OF COUNSEL
The Legal Practice and Management Report

Vol. 40 • No. 5 • May 2021

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Practice Area Overview …

Array of Forces Generate Full Workloads for Consumer Law Attorneys

It's a good time to be a consumer law plaintiff's attorney and, for that matter, the same can be said of consumer defense lawyers. After all, it takes two to tango, or perhaps "tangle" is a more appropriate term in this context.

Consumer law—involving both consumer finance and products matters—is clearly emerging as one of the hottest practice areas in the legal profession. What's more, given the many drivers fueling the uptick in this area, not the least of which arises from the change of administration in Washington, it's poised for even more growth as 2021 heads to the halfway mark of the year.

"We are rocking and rolling, about as busy as we've ever been," says Luanne Sacks, a co-founder of Sacks, Ricketts & Case, a women-owned, business-disputes boutique with

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offices in Palo Alto, Phoenix, San Francisco, and San Diego.

At Hanson Bridgett, a San Francisco–based firm, attorneys are very busy defending clients on class actions and multi-district litigation as well as counseling companies on an increase in consumer-related risks, in an effort to help them avoid litigation, according to Merton Howard, chair of the firm's product liability and tort practice group.

OF COUNSEL

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OF COUNSEL (ISSN 0730-3815) is published monthly by Wolters Kluwer, 28 Liberty Street, New York, NY 10005. Subscription rate, $1,230 for one year; single issues cost $154 (except **OF COUNSEL 700 ANNUAL SURVEY**). To subscribe, call 1-800-638-8437. For customer service, call 1-800-234-1660. Address correspondence to **OF COUNSEL,** 28 Liberty Street, New York, NY 10005. Send address changes to **OF COUNSEL,** Wolters Kluwer, Distribution Center, 7201 McKinney Circle, Frederick, MD 21704.

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"There's a lot of work and the courts are even able to keep those cases moving in a COVID environment," Howard says. "We're also seeing much more consumer-driven activity that's presenting new risks for companies of all shapes and sizes in terms of their ability to learn what's bothering consumers and deciding how best to respond to that. I'm getting a lot of inquires about that. Consumers are becoming increasingly sophisticated in their approach to whatever issue they have with a company that's selling them a product or service."

Of course, COVID has played a role in influencing consumer law, as it has in virtually every area of the profession—not to mention in every aspect of our lives. This is particularly true in regards to closures and billing issues involving businesses that operate under a subscription model, most notably gyms and fitness centers. This has triggered many class actions. "COVID created this whole new area in which we're seeing a lot of litigation," Sacks says.

Interestingly, one COVID ramification that surfaced with the advent of and the expansion in the use of Zoom and other video conferencing platforms has resulted in wider consumer participation in class actions. "With Zoom hearings for class settlement approvals, all of a sudden you have people who say they can participate because they can do it online, instead of having to come in-person to the actual courtroom," Howard explains. "That's really shaking up and changing the consumer law environment."

More and More Mass Arbitrations

On the financial services side of this arena, consumer activity has also been surging through the pandemic and will likely only spike higher in coming months. Consider this report from the Consumer Financial Protection Bureau, as reported in late March: "The impact of the COVID-19 pandemic on the consumer financial marketplace is reflected in the increase of complaints

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Taylor's Perspective …

Getting Hitched: Law Firm Mergers on the Rise

We're hearing a lot of talk of these days about "getting back to normal," and the first quarter and a half of 2021 indicates the legal profession is heading toward normalcy. After all, law firm mergers are picking up, according to merger experts at both Washington, DC–based Fairfax Associates and Newton Square, PA's Altman Weil, two of the most respected consultancies in the nation.

Fairfax announced at the start of April that it had 18 *completed* mergers in the year's first three months, many of them involving large firms combining with small firms. According to its April *Fairfax Insights*, "61 percent of the mergers in the first quarter of 2021 involved at least one firm with between five and 20 lawyers."

Fairfax's Lisa Smith says the need for large firms to scale up is, in large part, client-driven. "Clients look at how they parse out the work more critically and are looking for firms that are known for a particular practice with a lot of expertise," she says. "Large companies have complex problems and they need the depth of a [sizeable] team."

Altman takes a slightly different approach in its *Altman Weil MergerLine*, also released in early April, listing law firm combinations that were *announced* from January 1–March 31, of which there were 26. Among the mergers the report highlighted were two of the top 100 largest firms in the nation, making "significant acquisitions – Crowell & Moring adding 24-lawyer, New York City financial services boutique, Kibbe & Orbe, and Winston & Strawn growing in Los Angeles with the addition of 15-lawyer Scheper Kim & Harris," according to *MergerLine*.

Altman's Tom Clay reinforces the idea of normalization in the profession, as we see the proverbial light at the end of the pandemic tunnel. "Law firm leaders are returning to a longer-term, strategic focus after a year of crisis management and tactical triage," he says. "When COVID hit, the typical pipeline of M&A deals being considered and/or discussed basically came to screeching halt. It didn't start to rebuild until the fourth quarter of last year when firms had realized that they'd survived the pandemic crisis and returned to their strategic growth plans which hadn't been abandoned but simply put aside for the time being."

Like Fairfax's assessment, Altman's monitoring shows a clear trend of the BigLaw gobbling up smaller firms, something Clay says will continue. "I would expect the total number of deals will remain primarily large law firms acquiring 20-lawyer firms or fewer," he says, adding that as the year moves along we may see more larger deals than normal because merger discussions between large partnerships in early 2020 were, for the most part, placed on hold once the pandemic tightened its grip, and some of the talks have resumed.

"As shown by the first quarter merger and acquisition results, the pipeline now is back

closer to what we have experienced over the last three or four years," Clay says. "I expect it to continue to grow based upon the work we've been asked to do and the things we hear from law firms."

Smith agrees that more big players will be tying the knot in the near future and, when I spoke to her, she had just learned that day that Miami-based Holland & Knight and Dallas's Thompson & Knight are in merger discussions, which would be a substantial combination of two AmLaw 200 partnerships if the deal does get done. "There's just such a pent-up demand and I think we'll see significant mergers of major firms coming down the pike over the next six to 12 months," Smith says.

Culture Clashes and Lateral Movement

An observer at a Midwest-based consultancy, who asked for anonymity, examined the lists of first-quarter mergers and thinks at least a couple of the marriages will end poorly. "Knowing what I know about the firms involved in two or three of the deals, I'd be surprised if they can successfully integrate," the consultant says. "I see some clashing cultures trying to blend and ultimately that usually doesn't go well. I'm quite certain you'll see a lot of attorneys rejecting the combination and jumping ship."

Perhaps, some law firm cultures are just too different to integrate smoothly. I know of a Bay Area firm that's very diverse, collaborative, and progressive—both politically and in terms of "work-life balance" values. It would not blend well at all with a large, Chicago-based, global firm I know of that's largely white-male dominated, attracts a lot of hyper-aggressive personalities, and leans heavily toward the conservative end of the political spectrum. Putting those two opposites together would be a recipe for disaster.

