



Adding Value to Client Relationships

BY NICHOLAS GAFFNEY ON OCTOBER 13, 2016

Every lawyer seeks to “add value” when delivering their services because adding value strengthens the client relationship and demonstrates an understanding of client needs and business challenges. Adding value, however, is a difficult thing to understand and attain.

Often adding value varies by practice area and each client has a different definition of what adding value means. Adding value can also mean very different things for female and male practitioners. So how can you ensure that you are on the same page with your client when it comes to adding value?

This month’s roundtable features legal seven female legal professionals from varying practice areas offering their insight about adding value, what it means to them and the clients they service.

Our Moderator



Nicholas Gaffney (NG) is a member of the Law Practice Today Board and is a veteran public relations practitioner.

Our Panelists



Michelle B. Abido (MA) is a partner with FordHarrison, LLP in Los Angeles. She works with employers to resolve complex employment disputes and reduce litigation risk. Michelle is passionate about learning her clients’ businesses from the ground up and prides herself in being a trusted advisor who provides smart business solutions as efficiently as possible.



Tamany Vinson Bentz (TVB), a partner in the Intellectual Property Litigation Practice Group in Venable's Los Angeles office, focuses her practice on patent, trade secrets, trademarks, and copyright litigation. As a litigator Ms. Vinson Bentz has appeared before various jurisdictions around the country, including federal district courts in California, New Jersey, New York, and Maryland, the United States Court of Appeals for the Ninth Circuit, and the International Trade Commission.



Mary Graham (MG) is a partner in the Intellectual Property Litigation Group at Morris Nichols where she has been practicing law since 1983. She has acted in lead roles in numerous intellectual property cases in both trial and appellate courts involving patents, trade secrets, licensing and copyrights, and involving diverse technologies from pharmaceuticals and chemicals to software and medical devices.



Tara S. Kaushik (TK) is a partner in Holland & Knight's San Francisco office. She focuses her practice on the regulation of energy and natural resources and utility law. She represents electric and natural gas companies, local governments, Alaska Native Corporations, and tribal entities in project developments and before state utilities commissions.



Krista K. McIntyre (KM) is a partner with Stoel Rives LLP in the firm's Boise, ID office. She serves as practice group leader for the firm's environment, natural resources, and land use practices and is a member of the firm's executive committee. Before joining Stoel Rives, she was an attorney/advisor at EPA and a special trial attorney at DOJ. She focuses her law practice on enforcement defense and compliance under the Clean Air Act. She represents clients in various industries, including agribusiness, forest products, mining, and manufacturing.



Brandy Thompson (BT) began her legal career with the Michigan firm of Kronzek & Cronkright PLLC approximately 14 years ago and eventually became a partner in the firm in 2013. She has primarily focused her practice in the areas of Family Law including Divorce, Custody and Children's Protective Services Defense. Brandy has a core belief that for most parents, their children are their most precious possession and she aggressively represents clients to protect their parental rights.



Karen Johnson-McKewan (KJM) is an Intellectual Property partner in Orrick's San Francisco office, concentrating her practice on complex intellectual property and commercial litigation for technology companies. Over the past 30 years, Karen has represented clients in a broad range of matters in state and federal courts and before multiple arbitral bodies. Karen's clients include leading technology and Fortune 500 companies, and she has represented, among others, Oracle Corporation, NVIDIA Corporation, Levi Strauss & Co., Harman International, VMware, and EMC.



Lisa Pirozzolo (LP) is co-chair of WilmerHale's Intellectual Property Litigation Practice Group and the firm's Counsel Committee. She has represented clients in patent infringement, licensing, and contract disputes involving a wide variety of technologies, with a particular focus on the life sciences. Lisa has experience handling all phases of litigation, in both the trial court and on appeal, as well as arbitration proceedings. Lisa currently serves as co-chair of the Lawyers Committee for Civil Rights Under Law of the Boston Bar Association and a member of the Boston Bar Foundation's Society of Fellows.

NG: Define what “adding value” means to you in your practice?

