence. When the payment on the invoice arrived, we found that the client had paid us far in excess of what we had billed! Attached to the payment was a brief note explaining that they paid us more because "that's what another lawyer would have charged in the first place to do half as good a job." Over the course of our firm's growth, we have received referrals from that client, and handled various commercial litigation matters for the client's family-owned business. We have also received numerous referrals from the real estate broker on that initial transaction, who commented that while he could refer his clients to any number of lawyers, he chose us because we were "nice guys."

The point of this story is not to suggest that lawyers do not deserve to be compensated for the fair value of their services. Of course they do. But remember, this article focuses on the premise that in order to build a successful small firm, relationships matter most. It's like the movie "Field of Dreams"—if you build the relationships, then eventually success will flow in

your direction (incidentally, I was at a wedding recently and met a couple from Iowa, who informed me that the baseball field in “Field of Dreams” is still a popular tourist attraction for visitors to Iowa). Now, in that movie, the main character had to listen to mysterious voices in his cornfield. Thankfully, we lawyers need only listen to common sense. Treat people with respect and with the patience they deserve, and you will be well on your way to developing a thriving legal practice.

These anecdotal accounts might appear at first glance to describe nothing more than one incredible run of luck for a small New York law firm. The lessons to be learned are more vague and abstract than your typical article on how to land clients. This article should come with a warning similar to those seen on television involving dangerous stunts: do not attempt this at home. It would be impossible to reproduce exactly the events and circumstances that led to the clients described in this article. Don’t think that by simply buttering up your opposing counsel you will guarantee to receive clients upon their retirement. Don’t expect that by under-billing clients you will be recognized and rewarded with business. Just as in “Field of Dreams,” the main character had to build a baseball field in his cornfield on faith alone, so must lawyers have faith that the relationships they build in all areas of their life will lead to a successful practice, and incidentally, a more fulfilling career.

I often think about those two kids playing soccer back in elementary school many years ago. I wonder, if we could go back in time and be those people again, what would we feel? What would be our dreams, our hopes, our desires? But then I remember what we probably would have said. “We’re going to be lawyers. We’re going to open a law firm of our own. We’re going to help people. We’re going to have fun.” I think these thoughts, reflect on the

inherent comedy of life unfolding, and then I open my office door and get back to the business of law.