But one thing's for certain: There's clearly a lot of movement among law firms in what's increasing a fluid and competitive market. "Right now there's fairly fierce competition for talent. We see lateral moves on the rise," Smith says. "There's more location flexibility, and that's starting to cause some concerns for firms. They're losing talent."

Another thing that seems certain, according to both Smith and Clay: Look for merger activity to continue to increase. When asked if she expects deals between partnerships to return to the fever pitch that we saw before COVID, Smith doesn't hesitate, "Yes, absolutely," she says.

Clay and his colleagues agree. "We wouldn't be surprised to see law firm merger and acquisition totals back over 100 by year-end," he says.

On a Different Note: Books for Review

From time to time, I review books in this space. For instance, years ago I commented on a fascinating book by Deborah Epstein Henry about change and work-life balance issues in the legal profession, entitled *Law & Reorder, Legal Industry Solutions for Restructure, Retention, Promotion & Work/Life Balance.* Well, I know that many of our readers are also writing or have recently written books about the legal profession. If you are and would like to offer it up for review—or maybe you're reading a book that you think should be evaluated by *Of Counsel*—please contact me at stevetaylor77@comcast.net. ■

—Steven T. Taylor

Lessons BigLaw Could Learn from BigTech

As the economy contracts and many companies struggle to survive, the biggest tech companies continue to grow and innovate, putting them in a position to dominate U.S. businesses with an unprecedented reach into shaping how we work, communicate, shop, relax and even where we invest our money. The encroachment of these companies into our lives can be evidenced by the more than one billion daily visits to the big four sites and by the record $2-trillion stock market valuation of Apple—double what it was just 21 weeks earlier.

I must confess that I have never been a follower of what is going on within BigTech Firms and then the other day, following a discussion with my son who is an executive within the video gaming industry, happened upon a new book that I thought he might like. Needless to say, I made the mistake of scanning through the first few chapters. And when I say scan, I mean with highlighters and pen in hand, I destroyed this hardcover and will now have to purchase another fresh copy to give him.

What struck me with what I was reading was how much we, in the legal industry, pay lip service to innovation and how much we could actually learn from studying what many of these BigTech companies are doing. Fundamentally, they tend to subscribe to a philosophy that they "***need to build for the future, even at the present's expense***"—a significant departure from how our industry operates. Just consider how much time and effort is expended within law firms on our continuous improvement and streamlining of processes with certified legal lean and project management experts, while BigTech is obsessed with inventing entirely new revenue streams believing that trying to get fat milking existing businesses is not the best competitive option.

In today's knowledge economy ideas matter, but that said, we still seem to spend most

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of our time on "execution" work. In other words, we may happen to develop some new service offering (like cybersecurity) and then obsess and spend our time exploiting it, without focusing any meaningful (non-billable) investment time on developing the next new service. Consequently, too many law firms devote their energies to refinement, not invention.

Meanwhile, these Tech giants have figured out how to minimize execution work which creates room for new ideas which they then turn into reality. Their cultures have been purposely designed to support invention. They remove any internal barriers that would prevent ideas from moving through the organization and bring the best of those ideas to life.

Here are some examples, perhaps worthy of thinking about and seeking to emulate in your firm:

Amazon

Jeff Bezos drives Amazon's inventive culture by way of 14 codified leadership principles which guide decision making throughout the company. It is said that when you work at Amazon these leadership principles become part of your being. For example, the more one studies Bezos's leadership principles like "*thinking small is a self-fulfilling prophesy*," the more it becomes clear that they serve as a manual for invention. How about "*Leaders expect and require innovation and invention. They are extremely aware, look for new ideas from everywhere and are not limited by 'not invented here.*'" Or, "*Customer Obsession—although leaders pay attention to competitors, they obsess over customers.*"

> Reading this makes me wonder, how many of our law firms have articulated any kind of leadership principles; and principles that will be used to drive actual behavior (and not just puff pieces, like most law firm's published client service standards).

Inside Amazon, Bezos has developed a culture that empowers his people to invent and then let's them actually take ownership and run with the things they have created. All new projects within the company kick off with "*six-pagers*"—concise memos, set in the future that describe what a potential product/service will look like before anyone starts working on it. Amazonians call this 'working from the future backwards.' The memo contains an overview of the proposed new service, what rolling it out would mean for the customer, what it would mean for Amazon's vendors, a financial plan, an international plan, pricing, a work schedule, revenue projections and metrics for success.

> In all my years of working with law firms, I have only seen one firm adopt a process similar to this. This firm's leadership invited and allowed any of their attorneys to propose and develop an outline for creating a FOCUS initiative. FOCUS was an acronym for **F**inding **O**pportunities and **C**lients in **U**nique **S**ectors – which were intended to concentrate on new and emerging areas of opportunity such as digital transformation, medical cannabis, telemedicine and/or virtual farming (at the time which was a couple of years ago). And this is not to be trivialized. In my three decades of working with the profession, I rarely see a promising development, source of lucrative new revenue or new practice emerge as the result of an Executive Committee directive. These important initiatives almost always result from some attorney with foresight, looking to do something innovative within their particular practice and then . . . having the guts to swim against the stream to make it happen!

Putting the individual who wrote the six-pager in charge of bringing the idea to life is critical of Amazon's ability to invent. As one Amazonian was quoted, "*I want to invent and*

be in uncharted territory, and have the emotion associated with the unknown that is a mixture of fear, uncertainty and excitement; and the belief that if you push through whatever barriers are in the way, that you can end up in a state that is amazing."

Bezos subscribes to the belief that when you have actions that can be predicted over and over again, you don't need people doing the same routine. "*You have to coach and teach people how to be lifelong learners*" he preaches. He is obsessed with automating whatever he can to free people to work on more creative tasks.

Finally, Amazon utilizes daily surveys called Connections, meant to figure out where the firms' culture needs improvement. This survey poses questions like, "When was the last time you had a one-on-one with your manager?" Amazon is always looking for self-evaluations from its people structured around whether the company is operating in accordance with their 14 leadership principles.

Facebook

Delivering feedback within Facebook isn't simply encouraged, it is required. If you see something that could be improved, you are ***obligated*** to speak up. And according to this company, "*we expect feedback to go in all directions. Hierarchy does not matter*." By instilling a belief in his people that all colleagues are worth listening to, Mark Zuckerberg ensures that ideas for new products and services rise up in Facebook, no matter their origin and often come straight to him. Zuckerberg's obsession is how do we learn as quickly as possible.

To that end, he hosts Friday Q&As to get a pulse of the company. Facebook livestreams these sessions from a large cafeteria and orchestrates them with a moderator. Zuckerberg wants to know "*what people are thinking about, what is on their minds, what kinds of questions they're asking and what the tone is.*" This opens the door for anyone to bring up ideas for what the company should invent next.