MA: Adding value means investing in the client relationship. I do that by understanding my clients’ industry so they do not have to pay me to get up to speed on their issues. Many of my clients are in the airline industry with specific terminology, employment practices, and legal defenses pursuant to the Railway Labor Act. I bring value to the relationship by understanding the nuances of my clients’ industry.

I also invest in my clients by providing management and legal training on a reduced flat fee or complimentary basis. I do these for my clients in person at their offices or by webinar. It allows me to stay up to speed on the challenges my clients are dealing with and stay connected. In addition, my firm regularly holds an airline industry conference where we discuss recent legal developments and address particular issues the industry is facing. We do this in an informal setting where we get to spend time with our clients and continue to grow our relationships.

TVB: Generally speaking, it is getting the client what they want in a cost-efficient way. In my particular practice, this usually means protecting a client’s intellectual property or right to use intellectual property for less than their internal legal budget.

MG: Adding value stated in a bland way means doing more for clients than they might otherwise be expecting and at a cost that is reasonable in their view. But I see the translation of this as meaning to take initiative to make sure you understand a particular client’s goals and to figure out how best to meet those goals. It is critical to listen, think and inform. These seem like basic skills but, in the rush of demanding practice, can be forgotten. If you are not thinking about your clients’ cases while driving in the car, you probably are not adding as much value as you could. And pick up the phone; don’t just email.

In my practice as Delaware counsel working with terrific litigators from around the country who come to our courts in Delaware, adding value also means to help them navigate our courts and to provide more value than they might be expecting from local Delaware counsel—guiding them as to what is realistic before our courts and a particular judge and figuring out how best to help them accomplish what they and the client want. And again, taking initiative, not just passively waiting for someone to call and ask you a question.

TK: I would say that adding value means obtaining a favorable result that impacts the bottom line for a client.

KJM: I represent technology companies in complex litigation. My clients come to me with everything from challenges involving their intellectual property to general commercial disputes. When we begin to discuss the matter, I always start with questions about how this dispute relates to the business—how important is this, what part of their business does it pertain to? That’s aimed at trying to understand how important the fight is relative to the company’s business strategy so that we can calibrate the effort to the risk or opportunity. Once I understand this, we work together to formulate the strategy, and assess how best to deploy resources to achieve the goal. Sometimes the goal is simply to win; sometimes it’s to resolve the matter as quickly as possible and move on. The value is in being able to ask the right questions to help assess the risk that the particular matter presents, and then scaling our efforts to attain the best outcome.

Tied to this concept of achieving the best outcome is the necessity of working efficiently. A large part of my job is figuring out how to manage our teams so that we are using our resources in a way that is cost-effective for our clients. I aim to do this on every matter; not just the cases in which the client’s budgetary concerns are most acute. In fact, it is especially important to be thoughtful and vigilant on litigation that requires significant resources, because the risk of waste is so much greater.

I am also very focused on ensuring that we provide the highest quality written work product. So much advocacy these days is won with words on the page. I look at every filing in terms of how we can synthesize many small details into a compelling story. More and more, providing this larger context in a well-written brief helps our clients tell their story more effectively.

KM: My formula for adding value is: (client’s goal / what’s possible) + (Stoel Rives’ experience x responsiveness x hard work) = value.

In other words, I add value when (together) a client and I set a realistic goal for the circumstances, and I

bring Stoel Rives' best experience and superior legal service to the task. Sometimes that means I perform the work, sometimes I connect the client with the right resource. Every time Stoel Rives delivers results that meet or exceed the client's goal.

BT: For my practice, "adding value" means utilizing resources for my clients that are cost effective but also focused on getting results. Developing positive relationships with the bench as well as with other attorneys in and out of our firm has been beneficial to our clients. Add that to the firm's extensive experience with some of the very best experts in the country, and our team approach to helping clients and that's how I add value for my clients.

LP: "Adding value" means bringing the full breadth of my and the firm's expertise to all client matters. In an increasingly complex world, successful results often require a wide variety of expertise—strong litigation skills, familiarity with regulatory matters, and knowledge of the technology at issue. Clients benefit from our ability to serve as legal counsel but also as business partners who are thinking about challenges and opportunities on the horizon. I can add the most value when I bring all of that to bear on a client's matter.

