

Creating Positive Visibility Within Your Organization

By Jane DiRenzo Pigott

Positive visibility within your organization is a material factor in promotion potential. Conversely, "invisibility" with decision makers creates a self-fulfilling prophecy when they are making difficult promotion and leadership decisions. As you become more senior in an organization, the quality of your professional network becomes a more significant factor in determining success than your substantive skills. Consequently, your career game plan should include strategic avenues for creating positive visibility within your organization.

Why does positive visibility have such a material positive impact? Law firms utilize a "partner grapevine" as a valid communications vehicle. As law firms get larger and more geographically dispersed, the grapevine serves a key role in determining the "view" of partners not only with regard to your substantive performance, but also with regard to your leadership skills. Visibility activities within the firm provide important additional opportunities for people to form a positive view as to your skills, interpersonal abilities, and judgment. In addition, creating visibility for yourself within your organization outside of your official job responsibilities increases the number of people who have dealt with you directly and gives you an opportuni-

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ty to develop a reputation across practice areas and offices.

The opportunities to create positive visibility in a law firm context are numerous. This article discusses three of the areas that exist at firms. Most law firms have multiple established firm citizenship opportunities in the form of local and firm-wide committees, affinity groups, task forces, and practice group management activities. Strategic firm functions such as client relationship management, business acquisition efforts, and recruiting provide additional

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vable opportunities. Finally, the lack of strict hierarchy in a law firm provides opportunities to create visibility.

FIRM CITIZENSHIP OPPORTUNITIES

Law firms offer a multitude of established firm citizenship opportunities involved with the day-to-day management of the firm and its practice areas. Each firm has a different political reality related to getting involved in these activities. Consequently, as a first step, if this type of positive visibility activity appeals to you, do the due diligence necessary to determine how these opportunities get allocated, earned, or distributed in your firm. Once you are officially assigned a firm citizenship role, execution is crucial. Participation is not enough. If that is all you are willing to invest in the activity, you have little likelihood of creating positive visibility. Firm citizenship activities are a waste of your time if you skip meetings, come late to the meetings, only participate by phone, or merely listen to the discussion. Instead, creating positive visibility through firm citizenship activities requires thorough

preparation, thoughtful participation, taking advantage of opportunities to create new relationships and strengthen existing ones, volunteering for assignments, and timely and complete follow-up.

STRATEGIC FIRM FUNCTIONS

Law firms compete for two things: clients and talent. It should be obvious that firm activities that involve either of these two categories are strategically important to the business of the firm and, consequently, provide important avenues for creating positive visibility. Firms keep in touch with clients and recruit talent in a variety of ways. Active and meaningful participation in these efforts provides an effective vehicle for creating positive visibility. For example, if your practice area is sponsoring an important substantive update for its key clients and prospects, you obviously want to attend the event. Attendance alone does not create positive visibility. What could you do to create some positive visibility within the firm in connection with such an event? While the possibilities are numerous, here are some ideas: 1) Take the lead on ensuring that firm attendees not only get a list of the RSVPs but some research on them, their organizations and their relationship to the firm; 2) Offer to create an appropriate take-away for those coming to the event; 3) Think creatively about which of your contacts should attend and personalize both the invitation and their experience at the event; or 4) Sponsor a prep session for the younger attorneys in the group to discuss how they can best take advantage of the opportunities afforded by the client event.

LACK OF STRICT HIERARCHY

Another important avenue for creating positive visibility within a law firm is created by the lack of a strict hierarchy in a law firm. This unique organizational characteristic provides opportunities to "own without equity": You recognize an institutional issue, propose a solution in a professional manner, and volunteer to assist with the implementation of the solution, all without the issue falling

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Claims

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attorneys and staff to preserve relevant electronic and paper files. Second, claims counsel needs to communicate with the "key players" involved in the underlying matter, and specifically discuss the need to preserve and produce relevant information. Finally, depending upon the nature of the case, the firm may need to take special steps to identify, preserve, and retrieve relevant computer backup media. Many firms have created e-discovery "SWAT Teams" consisting of attorneys, paralegals, IT personnel, and outside e-discovery vendors to assist their clients in treading through the e-discovery minefield. Those teams can also provide invaluable assistance to the firm itself when it is faced with a claim.

TOLLING AGREEMENTS

These are agreements to suspend the running of the statute of limitations in the hopes of either resolving a claim or avoiding one entirely. A typical example where a tolling agreement makes sense is one in which the client is exposed to litigation arising out of transactional work the firm performed. If the litigation has a good outcome, the client is satisfied and no claim results. On the other hand, the client does not want to risk losing its right to pursue a claim against the firm if the underlying case goes badly.

I have made good use of tolling agreements in representing my law firm clients. A few tips with respect to such agreements: First, they should have a finite duration, such as

one year, with the possibility of renewal if the parties agree. Second, they should describe with reasonable specificity the claim that is subject to the agreement. Finally, most professional liability policies require the insurer's consent prior to entering into a tolling agreement.

Firms also should consider

the toll claims have on the attorneys involved, both the psychological and emotional toll as well as the loss of productive time.

EARLY SETTLEMENT OF CLAIMS

There are many factors that can and should influence a firm's decision whether to settle or fight. These include the firm's assessment of its liability, its damages exposure, and the limits of its insurance and self-insured retention. Firms also should consider the toll claims have on the attorneys involved, both the psychological and emotional toll as well as the loss of productive time. On the other hand, in my opinion, firms should not fear taking defensible cases to trial out of concern about juror bias. The common perception that jurors "hate" lawyers is simply not true, in my experience. One factor that can and often does tip the balance against a law firm is when the plaintiff has a colorable argument

that the law firm engaged in a conflict of interest. Finally, firms need to consider the collateral damage that can result if claims are not resolved promptly. Adverse publicity is one such example. In addition, many plaintiffs will file a parallel disciplinary complaint against their lawyer as a means of obtaining leverage in a malpractice case.

ALTERNATIVE DISPUTE RESOLUTION

ADR comes in two flavors: mediation and arbitration. In my experience, mediation works well when both sides recognize that a claim has some value but need some objective assistance in determining that value. It also works best when there is some event (such as a summary judgment hearing or trial) looming that will dramatically affect the outcome of the claim one way or the other. As Samuel Johnson said: "nothing focuses the mind like a hanging."

I generally do not favor arbitration as a means of resolving claims against law firms. The perceived benefits of arbitration, including cost savings and confidentiality, often prove illusory. On the other hand, the downsides include the inability to get a claim dismissed prior to trial on motion and the absence of any meaningful appellate rights.

CONCLUSION

In modern society, claims against law firms are inevitable. Follow these simple tips and minimize your firm's exposure.



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within your job description, title, or scope of authority or responsibility. This type of activity may provide the most distinctive internal visibility of all within a law firm. By choosing to devote time and energy in this fashion, you demonstrate a dedication to the institution, sound judgment, professionalism, and a positive attitude toward being part of the solution.

Contrast that to someone who recognizes an issue, complains about the issue to someone with a title, and expects that person to fix it. This contrast alone demonstrates the inherent positive potential in utilizing this type of internal visibility activity.

CONCLUSION

Positive visibility within your organization directly correlates with promotion potential. In order to succeed, you need to have a good reputation and a network beyond those

with whom you have substantively worked. Fortunately, law firms offer a wide variety and large number of appropriate opportunities for creating positive visibility.



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