> Learning about what Facebook is doing here makes me wonder, how many are actually making an effort to ask individuals in their firms, for their personal ideas on how things could be done better and differently. Imagine telling colleagues, "*I want to hear from you as to what your personal career aspirations are. I want to hear where you see the greatest opportunities for your group and for our firm. And, I want your ideas on what you would like to see us try* ***that is new****, that would develop new service offerings and provide entirely new sources of revenue*."

And Facebook is not above copying to prompt innovation. "*In China, where copying and iterating on products has long been the norm, Facebook is known as the most Chinese company in Silicon Valley*" according to Chinese venture capitalist Kai-Fu Lee, who wrote about this in his book, *AI Superpowers*. Through copying, you understand the essence of what you are building; then you can innovate and build. Given that as context, it may seem that some degree of copying is a reasonable way to get started.

Google

What makes Google rather distinctive is its culture of collaboration and its incredible transparency for a company its size. For example, Google's professionals work entirely inside Google Drive, using Docs, Spreadsheets and Sliders to write plans, take meeting minutes, store financial information and deliver presentations. On Google's intranet there is an entire company directory where you can visualize everyone's reporting structure, their personal photos, email address, access their calendar and even book time on their calendars.

> Now let's contrast what Google is doing here to what happens in many firms

where it is still embarrassingly common behavior to issue "all partner" emails asking if anyone might have some specific knowledge or have a contact in a certain organization. The information we need exists somewhere within our firms, but we have yet to put into place the technology and systems necessary to access the correct data and share it effortlessly.

Google's communications tools are critical to its success. They cut down the execution work required to get up to speed on some new project and make room for generating new ideas. They enable collaboration, signal that it is expected, remove unnecessary red tape, drive home the importance of working together and send ideas rocketing around the company. Life at Google is different in that people from various operating units will routinely email each other ideas with little regard for any formal chain of command.

And somewhat like Facebook, the company all comes together monthly for question-and-answer sessions with its leadership called TGIF. These sessions are held at Google's Mountain View campus and may feature an update from Google CEO Sundar Pichai, a presentation from some other executive or team, and then some questions. TGIF is also technology enabled such that Googlers from around the planet can tune in to these sessions via the company's intranet and pose questions. Googlers vote on the questions they want answered during the Q&As and can do so without seeing the other votes, so that the crowd won't influence their choices. Senior leaders typically address the top ten questions.

Finally

Let's think for a minute. How different is what you are doing right now, the strategies that you are employing now, from the four or five key competitors in your marketplace? If your answer is "*not much*," then how are you ever expecting to surpass their performance?

If there is any message for your firm in all of this, I believe it is: ***Turn Inventing into Job One*** especially as we look to eventually come out of this pandemic. Identify and articulate, with a sense of urgency, all of the various reasons why your partners need to come up with new ways to:

- go outside the confines of their current practices into new areas;
- offer clients entirely new services that provide unexpected value;
- apply new technologies in ways to deliver services that clients have not yet asked for;
- target new market segments and dominate niches; and
- develop new-to-the-firm ideas and new-to-the-profession innovations.

So here's a provocative ***shocker***—simply focusing your efforts on operating efficiencies (like learning how to project manage . . . 'commodity' legal work), offering fee discounts, and improving your ability to deliver alternative fee arrangements will NOT do it for you! That has now become expected behavior—table stakes for being allowed to play, if you will.

The root of all successful strategy, going forward, lies in being differentiated and inventing new sources of revenue. Thus, the question now becomes "***What services might we provide that clients are not yet asking for***?" Your challenge is to encourage your people to continually ask: *Whom do we serve? How do we do it? What emerging service offering that clients haven't even thought to ask for yet, can we surprise and delight them with*?

Be Remarkable! ■

—Patrick J. McKenna

* * * * * *

My most sincere thanks to author Alex Kantrowitz as the research or thoughts shared here were either extracted or stimulated by his

excellent book, *Always Day One*, released in 2020.

Alex is a graduate of Cornell and a senior technology reporter at *BuzzFeed News*.

May I recommend getting yourself a copy of this book.

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Don’t Blame the Compensation Committee:

Underperformance and the Peter Principle

When Laurence Peter and Raymond Hull wrote *The Peter Principle: Why Things Always Go Wrong* in 1969, they posited that individuals are promoted until they reach their level of incompetency. Underlying this premise is the assertion that individuals are considered for promotion based on their performance in their current position. Thus, they are repeatedly promoted until their performance no longer warrants consideration for advancement. At that point they are held in a position one rung above where they last performed well.

Past performance is necessary to evaluate candidates for promotion, but possibly not sufficient. More important is an honest assessment of the individual’s likelihood of success in the new position.

We see this with all too much regularity in law firms, particularly in the ranks of non-equity and equity partners, resulting in cohorts of lawyers who consistently underperform. It complicates compensation programs designed to recognize and pay people for the critical success factors of those new roles—and then not finding the new required level of performance.

This gets to the heart of the law firm business model and what is expected of partners—practicing law and generating business. Those two skills are a full-time job alone, then we add running the business, managing the practice, skill development, CLE, pro bono and other necessary activities. These are the performance contributions partners must become comfortable doing and doing well.

Most lawyers must devote a substantial portion of their careers to high contribution as a practitioner. Exceptions are okay for very brief periods of time, or when a significant leadership role is undertaken, or at the tail-end of a career as one works to transfer work, relationships and contacts to successors. But for the most part, lawyer time is devoted to practice, with fee receipt contributions typically rising across 90 percent of their careers and making possible ongoing compensation increases.

Studies over the years have shown that a lawyer’s average billable hours decline after about 6 or 7 years of practice—or just about when firms are looking for more from an associate than simply billing hours. Luckily, historic hourly rate adjustments have more than made up for the decrease in hours (the so-called escalator of experience and the elevator of inflation phenomenon). Since the Great Recession, however, billing rate increases have been harder to get and convert into higher fee receipts. (The market for billing rate increases is segmented with the very largest and elite firms having more pricing power then much of the remainder of the legal market.) This has and will be a drag on compensation increases as long as the pattern continues.

The second major consumption of time and effort, but arguably the most important skill of a partner, is business generation. One cannot work on a matter until a client is landed at the firm. As a non-equity partner, there is an expectation for a modest yet meaningful contribution to new business development. Granted that may be primarily by providing new services to clients and increasing the volume of current work. There is also an expectation that non-equity partners will manage portfolios of work, lead legal service teams, and serve as primary day-to-day contacts for clients. This frees up the equity partner to focus on strategic issues for the client and to hunt for new clients.

That last aspect—successfully acquiring new clients—is a prime differentiator between

non-equity and equity partners. Without equity partners who have a robust ability to land new clients, any law firm is embarking on a long road to oblivion. And it is this skill that is the most often lacking in chronically underperforming equity partners.

Non-equity partnership can be categorized into three cohorts:

1. A holding ground for those too far along to be classified as associates and not sufficiently capable to become equity partners;
2. A temporary status for those rising through the ranks on their way to equity;
3. A temporary status for those former equity partners who are preparing for retirement or semi-active status at career-end.

