

BUSINESS DEVELOPMENT BEST PRACTICES

Expert Analysis

Lawyers Focus on Client Care For Clients Facing the Unknown

When COVID-19 entered our world last winter lawyers stepped up their efforts to help their clients manage through lockdowns and adjust to remote working. It's a year later, and clients are perhaps a bit more optimistic, but concerns are still front and center. Current marketing literature says that clients are in some ways more dependent on their lawyer advisors, but at the same time, more demanding about client service. They want what they want when they want it. I asked my lawyer advisory panel what their clients wanted now as we move into the new normal, and how they met those needs.

Client Concerns

Several lawyers said their clients are seeing opportunities in the reopening of commerce. Kyle-Beth Hilfer, Hilfer Law, who focuses her practice on intel-

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lectual property and media marketing issues, says, "I see more clients finding creative ways to engage their customers, resulting in more curiosity to learn what they do not know and prevent legal risk in this tenuous environment."

Elissa Hecker, intellectual property lawyer and principal, The Law Office of Elissa D. Hecker, is "seeing an increase in new businesses and corporate entities. People are more willing to take the risks than they had previously. People are excited about moving forward and creating new opportunities and relationships."

More clients seemed to want reassurance. Clients of lawyers practicing in the areas of matrimonial law, criminal defense and personal injury are concerned about the next hearing, details for their court appearances, the resolution of their case, etc.

In other practice areas, clients have broader concerns about adjusting to the new normal. They question how to prepare for the impact of COVID on future conditions and possibilities. Andrew Peskoe is chairman of Golenbock Eiseman Assor Bello & Peskoe and co-head of the corporate practice and the food, beverage and hospitality industry practice group. He says, "The easy questions revolve around business intel as to what is happening in the markets and what is new in deal terms across specific industries. I know the answers to those questions. The hard stuff requires me to really speculate. They are asking for concrete business advice about how the new normal MIGHT look and how to concretely respond to that eventuality and how to best prepare for the alternative realities that might surprise us."

Amy Goldsmith, intellectual property and privacy/cyber practice partner and co-chair at Tarter Krinsky & Drogin, hears similar questions from her clients about returning to work.

- "What are the best practices in NYC and NY State?"

- Should we require everyone to be vaccinated or have a negative test before they return?
- What are our legal obligations?"

She says, "Once the client understands their legal obligations, our team has an extensive discussion to guide the decision-making process toward a solution that works for them. In my own practice, I'm fielding a lot of questions about how to best protect company proprietary data and personal information."

Joel Weiss, managing partner of Weiss & Arons, an IP boutique, says his clients are seeing the beginning of a new normal and "are under pressure now to get things accomplished and jump back into the post-COVID world. Clients want to be relevant and not sidelined. Their #1 fear is the fear of being irrelevant in a post-COVID world."

Abby Rosmarin, partner with Berkman Bottger Newman & Schein, practices alternative dispute resolution. Her clients are focused on family and parenting issues. "In addition to personal health and safety for themselves, loved ones and the greater community, clients express concern about stability. Parents are also concerned about the emotional and developmental effect of the pandemic on their children's wellbeing which is compounded by a decision to separate or divorce."

Ben Geizhals, counsel at Moritt Hock & Hamroff, works with health care providers. "COVID, the lockdown and other restrictions made our clients confront what was heretofore unimaginable. Unimaginable in the sense that, for example, oral surgeons would have been hard pressed to foresee that they would not have access to operating rooms in accordance

with their historical schedules. Now they want to know how best to protect themselves from the unexpected. We are negotiating "COVID" clauses in different contexts, but addressing the unexpected remains a challenge."

Client Fears

Having just weathered a year of pandemic shocks, it is not surprising that clients now fear the new normal unknowns. Many wonder how to incorporate protocols to protect the health

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of their employees. Other concerns center around questions of survival in the new environment.

- Omid Zerah, partner and head of the litigation practice at Weinberg Zareh Malkin Price, says; "Our clients are as anxious about safety and health, as anyone else. But we are a business law firm, and that means clients also fear that years of business effort and sacrifice may end in failure due to the Pandemic."
- Jim Landau, partner at McCarthy Fingar, concentrates his practice in commercial litigation, cannabis law and appeals. "My clients' number one fear is that they won't be able to stay in business. As an advisor, I try to take a pragmatic approach and assure them that we are helping them to reach their goals in the least amount of time and at the lowest cost possible"

• Amy Goldsmith says, "The number one fear among some clients relates to how to continue to grow their businesses in this new world. Clients who run brick and mortar businesses are hoping that the world will reopen and not close again."

