

Expert advice

How to make the most of your client-attorney relationship **Interviewed by Sue Ostrowski**

When you have a legal issue, you call your attorney. But are you taking advantage of the other ways in which your lawyer can help your business?

“Your lawyer should be not only your lawyer but a counselor to your business,” says Jon D. Cantor, member, Dykema Gossett PLLC. “Your lawyer should know your business, know your industry and know the ups and downs of your industry. Only by doing so can that person help you make proper decisions when it comes to your business.”

Smart Business spoke with Cantor about how to make the most of your attorney’s knowledge and skills when making decisions about your company.

How can your attorney be an asset to your business?

Whether you are involved in transactional law or involved in litigation, the one thing that your lawyer has to be cognizant of is that these are business decisions.

There are times when you have to weigh the business interest against the legal interests. For example, a company may have a very strong business interest in going forward on a deal, but its legal interest is questionable. Or, in the incidence of a lawsuit, your legal interest may be substantial, but it may not be in your best business interest to go ahead and litigate.

There a number of factors that your lawyer needs to be aware of when counseling you on whether or not to enter into an agreement or commence litigation.

How should business leaders approach their relationship with their lawyer?

You don’t want to look at your lawyer simply as a lawyer. You want that person to be someone you can approach to ask questions about certain business decisions you are making. A lawyer can look at a potential decision with detachment. A good lawyer doesn’t become emotionally charged; he or she will be very rational and won’t allow emotions to enter into the decision-making process with the client.

A lot of business leaders, in both small and large companies, may just look to their lawyer to help them on the legal aspect of a decision, but your lawyer can



Jon D. Cantor
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help you with both the legal aspects and the business decisions in everything that you do. Whether it is litigation or transactional, the business aspect of that decision should always be considered.

On a major corporation level, as well as with small business people, there is far more to get out of that relationship than most people realize.

What should a company look for when finding the right lawyer for its needs?

You need to be asking the right questions. Sit down face to face with lawyers you’re thinking about engaging and find out where they have done work, what kind of businesses they have dealt with and what kinds of cases they have handled. Ask for referrals, and follow through with them, but you also have to assume that any contacts you are given for referrals are going to be positive.

You really need to get to know the person because that personal relationship with your lawyer is everything. There are a number of really good lawyers in this country but one of the major things that separates one from another is that personal relationship that they are able to establish with clients.

Accessibility is another critical element. A good lawyer will give you his

or her office number, cell phone number and e-mail address, and will carry a smart phone for instant access. Businesses should not only be able to contact their lawyer at any time they want to, but should also be encouraged by the attorney to do so.

When should a business contact its lawyer?

Businesses should be encouraged to call their lawyer before they sign on the dotted line, or before they take any action that could have some ramifications on the company, and talk through the potential action.

Some clients are reluctant to make contact because they are concerned about being billed by the lawyer for every minute spent on the phone or every minute spent answering e-mail. But depending on the length of the call, the lawyer will not necessarily charge every time you call.

And if it’s a longer call and there is a charge, it will be easier for you if you call beforehand — and will be less money if you call before making a decision and pay for the advice up front — than if you call after you’ve made a poor decision and are saying to your lawyer, ‘I made a mistake. Can you get me out of it?’

The best business tool between a CEO and the company’s lawyer is the phone. Do not hesitate to pick up the phone and call or to send a quick e-mail. It’s a matter of personal service, and the lawyer should be communicating to you that no matter is too small to handle.

How important is the relationship between a business and its lawyer?

You should look at your lawyer as part of the family, as part of the company. Look at that person not as someone who is external to the company, but who is an appendage to the company.

You need to really feel comfortable sharing information with your attorney in order to take maximum advantage of that relationship and of the expertise that person has to offer. It takes time to be able to build that type of trust and confidence, but you need to do it. <<

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