NG: How do reconcile your definition of value to those of your clients?

MA: Clients see value when their legal costs are being managed efficiently. They do not want to be surprised by a bill that contains unnecessary work. Those surprises can damage the trust necessary in having a long-term business relationship.

My commitment to investing in the client relationship means managing their costs like my own. I review each bill meticulously and cut excessive time spent on getting up to speed on industry issues or other unnecessary work. My clients come to me because I am already an expert in their industry and so are the other members of my team. Associates on my team are familiar with the airline industry because they participate with our client service secondment program where they work in a client's office for several months at no charge to the client to gain an inside understanding of our clients' businesses and the expectations of in-house counsel. This makes all the difference when we are called upon to provide strategic employment advice or defend against claims.

TVB: Given my definition, you would think it would always be the same as the client's. However, sometimes what the client wants is unreasonable or unlikely to resolve the problem. There is often a lot of discussion early in my cases around strategy and likely outcomes, so that the client and I agree on what the value of the matter is in terms of cost and results. I try to conduct all of these meetings in person. First, I find my clients often see my value proposition better in person. Second, as a woman, I always want to be careful that a client does not think my value proposition differs because I am weak or afraid of a challenge. In-person meetings allow the client to see my body language and understand that any differences are not a reflection of my ability to advocate on their behalf.

MG: There shouldn't be a difference in most instances. If there is, then consider if it is your fault or if the client has unrealistic goals that you simply cannot meet. It is important to listen to your client. Sometimes, lawyers are so focused on what they think should be done, that they forget to listen. Perhaps in the intellectual property area we are particularly fortunate, but our clients are involved in IP litigation only if they are successful, either by creating IP or having a business with a product or service that an IP owner or competitor thinks is significant enough to go after in a lawsuit. These clients know their business goals. So it is up to us as their lawyers to make sure that the litigation serves those goals (but to adjust clients' expectations if needed). They know their business and products better than we do, and are typically sophisticated or smart enough to participate meaningfully in strategy development.

TK: I like to practice what I preach, so I strive to obtain results for every client that either saves them money or makes them money.

KJM: Because my first priority in any client relationship is ensuring that I fully understand the significance of the litigation matter to the client, I don't generally have much reconciling to do. I want to work toward the outcome that best serves my clients. I try to maintain very direct and open communication with my clients so that as things shift and change over the life of a case, our team is always responding appropriately. It doesn't always work; I have had a small number of clients over the years who, for their own reasons, have not wanted a high level of communication. Those relationships don't tend to last, because it's hard to be successful when you can't sync up your work with your client's needs. Fortunately, though, most of my

clients also become my friends.

KM: Is this a trick question? The client defines value. As the service provider, my definition of value is irrelevant.

BT: I let my clients know from the beginning that when they retain me, they don't just get my own experience. My clients have the benefit of our full staff of legal assistants, research clerks and clerical assistants in addition to the relationships I have with other professionals such as computer experts, various medical experts, therapists, physicians, scientists, accountants, etc. Furthermore, I often round table complex legal issues with our team of attorneys to help narrow down and focus legal arguments. We use a team approach to every significant case.

LP: I talk with clients about their goals and objectives, how my particular matter fits into the larger business strategy, and concerns the clients may have not only with respect to outcome, but process. Another key issue in today's environment is to make sure matters are handled efficiently and at a cost that the client is comfortable with. When I started practicing, detailed budgets were rare. They are now the norm and a great way to make sure we are on the same page with respect to value.

NG: Based on your experience, how do you ensure that your added value is actually appreciated by clients?

MA: I check in with my clients regularly on a personal level when we are not talking on the "billable hour." During those conversations, we talk about a wide variety of issues including how satisfied they are with our work and what we could do better. As long as the trust is there, you can get honest feedback from your clients.

TVB: Communication, communication, communication. I find that clients who know everything that is going on in their case understand its value and the value I and my team add.