The first cohort is where the trouble lies. There are roles for a *limited* number of senior lawyers who do not meet the business generation skill requirements of equity partners. The emphasis on *'limited'* is critical. Law firms are generally overstaffed across the lawyer ranks, a problem that has evolved profession-wide over many years. (See Altman Weil Webinar, "Too Many Lawyers, Not Enough Work.") It is quite costly to maintain a significant bench of underutilized talent with insufficient skills in business development.

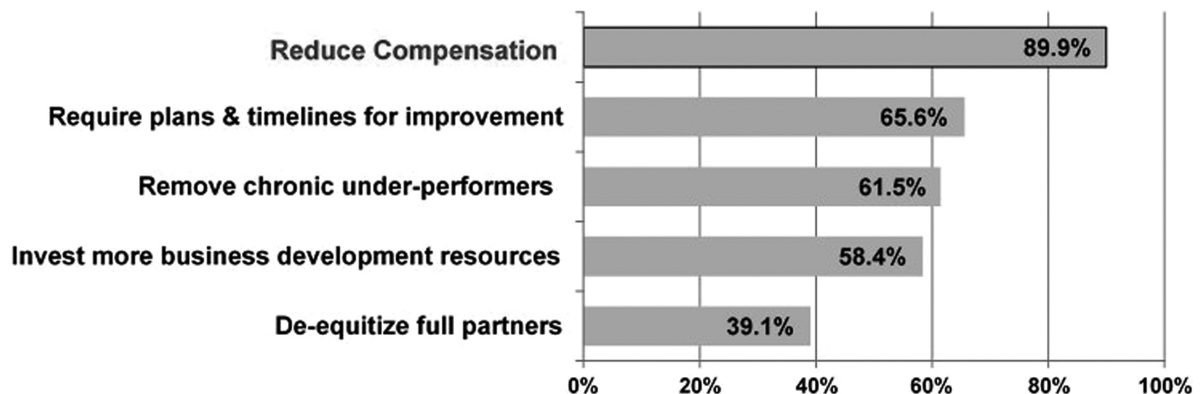
So, here is the *Peter Principle* in action—good lawyers are being elevated beyond roles (senior associate/counsel and non-equity partner) in which they thrived into roles (non-equity partner and equity partner) where they cannot.

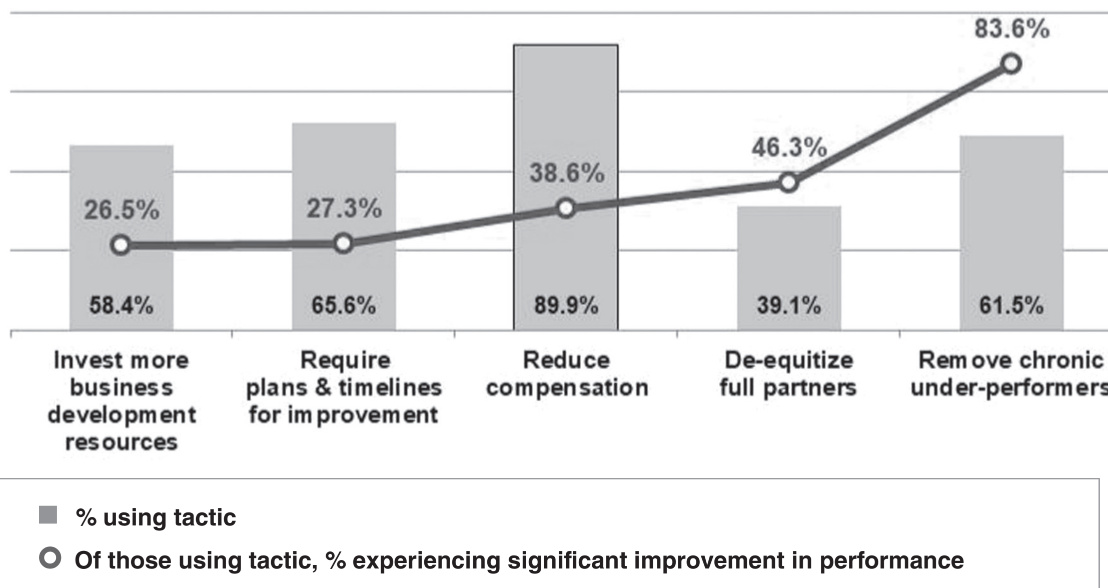
Law firms are hesitant to aggressively address these promotion failures, believing that this discordance between skills required and skills possessed can be addressed by compensation.

This brings us to a significant challenge facing compensation committees—paying chronically underperforming partners. Note that I do not say 'dealing' with underperforming partners. Generally, the compensation committee's responsibility is to set fair pay, not counsel underperformers out of the firm. And the committee, if given sufficient latitude, will adjust pay downward. According to Altman Weil's *2018 Law Firms in Transition Survey* (below) 90% of firms have reduced compensation to address chronic underperformance.

What Has Your Firm Done To Deal with Chronically Underperforming Lawyers?

However, only 39 percent of those firms had significant success with reduced compensation addressing the issue (as seen in the second chart). This is because the underperformance rarely improves and often regresses further. The underperformer most likely cannot improve contributions sufficiently to warrant the status and corresponding pay levels. So, expecting the compensation committee to solve the problem is likely going to disappoint the firm. Luckily success in addressing this issue can be found again in *Law Firms in Transition*. Removing chronic underperformers is the best means to deal with the situation.





Has Each Tactic Resulted in Significant Improvement in Firm Performance?

When law firms ask about their compensation programs or about what the compensation committee is doing, it's important to determine if there is a compensation issue or if the real problem lies with promoting someone beyond their capability. The ideal situation (as shown above) is to counsel the chronic underperformer out of the firm. Doing so allows the compensation committee to focus their efforts on recognizing and rewarding performance rather than addressing a lack of capability. It also sends a clear message that contribution standards are real, and individuals will be held accountable if they chronically under-contribute. Finally, it shows that leadership is trustworthy because their words and actions align.

There is support for this approach in other literature. In *Good To Great*, Jim Collins wrote: "The purpose of a compensation system should not be to get the right behaviors from the wrong people, but to get the right people on the bus in the first place, and to keep them there."

Equitable compensation decisions engender trust and credibility in firm leaders. These decisions are the most tangible expression of what is valued in a law firm. When aligned with leaders' stated priorities, trust and confidence is enhanced. When they are misaligned, trust and confidence wanes. Good compensation decisions are unlikely to drive performance. Inequitable compensation decisions will hurt morale and consequently diminish performance. Mistakes in judgment that result in poor promotion or hiring decisions will have similar consequences as inequitable compensation decisions. A law firm can greatly mitigate these decision errors with a more rigorous review process that incorporates some standardized due diligence (similar to what's done in a transaction).