For matrimonial attorney, Alla Roytberg, Founder-Principal Attorney and Mediator, Good Law Firm, client worries are very basic. "Most of my clients, who are separating and divorcing couples, worry about being able to make a living, pay and receive child support and handle childcare/remote/in-person learning for the children if there is another COVID shutdown in the future."

Similarly, Adam Weissman, Adam N. Weissman Law, provides counsel to individuals and companies in music, film, theater, and digital media. His clients are focused on the practical issues of "cash flow and where they will find their next set of clients." Even though these are not legal issues, Adam is offering advice and comfort. "I have been setting aside more time to catch-up with clients and offer solutions where I can."

Barry Heyman, Heyman Law, works with clients in the music, new media, audio-visual and design industries. "Some clients who are resuming live productions are seeking to ensure they have contractual protection regarding COVID infections which may occur at their events or on set."

How are lawyers responding to these real fears? As advisors.

- "We are encouraging clients to be proactive with key staff, landlords, contractual counter-parties and partners. We say, 'Don't just sit back

and see what happens: Ostriches may end up as defendants.”—Omid Zerah

- “We help our clients navigate the choices and prepare for the anticipated disappointments.” —Andy Peskoe

- “We are providing all of the legal resources that they need as well as our connections with others in our circle of trust who can be helpful to our clients.”—Amy Goldsmith

- “I have incorporated language into my clients’ agreements to address their concerns, as well as created a COVID release form, and clients have instituted legally compliant policies and procedures for conducting in person production activities.”—Barry Heyman

Client Expectations

According to recent trend surveys, clients assume law firms are using automated processes so they want “quality results at the best rates in the least amount of time.” Consumers looking for lawyers want them to be experienced, modern and very responsive. They want to know what it will cost. They are asking their lawyers to explain the process used to resolve their problem and allow them to participate. They define responsiveness in terms of response time rather than the content. I asked my advisory panel how they met this array of demands.

Some said they focus on providing excellent personal service. Mark Seitelman, managing partner, Mark E. Seitelman Law Offices, P.C., a personal injury firm, says, “We keep close and frequent and friendly contacts with our clients by either letter, email, text, or phone. They are mostly con-

cerned with being kept advised of the process and seeing results.” Douglas Singer, member, Singer Law PLLC, has a trusts and estates practice. To him, “There is nothing new here. We meet these expectations the way we always have: By treating our clients in the same way we would want to be treated. In our experience, we don’t see that the clients’ expectations are tied to automation.”

Other lawyers emphasize quality client communication and effective

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management of clients’ expectations. Adam Weissman says, “Consistent communication is key to meeting and managing client expectations. Clients don’t necessarily expect immediate turnaround with work, but do want to know their lawyer is taking care of them. Taking a minute to update your client or acknowledge their question, even when you’re busy with other matters, goes a long way.”

Zara Watkins, principal at On Point Expertise, researches and writes appeals and substantive motions for lawyers in state, federal, and immigration cases. She says, “I carefully manage client expectations by explaining to them in detail how long the parts of the appeals process take. I have found that some clients think I am a computer and can mentally process an appeal record in a few hours and write a compelling brief.”

Alan J. Schwartz, managing partner, Law Offices of Alan J. Schwartz, P.C., a criminal defense firm, says, “Notwithstanding our commitment to technology as it assists in the efficient operation of a small law firm, automated processes really play a very small part in a practice where we pride ourselves on using a hands-on and personal approach to everything we do.”

Lawyers who have incorporated modern technology into their practice find it makes it easier for them to meet their clients’ demands. Donna Drumm, principal, Drumm Advocacy, provides civil litigation consulting and ADA advocacy. To be responsive to her clients, she uses “automated payment processes, VOIP telephone connectivity and respond to my firm’s website queries promptly. I inform the client when I will deliver work product and keep them informed during the process.”

Andrew Peskoe says his clients expect both efficiency and cost savings. “We do find that clients expect us to adopt time-saving technologies and—more importantly—efficiency-created work flows. And then pass on the resulting savings. That does seem more pronounced in the pandemic. The quid pro quo is more work and more opportunities to broaden and deepen our relationship with clients. That tradeoff works well for us.”

The advisory panel lawyers confirm that while clients may want modernization of law firm processes, they continue to rely most on their lawyers for advice, solutions and comfort.