MG: You would hope that people can just see what you bring to the table. But they do not necessarily, just as you might not appreciate what a carpenter or painter working on your house is doing better than others unless they inform you. So don't be bashful. This is particularly an issue for women as we do not like to talk about ourselves, let alone boast (which we define very broadly). Best advice is, "get over it." One of my contemporaries (who actually was male, as almost all my contemporaries were) and I talked many years ago and realized that we needed to follow the lead of one of the then-senior partners who, in notable ways, never hesitated to talk about what he had accomplished. It was helpful to see someone else more senior not be timid about their value (even if we still elected to be less obvious about it).

TK: I'd say the key is to manage expectations and to communicate regularly.

KJM: My clients are usually large companies, so the person I am interacting with on a day-to-day basis is a client representative, usually the General Counsel or someone in her department. Whoever my principal point of contact is has pressures of her own, coming from her own internal clients. It's critical to understand what those pressures are, and to help shoulder the burden when I can. So, for example, if she is taking heat from a colleague within her company—say a business person who has not made adequate time to prep for a deposition—I can reinforce her message and make preparation as efficient as possible. I can't vouch for the degree to which my value is appreciated, but I always try to step in the shoes of the client representative and do what I can to lighten her load.

KM: We talk. At every stage of the engagement, I ask about the value of our role or service. I ask if a proposed action would be valuable. I ask if my continuing to participate on the team is helpful. I ask if the content of a telephone conversation or table top meeting was a valuable use of time. I ask how we can increase the value of our next interaction. I ask how other service providers known to the client add value. And when I hear something that can be improved, I adjust and continue the inquiry. The most meaningful feedback is immediate, the feedback that you get just as the client is experiencing the service.

BT: I find that clients are appreciative when I take time to consult with various experts and/or additional knowledgeable attorneys on their case. Through constant communication with my clients, I ensure that they are aware of my contacts/consults. As a result, for my hourly rate, they feel they are getting the "added value" of additional professionals.

LP: Good communication. We look for ways to make sure the client is informed about what is being done and that we are collaborating on strategy and direction. Having open lines that allow for candid communication is the best way we can ensure that the client's perception of our efforts to add value are in line with our intentions.

NG: Describe an experience where the client recognized the added value you brought to the table?

MA: A client recently complimented me on creating appropriate litigation strategies to meet their business goals. My client was venting about another firm who was pursuing an approach that was expensive and was not in line with the client's settlement goals. It seemed like the lawyer at this other firm had lost sight of the client's business needs and was more focused on legal issues without regard to cost. An important component to adding value is making sure you are pursuing a strategy that your client actually wants.

TVB: We handled several patent matters for a client across two jurisdictions. The client's objective was to settle the cases for the least amount possible. Our strategy was not to ultimately win the case; it was to get leverage on the other side to drive the settlement values below the client's budget for the cases. We were able to win significant claim construction victories, and the client was able to settle each case and have money left over in the budget, which was ultimately what the client wanted. I strongly believed we would win each of these cases had we taken them through trial (and in fact we did win other cases against the same patents at trial), but that was not this client's objective or goal. The client recognized that I listened to his goal and got him exactly what he wanted—settlement.

MG: To say the obvious, of course, clients appreciate a win. So setting that aside, I would say my value has been appreciated every time I offer, say, a different perspective or pull together the facts in a new way to tell a compelling story or figure out the legal means to create a much larger damages award. It helps to have had a lot of years to accumulate some wisdom. And going back to what I said earlier, listening is really key.

TK: A client recently told me I did a terrific job negotiating a large and complex hydropower transaction and persuading their leadership to approve the landmark transaction. The client's leadership had no previous experience with the electric industry (other than keeping the lights on), much less doing their due diligence to invest in a hydropower plant by executing a long-term and complex contract with federal agencies. The transaction will potentially save them millions of dollars over the next 50 years. As a result of my presentation, the client decided to move forward with forming its own electric utility to maximize the value of the hydropower. That was a historic moment for them and me.

KJM: Two come to mind, both of which involve finessing relationships between various stakeholders on the same side of litigation.