Don't let the consequences of the *Peter Principle* go unaddressed. A smart compensation committee should make the correct pay decision, but push resolution of the underlying problem back to firm leadership. ■

—James D. Cotterman

James D. Cotterman is a principal with Altman Weil, Inc. He advises law firms on compensation, capital structure and other economic issues, governance, management and law firm merger assessments. Contact him at jdcotterman@altmanweil.com.

Client Loyalty: Building Relationships to Last

The customer service experience begins long before a client actually engages a firm and, in some cases, the process of actually opening a new client file may have created some stressful interactions over things like conflicts and conflict waivers, staffing and billing requirements and other new engagement protocols. Because first impressions as a paying client (as opposed to a prospect) will have a disproportionate impact on a client's perceptions, it is critical that their experience as a new client goes smoothly and comfortably.

Every firm should utilize an on-boarding checklist of standard steps and conversations to undertake with each new client. A client's experience with a firm should be consistent across lawyers, practice groups and offices, not individualized depending on an individual lawyer's new engagement approach. Some firms have developed client "pledges" or "promises" that articulate publicly what the firm's commitment is to clients and how they expect their lawyers and employees to follow specific steps to fulfill these standards. Lawyers and employees are measured on their performance against the client service standards.

So You Have a New Client. Now What?

At the outset of every new client relationship, and revisited at least annually thereafter, it is recommended that firms take the following steps:

Establish an internal central knowledge base. During the prospecting stage, the firm will have collected competitive intelligence, business and financial intelligence and captured the firm's history and relationships with the client. This should all be held digitally in a central repository and made available to anyone internally who will be serving that client.

Develop a written service plan with the client. This document is created together with input from the client and will clarify the client's objectives, philosophy about its legal strategy, criteria for successful outcomes and general preferences for working with their outside law firms. The clients billing, staffing and reporting requirements can be included in this document.

Communicate effectively and avoid surprises. The client team or relationship partner should establish protocols that will meet the needs of clients including reporting relationships, how and to whom documents and drafts will be circulated, preferences in format (email, phone, text, paper mail,) expected deadlines and response times and relationship check ins (how often and with whom.)

Agree on service, staffing and billing protocols and standards. Clients often have their own billing protocols they require law firms to follow. Clients often define what they are or are not willing to pay for, e.g., a first year associate's time, having no more than a certain number of lawyers billing time for the same call or meeting, or transferring knowledge to a new member of the team.

Case assessment and scoping. At the outset of every new matter, the proposed team should be discussed along with the scope of work to be performed and the budget taking into account the skills, level of experience and price point of the professionals involved.

Establish budgets and timelines. Once scoped and staffed, budgets should be prepared with milestones and benchmark metrics in place to monitor in real time. The firm and client should agree on how progress, status updates and timelines will be monitored and by whom, for example a designated project manager, and when clients would like a "red flag" trigger for certain change orders,

overages or other deviations from the initial scope and budget.

Are You Afraid to Receive Honest Feedback on How You Are Doing?

You can only strengthen client loyalty if you continuously engage in meaningful dialogue with clients and receive specific insights into where and how you can improve and how you can better meet their needs. In today's hyper-competitive and fast-changing marketplace, it is critical to base strategic decisions and service delivery execution on the voice of the client. Getting feedback and insights from clients allows firms to improve client satisfaction, enhance customer experience, appropriately respond to client needs—both challenges and opportunities, and address any concerns or issues clients have about efficiency, effectiveness, communications, budgeting, work quality and service delivery.

Establishing a robust client feedback program reflects a deeper cultural value: that your firm wants to hear from clients, engage in dialogue and work together on continuous improvement. If your firm is truly committed to this value, it will have implications for everything from the lawyers you hire, to how you train and evaluate and reward partners, associates and staff, to the investments you make in technology, knowledge management and other client-centric resources, to the approaches you take to create customized client service plans and protocols. In essence, this is a mind-set, not a one-shot approach to marketing.

An important cautionary note: client feedback programs should not be confused with cross-selling and sales efforts or other forms of market research. Too many firms go into client feedback meetings asking for more work in other areas before they have established the level of satisfaction on existing work and service delivery. Only truly loyal clients will refer you to others which is one of the critical questions to be asked at the end of an interview.

Types of Feedback and Methods of Seeking Client Input

Ultimately to be effective, client feedback must become part of every lawyer's and staff person's daily routine, not an annual or one-time event. This means everyone should keep ears open for any expression of concern or frustration on the part of a client and share that with others on the team.

Some level of ongoing dialogue and feedback should be instituted for all clients of the firm. The more time-consuming feedback interviews (for the firm and the client) should be reserved for priority clients. These can be determined by their revenue, longevity with the firm, strategic importance or some other criteria that has been agreed upon and articulated.

More formal methods of collecting client feedback and insights for planning include:

- After Action Reviews/End of Matter Surveys
- Annual Client Feedback Interviews
- Annual Client Audit
- Digital, Online Surveys
- Net Promoter Score®

Firms that have put into place frequent and formal feedback programs realize substantial benefits. They have used the information to improve and expand the specific client relationship but also have gleaned themes and lessons and suggestions that can be applied to other clients. Aggregated client feedback and trends can be used to guide strategic plans, to make wise decisions about investments like technology, project management and even lateral hires, and to help train and evaluate the effectiveness of lawyers and staff in core competencies.

Why Is It Better to Be a Trusted Advisor than Just a Technical Expert?

Most lawyers have developed deep areas of expertise within practice areas, client types and industries. Unfortunately, many lawyers have become so specialized as subject-matter experts, they do not develop their skills and knowledge as broader business advisers, nor do they often understand what it is their colleagues do in other areas of practice specialty. This limits their ability to engage in broader, strategic discussions with clients about the relationship of legal issues to the business and the inter-related nature and impact of various legal issues on a specific matter or deal.

Clients want their lawyers to be much more than experts in their fields. Client themselves, especially those in the general counsel or chief legal officer position, are under great pressure also to understand all aspects of the business as they now often have a seat at the business/executive table, and not just as leader of the legal department. Given the changing dynamic both of what is expected of clients themselves and what they now expect of their outside counsel, the skills profile of the successful lawyer has changed.

In order to earn the role of trusted advisor and business partner, lawyers need to add broader knowledge to their vertical expertise and be able to understand and comfortably discuss a client's organization, business priorities and business model, industry, strategy, trends, regulation and economic impacts. Even more fundamental, lawyers need to develop a "learning mindset" in which they seek out new knowledge, are curious and open-minded, and don't make assumptions or jump too quickly to conclusions.

The skills embodied by the best trusted advisors include:

- Creativity; innovation
- Communication, including ability to negotiate and collaborate
- Ability to apply knowledge across disciplines
- Empathy, including ability to put oneself in others' shoes and understand other cultures
- Understanding of substantive areas outside your area of expertise

Transitioning from Expert-Only to Advisor

Being an advisor embodies a more advanced skills set and approach to working with clients. As an expert, you are hired for your technical expertise and track record of getting results. Often in this type of relationship with a client, you have analyzed and are providing the facts and case law and telling them how they should approach their issue. Most of the relationship is still at a professional level, although you may be developing professional trust.