I was working on a significant matter for a Fortune 100 company. The CEO of the company wanted to approach the litigation aggressively. We also had local counsel, as the litigation was in a different state. An issue of professional misconduct arose with opposing counsel and, as appropriate, our local counsel took the lead on preparing the sanctions motion. The CEO felt that the motion needed more punch (and I agreed), but I also knew our local counsel would balk if it were too punchy. It was a difficult line to walk, but I was confident that I could revise the brief in a way to meet all parties' goals. And I did. I was able to put a gloss on the brief that made the client happy, and took the intensity right to the edge of our local counsel's tolerance. Better yet, that motion carried so much risk that we believe it played a material role in bringing the case to a conclusion.

Another instance involved a large company client that wanted to engage multiple firms to work on the same matter. As lead counsel, I needed to ensure that all of the firms worked well together. From the start, there was a risk of sharp elbows between the firms, and I discussed that risk right away with my principal client contact. We were direct with one another, but I also made very clear that I was committed to making sure that the firms stayed focused on doing the best work for the client that we could, and avoiding unproductive turf battles. From there, I had conversations with the other firms involved, to make clear that we were looking forward to working with them, and I asked them to tell me immediately if they ever felt friction in the relationship. I promised them that I would do the same if I heard it from my team. We managed to clear that issue off the table right from the start, and it ended up as one of the most satisfying set of relationships I've ever had with co-counsel. Our client was happy with how well we worked together,

and members of the teams of all of the firms involved expressed great pleasure in the success of the relationship. I believe those early conversations set the tone for what followed, and I'm very proud to have been a part of such a great collaboration.

KM: When clients receive value, it is noticeable in the conversation. You can hear, see, or feel the client's satisfaction and relief that their problem is in the hands of a legal advisor who can help to solve it. I like to think that I am making this happen in every interaction with a client, reflected in the repeat work we are assigned. It would be easier to single out the experience (there is only one) when I uncharacteristically didn't bring value and the lessons that taught me.

BT: I once had a situation where an opposing party had clearly "faked" a Facebook page with the intent to present it as evidence against my client. I was able to use an established relationship with an Information Technology professional to provide evidence to the court that the page had been "faked" which resulted in a favorable outcome for my client. The client was appreciative that I had taken the time to consult someone knowledgeable in order to obtain the evidence we needed.

LP: I recently presented to senior management of a client. For that assignment, I needed to draw upon a wide array of resources from within my firm to address the client's questions and concerns. The ultimate analysis required knowledge of the technology at issue, the applicable regulatory framework, and patent litigation experience and judgment. The client expressed thanks for the the depth and breadth of the expertise that was brought to the matter.

NG: In your experience, how has "value" differed between male and female practitioners?

MA: In my experience, I have found that male practitioners like to take charge and prove to clients how smart they are. This usually means they are doing most of the talking and not spending enough time listening to the client's needs. Women can be more deferential and perceptive. This can translate into good listening skills and ultimately approaching a case in a manner that suits the client and may differ from how the lawyer may want to handle it.

TVB: I do not think there is a difference in "value." At the end of the day, I think women and men agree that "value" is getting the client what they want in an efficient way. The way they go about talking about value and actually adding value may be different, but I do not think the definition of "value" differs.

MG: When I first started in practice, one of the senior partners (who actually was great to work with, notwithstanding his question) asked me whether clients would ever hire a women lawyer. One of the nice changes in the practice since I started litigating some 33 years ago is that there are now a lot of women IP lawyers in house and at outside firms we work with, and they seem to appreciate working with outside women lawyers. Sometimes we even have all women teams, which is a lot of fun. And a lot more men, whether practitioners or clients, are happy to work with women litigators.

TK: In my experience, the type of value does not differ much between men and women. The female attorneys I've known often take more time than male attorneys to invest in client relationships to establish trust, which is key to client expectations of value. But many men I've known have done that as well. To me, the way one provides value depends on the skills of each attorney.

KJM: It is very difficult for me to generalize here, as I know a lot of male and female lawyers with different strengths. But as co-head of Orrick's Women's Initiative, which focuses on helping women advance at our firm, I have read extensively on the subject of gender differences in business and law, and I have gotten to work with and know many female lawyers. I can speak to one value that many women bring to the table, and that is empathy. Many female lawyers are able to understand the pressures that a client representative is under, and are able to use this understanding to ferret out what that client needs from her outside counsel. Especially in the context of organizational politics—women are often sensitive to what may be happening in a company, even if they're not explicitly told. For me, this also helps with delivering a product that not only benefits the client, but also helps our client representative shine as well.