As a trusted advisor, more time is spent asking good, thoughtful questions and listening to the answers and probing further. At this level, you are partnering with the client on issue-spotting and problem solving and it likely will take you outside your practice area of expertise and your comfort zone. Perhaps most importantly, clients rely on advisers for their insight, experience and judgment. At this point, relationships also often transcend a professional relationship into a personal relationship.

Does Your Client Want a Better Relationship with You?

With all the pressures clients are under to reduce legal fees, use procurement officers, ask firms to bid on cases through RFPs, it is easy to forget that clients have a human side and that personal relationships still often count for more than it might appear. Don't wait until after a matter has concluded to begin to get to know clients. At the beginning or end

of every call or meeting, initiate some personal conversation, off the clock of course!

Get to know what motivates them, what is important to them and how they spend their time outside of the office. Find commonalities and mutual interests like where you grew up, college or law school, hobbies like golf, tennis, painting, running marathons, sports teams, gardening, the performing or visual arts, favorite travel spots and restaurants and charitable and civic activities about which you or they are passionate. Listen for clues about their personal lives to see if you can offer to help in anyway, for example, share insights with a child considering career options, offer to write a letter of recommendation or referral, find tickets to highly sought-after concerts or sporting events. At year's end, send a handwritten note of thanks and a small gift or a donation in the client's name to an organization.

Stay top of mind. Keep them on your radar at all times. Set up a Google alert or use other tools to track client news about the business, promotions, new offices and products, stock activity, etc. Send them emails or give them a call when you come across this news. Monitor the business and legal activities of your clients' competitors. When possible, share insights and arm them with "intelligence" before they need it—it is even better if it is useful information that your contact can share with other executives in the c-suite. It will make your contact look smart and strategic.

Be likable and genuine. If you are not a naturally outgoing person, work on becoming someone others can talk to and relate to. When interacting with clients, especially on non-matter–related topics, focus on listening. Be genuine in your interest and listen without interrupting. Bring humor and friendliness to the relationship. Identify clients whom you would like to entertain once things open up again. Find out what your client enjoys, whether his/her preference is to do something with their spouse/family or with other colleagues.

Communicate, communicate, communicate. One of the things clients still complain about is that their lawyers do not communicate with them often enough or are not clear or transparent in their communication. This aspect of the relationship is critical to forming deep trust and conveying reliability. Always err on the side of communicating too frequently but be sure to ask clients how often they want to hear from you, especially on the status of matters. Do they want to be copied or bcc'd on every email? In which decisions and meetings do they want to be involved?

Co-market with clients. Remember that clients often are looking for ways to increase their own visibility and credibility and often don't get recognition for their knowledge, skills and ideas. They need this visibility and recognition, as you do, for professional advancement, satisfaction and a sense of accomplishment. Ask clients what business and industry publications they read and ask them to co-author an article with you. Identify opportunities to give joint presentations or to serve on the panel with you. ■

—Susan Saltonstall Duncan

Susan Saltonstall Duncan is a nationally known consultant on law firm business development, strategy, succession planning, and management. She is President of RainMaking Oasis and has been working with law firms since 1980. A founder of the Legal Marketing Association and a Fellow in the College of Law Practice Management, she regularly monitors and writes about trends in legal management in her blog, InFocus, Insights on Legal Practice, Leadership, and Talent (www.rainmakingoasis.com/category/blog). Reach her at sduncan@rainmakingoasis.com.

Consumer Law

Continued from page 2

submitted to the CFPB. The CFPB handled approximately 542,300 complaints last year—a nearly 54% increase over the approximately 352,400 complaints handled in 2019."

Acting director Dave Uejio was quoted in the report: "'Consumer complaints provide the CFPB with an important real-time window into where consumers encounter problems in the marketplace. The CFPB expects companies to respond to these concerns and that consumers receive responses from companies that address the issues consumers raise in their complaints.'"

While sometimes companies "address the issues," often they don't adequately fix consumer problems, which of course, can lead to another remedy—class action litigation, or increasingly, mass arbitration.

"We've started seeing more and more mass arbitrations, which are complex and involve thousands of claims made by individual consumers," says Kate Spelman, co-chair of the consumer law practice at Chicago-headquartered Jenner & Block. "This trend grew out of the arbitration provisions that a lot of companies use in their dealings with consumers,"

Many technology companies, in particular, require consumers to agree to terms of use to use their products, and sometimes those terms include these provisions, which essentially direct consumers to bring their claims in arbitration often resulting in large groups of consumers. "This has led to a rise in these mass arbitrations, and we expect to see more and more of them," Spelman says, who practices in Jenner's Los Angeles office.

Often plaintiff's lawyers enlist large national or international technology companies like Google and Facebook to get the word out and enroll consumers who felt they've been wronged by a company, creating mass arbitration groups.

"Plaintiff's lawyers team up with big high-tech companies, placing ads on Google, for example, that essentially say, 'Do you have issues with Product X? Then, click here,'" says Majed Dakak, a partner and litigator at Los Angeles's Kesselman Brantly & Stockinger, who handles a range of clients including plaintiffs. "That's an effective automated way to generate claims, basically starting them from the convenience of consumers' phones. You can sign up a lot of people, which is one way that consumer-side attorneys take the mass arbitration route."

Another force behind consumer legal activity keeping consumer law attorneys busy stems from complaints and claims filed under the umbrella of the Americans with Disabilities Act. "ADA website accessibility is incredibly hot right now," Sacks says, adding that she and her colleagues are handling a lot of work for clients in this area. "People who are visually challenged need to have the same level of access to companies who sell products off their sites. Lots of companies have the very best intentions of trying to ensure that their websites are fully accessible but there are very strict guidelines. This requires extensive expense by companies to make sure their websites are fully ADA-compatible."

Of course, when companies can't adhere to the ADA guidelines, despite their "best intentions," or simply won't spend the time and money to enhance accessibility, litigation often ensues.

Stepped Up Enforcement

It's no secret that, generally speaking, when a Democrat takes the White House the regulatory environment strengthens and federal agencies ramp up their scrutiny of activities in a range of industries. This is especially the case after fours year of the Trump administration rolling back regulations across the board, underfunding certain agencies,

staffing them with anti-regulatory industry insiders, and/or simply ignoring entire agencies. For example, "many people have felt that the Consumer Product Safety Commission has been neglected and unattended to in the last four years," according to Howard.

Consequently, consumer law attorneys are preparing for an increase in activity under the Biden administration. "With the change in administration, you're going to see more enforcement on the consumer side as well as on the antitrust front," Dakak says, "and when you have that you usually have more consumer cases."

Or, as Sacks puts it, "It happens automatically: Where the government goes, the consumer plaintiffs follow."