KM: The client defines value, not the practitioner. I work with male and female clients, and I don't perceive either gender to measure value differently. Value is in the eye of the beholder, so the differentiators are much broader than the beholder's gender. Clients measure value as a function of achieving the goal with as

little hassle as possible—and that’s a universal craving, not a gender based one. We like to say that our role is to make our clients’ lives easier, knowing about the demands in each individual’s life (not just their gender) is necessary to deliver valuable legal services.

BT: I certainly don’t believe that all male practitioners are like this, but I have seen many who do not wish to seek advice or consultation from others. I know my knowledge has limitations and I am willing to accept that I often need to seek the assistance of other professionals in order to provide the best representation possible for my clients.

LP: The matters we handle are complex and multifaceted. To me, the best “value” comes from teams that are diverse and thus able to bring a variety of perspectives and solutions to any particular problem. Adding value is less about individual differences and more about ensuring that clients benefit from broad knowledge and perspective.

NG: What unique perspective do women practitioners bring to the table?

MA: Women tend to be more relationship-oriented and can bond with people at all levels of an organization. This is critical because client service is all about being a trusted advisor to many people within a business. Many women also have experience working in some type of a supportive role before becoming a lawyer so they know how to relate to different people. I know many female practitioners who worked as legal secretaries or paralegals before going to law school. Before I became a lawyer I worked in several jobs ranging from being a waitress, administrative assistant, and a media buyer in the advertising industry. This experience has served me well because not only can I relate to the employees who work for my clients but also with most members of the Human Resources and Legal teams. For one particular client, I can say without a doubt that the paralegal I work with is as sharp as a tack and she frequently decides which outside counsel will be hired for a particular matter. If she is overlooked, that can be a critical mistake with this particular client.

TVB: As stereotypical as it is, I think women are just better listeners and so are able to get their clients the tailored value to fit the clients’ objectives and not necessarily an industry standard of value. For example, almost all of my male partners take in-person meetings early on to make sure that the client understands the strategies and costs involved. One of the main differences between me and my male counterparts though is that I do not do all of the talking in these meetings. I do not even do most of the talking. Instead, I listen and respond to the client with ideas for strategies. For this reason, I think most of my clients think they run the cases even though the ultimate strategy and execution was mine.

TK: A lot of women I know are great communicators and take the time to establish a trusted relationship with the client. They are the rainmakers whom I admire and respect.

KJM: Increasingly, I’m working with female client representatives, who are either GCs of companies or line attorneys. I tend to work best with those women who share my preference for direct and open communication. On the whole, I think female lawyers are good at listening with an open mind. The ability to really listen to your client and tailor your solution to what they need is key to a successful lawyer-client relationship.

KM: The gender distinction alone is less influential than ensuring that diverse perspectives are at the table. Delivering value, as my formula suggests, is rooted in communication and relationships, plus a willingness to align the client’s need with the right resources. The formula infers that different perspectives, diverse approaches to problem solving, and utilizing a team add value. Gender may be one facet—for example, women communicate and develop rapport differently than men, and when these styles are combined for the benefit of clients, they can be very complementary. In addition to gender, though, unique skills and attributes (like introversion vs. extroversion or big picture vs. implementation) are important perspectives to gather when designing a solution for clients that will add value.

BT: I’m not sure that all women practitioners can all be lumped into one group and I would say the same of my male counterparts; we all have unique perspectives. For me personally, I think my perspective on the

practice of law is that I listen to the client and advocate for his or her goals rather than what I believe the outcome should be. From my perspective clients are the most satisfied when their goals are met which may not necessarily coincide with what I believe is the most appropriate resolution to a case.

LP: It's really impossible to generalize too much across genders. That said, in a variety of contexts decision makers are often women. As a consequence, it makes sense to have diversity on client teams. In litigation, for example, an opening statement or closing argument is not a good time to put someone off with an ill-advised analogy or metaphor.