And those plaintiffs and their attorneys will certainly be following the actions of those agencies that now have teeth again, like the CFPB and the CPSC, which means defense attorneys will be busy as well. "There's renewed vigor and enthusiasm for the appointment of a new [CPSC] commissioner, and there are some initiatives that the commission believes will free it up," Howard says. "It will be more transparent and willing take affirmative action in the area of consumer safety."

While it may be too early to tell for sure, it certainly seems that the Biden administration has given regulators its blessing to go after violators of the laws and regulations governing consumer finances, products, and another major area, privacy. Certain states have never looked the other way regarding these matters and have, in fact, strengthened their laws. "In California," Spelman says, "we continue to see privacy-related consumer litigation, particularly with the California Consumer Privacy Act and the recent enactment of the California Consumer Privacy Rights Act, which will only increase litigation in the future."

Bolstering the Ranks

As a result of all of these and other developments affecting the consumer law practice area, firms are growing or plan on growing their lawyer ranks to meet client demand. Dakak expects Kesselman Brantly Stockinger to hire more attorneys, "especially if some of the mass arbitration cases I was approached about get the green light," he says. "Those cases take a lot of heavy-lifting. You essentially have thousands of clients so you're going to have to hire people to keep up with that volume."

Sacks Ricketts & Case just announced a new senior associate hire and two more associates. When asked what the firm looks for in its new hires, Sacks doesn't hesitate. "We honor our diversity goals," she says. "When we talk to headhunters we stress how important that is to us."

And, Sacks, Cynthia Ricketts, and Hope Anne Case are drawn to attorneys who demonstrate a particular attribute that, again, has emerged because of the pandemic. "We need people who know how to connect with people in this remote world that we're continuing to live in," Sacks explains, "lawyers who don't need to be sitting next someone to [forge] a strong connection. That's a professional maturity and it doesn't necessarily correspond to chronological age. In fact, younger attorneys may have an advantage."

At Hanson Bridgett, Howard and his team look for attorneys who can stay abreast of the ever-evolving consumer-related regulatory landscape and fully understand and translate complex statutes and guidelines in the courtroom, around the arbitration table, or on a Zoom call.

"We want people who have a real-world appreciation and understanding for how standards and regulations play out in the eyes of consumers and who are always thinking about how they can communicate them to a judge or jury," he says. "That means you must have the ability to speak plain English clearly and concisely." ■

— Steven T. Taylor

Of Counsel Profile

Continued from page 24

a partner of Hatcher's at Foley. "She keeps an even keel, calls balls and strikes just as she sees it, and helps her clients navigate smart deals by being unflappable. She has a deep and wide breadth of experience working for tech and life sciences companies that spans the life cycle from garage to global".

Recently, *Of Counsel* talked with Hatcher about her career, the effects of the pandemic on her practice and the markets she serves, women in the profession, and other topics. What follows is that edited interview.

An Eye-Opening Contracts Class

Of Counsel: What first inspired you to get a legal degree and enter the legal profession?

Nicole Hatcher: That's a great question. I'm one of those weird people, perhaps, who always wanted to be a lawyer, ever since I was a kid. In sixth grade we had to do a writing assignment and part of the assignment was to say what we wanted to be when we were older, and at that time I wanted to be both a lawyer and a doctor, to have two careers [laughs].

The legal profession has always been something that has really interested me. I think it's because it always seemed to me that it can only be good to know what your legal rights are, and there is a sense that you can take control over your life and help other people with their lives if you know this information. And so I felt it was a way for me to help people, which is probably why I wanted to be a doctor as well. But I don't have the science aptitude to have actually followed through with that career path. I went to law school later in life, and by then there was just nothing else that I wanted to do other than to be a lawyer.

OC: What was it that made you gravitate to the transactional side of law, working with start-ups and other clients, and doing tech-business law?

NH: When I went to law school at Santa Clara I thought that I would be a public-interest lawyer or something like that. I didn't really know about corporate law, and also I was the first one in my family to graduate from college and go to law school. At the time, I didn't have others in my family who were lawyers, and I didn't know much about the different areas of law. I just knew about litigation, because that's what people see, and public interest, and that's what I thought I would do.

Then my very first class in law school was a contracts class, which I ended up doing very well in, and it was the first time I realized that you could practice law in an essentially non-adversarial way. You could actually work together with opposing counsel and come to some sort of agreement. Obviously each side has its own clients' interests at heart, but it was just not as adversarial as I imagined all of law to be.

So it was my first contracts class when I thought, *Wow, this is really interesting and it's kind of cool.* After that I just gravitated toward it. In law school I did some pro bono work around the Innocence Project, and that was really fascinating, but it just seems that in those kinds of projects, there was no clear end; there were people who had been working on cases for forever. In contracts you can get things done relatively quickly, which appeals to a certain side of my personality. So I took the business law classes and ended up really liking them.

Then I summered at McDermott [Will & Emery]. I had no idea what I was doing. I didn't really know anything about start-ups or corporate law, and learned a lot at my

summer position. That was it for me. After that it was "corporate or bust."

Big Push before COVID Lockdowns

OC: When you think about some of the work you've done over the years, perhaps a transaction that you're maybe most proud of, maybe you had a lot of bumps in the road but it all worked out, or maybe it was more important to your client than other matters you've handled, what comes to mind? What is one of your most important matters that you found intellectually stimulating or rewarding?

NH: There are a lot because I work with many early-stage companies, and a lot of my founders are young, first-time founders, and when they first get their first raise [successful money-raising effort], it's very exhilarating for them. I will have to say that one of the most memorable transactions that stands out now is a deal that we recently helped a client with. This particular company raised plenty of seed financing, but they were really trying to gain traction. I'm very close to the management team and excited for them because they're just so passionate about their project.

We closed their Series E financing on March 20th of 2020, I believe, right when everything was beginning to go downhill. If we had closed it two or three days later, they might not have gotten the funding because of everything that was going on with COVID, and they might not be here today. They were immensely grateful, and I'm very happy because now they're doing very well. They've just really grown a lot. But there are a lot of stories like that where there are these early founders who are raising money and do these amazing things.

OC: What type of business was that, and, secondly, did you have to speed things up because you saw what was happening, at a very fast pace, with the pandemic?

NH: It was a software business (with products that track and evaluate the quality of a company's vendors). It's very interesting what they're doing, and I feel like, again, they have a lot of traction.

But yes, we definitely had to speed it up because we knew what was coming, or, at least we knew that we didn't know what was coming, and we didn't know how this was going to shake out. We certainly didn't know at the time that we would go into lockdown for pretty much a year. But it was definitely a feeling of uncertainty, where we all essentially said, "Look, we need to get this done because we don't know what's going to happen and things are moving so quickly in the market, that we just don't know." So COVID definitely had an impact in terms of speeding things up.

OC: So, you saw acceleration before COVID, and then did you see a de-escalation of business? In other words, what's been keeping you busy in the last year and how difficult has it been to get deals done?

NH: Right around last March and April, everybody was in shock, and we saw a bit of a lull, but after that … a lot of my clients have raised pretty good rounds during the past year. I've seen a level of deals that have still been fairly robust. I would say, though, what I'm seeing less of is the earlier-stage deals. The seed clients, who were normally funded by friends and family—well, that demographic was a little more hesitant to invest because they're investing their actual money. So we saw the earlier-stage seed rounds drop off a bit, but even that has rebounded, not to pre-COVID levels, but I'm starting to see more friends and family raises again.

In terms of other deals, we saw a lot of those. We still did sales and acquisitions. So there was still a lot of deal work during this time; it was just that the type of transaction shifted. And then in every deal we did after

that, there was a lot of pressure to get it done as quickly as possible, because everything changes so fast during this time and it was difficult to tell what's going to happen.

OC: What trend have you seen emerging or that you feel has emerged or will soon start to surface, in terms of your practice?

NH: In my own practice with my clients, I'd been seeing folks raising more money than they normally would have because of the uncertainty. But now that the vaccines are rolling out I think there's a collective sigh of relief. As more and more folks are getting vaccinated, it seems like people are going back into the office, which indicates that things are beginning to return to normal.

Before COVID there was a problem with oversubscribed rounds, and I had clients purposely cutting back the amount of money that was coming in because they didn't want to be over-diluted. But since COVID, there's been a trend to take as much money as people would give them because they just don't know where the next check could come from, if at all. I'm hoping that will reverse a bit because it's not great for ownership.

Then there are also pressures to deploy capital when you take money and your company may not be ready for that stage, if you're taking in more money than you need, which has happened to a couple of clients. They raised a whole lot of money and now their investors are like, "Well what are you doing with it?" It's been hard to deploy it for some folks as fast as I saw before.

Business-Minded Lawyering

OC: To change topics, when you hire new talent, are there any attributes you look for—in addition to all the boxes that need to be checked such as intelligence and communication skills? Is there anything in particular that a tech transactional lawyer should be skilled in?

NH: I think getting to understand your client's business, so having a bit of a business mindset and being able to talk to your clients about that, I think that really sets apart the good lawyers from the great ones. A lot of people can put their heads down and figure out the contracts and be that technical lawyer, but I think it's a special skill, and one that clients really appreciate when their lawyer is also business-minded.

To be clear, I'm really great at the technical aspect, and I'm trying to get more into the business aspect. One of my colleagues, who I've worked with for a number of years, is a senior partner, and I watch and listen closely to him on client calls. He really hones into the business issues and suggests business points to his clients as opposed to just legal points. I can see how clients really value that. I'm trying to do that more and more because I think it makes you a more valuable team player, which is what I strive to be.

OC: I appreciate that modesty and also the candor of your answer.

NH: I'm always learning. It hasn't stopped just because I'm a partner. I always want to get better.

OC: When you think about the political context that we're in today as opposed to maybe six months ago, have you seen changes to your practice because of it, and have there been changes in the Silicon Valley market?

NH: That's a good question. I haven't seen many changes overall in my practice, but I do know that before the change in administration, there was a hope from some of my clients that it would be easier to keep some of their talent who were here on visas, because it was very hard to get the approvals they needed. That can be devastating when you have very good folks and you want to keep them. There was that hope, but that hasn't really changed yet. I just had a call with a client last week who is losing one of the

company's key people because their visa wasn't approved.

In my practice, I haven't seen any changes because of the political climate over the past few months. I think mainly people have been focused on getting back into the office, which might sound a little surprising because a lot of people were touting the benefits of working from home, and obviously it's not for everyone. People missed socializing. While there was definitely a push to keep some of the flexibility now it seems like many people are clamoring to get back to the office. I'll be interested to see how long that lasts.

OC: Right. I was going to ask if you thought that's because of the relative newness of going back into the office—if that's going to wear off, or if people might decide that they were better off working at home because they were more productive.

NH: I think there is going to be some sort of hybrid. There has to be. You can be productive in an office and there is a certain energy that you can get working around other people in-person. And, it facilitates mentorship in a way that Zoom and Teams and all of these online things don't do. It's very hard for an associate to just pop his or her head into my office and ask me a question. You can ping me but it's just not the same. And then just being able to sit in on calls that other folks are having, to hear how more senior lawyers, you know, "lawyer"—I think we're missing some of those things working entirely remotely.

I do miss going into the office for those things but for lots of other reasons I don't miss going into the office, and that's obviously because of Bay Area traffic, which is horrendous when it's in full force. And, as the mother of small children, I feel that it's nice to be home with them.

Women in the Profession

OC: Last month I spoke with Foley's chair, Jay Rothman, for an article about diversity. I learned that the firm has a lot of diversity initiatives and projects. I was very impressed with the many hires and promotions in the last five years or so of attorneys who are women and/or minorities. As a woman who has been elevated to the partnership level, do you see much improvement in the hiring and promotion of women in the legal profession?

NH: I do actually. This is anecdotal because I don't have any data at hand, but I can tell you that these days there is a marked difference in the number of lawyer teams that I'm on that have either all women, and unintentionally all women, or a majority of women versus earlier in my career. When I was a first-year at Cooley, often I was the only woman at a board meeting, the only woman on a deal. And, that happened frequently.

Today it's different. I had a client call this morning where three of us were women and there was one male, and that happens a lot more now. So I do see a change in terms of the number of women who are in the practice.

Now, this hasn't sufficiently increased the number of women who are in management at firms, and I don't know the number of women in partner roles. But I'm excited that we have a number of really good women at the associate level who will likely elevate up to partner status and then go onto serve in management roles. Overall, I've definitely notice a difference.

OC: And that's a very good trend.

NH: Yes, it certainly is. ■

—Steven T. Taylor

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Bay Area Transactional Lawyer Knows How to Get Deals Done

While many attorneys have a reputation for being very competitive—litigators do of course, but many other lawyers do as well—some are drawn more to collaboration than competition.

Transactional lawyers tend to fall into the collaboration category. While naturally they advocate vigorously to advance their clients' interests, they also want to do all they can to "make it happen," as the saying goes, and get deals done, which often requires reaching across the negotiation table and exercising cooperation, compromise, and cordiality.

That's the approach Nicole Hatcher takes—and it works very well for her and by extension her ever-expanding client base. Serving clients from the Silicon Valley and San Francisco offices of Milwaukee-based Foley & Lardner as well as from her home this past year, Hatcher has earned a stellar reputation for her legal acumen, business knowledge, and communication skills, all of which enhance her ability to counsel public and private companies on a wide range of corporate and securities matters. They include mergers and acquisitions, public and private offerings, company- and investor-side venture capital financings, and formation and corporate governance issues.

Hired by Foley as a lateral partner in February—after practicing at both DLA Piper and Cooley and co-founding the boutique Allen & Hatcher—she has helped shape and close investment deals that add up to a cumulative value in excess of $1 billion. She's particularly skilled at assisting start-ups in launching and growing their technology businesses.

"Nicole brings a fresh and down-to-earth approach to lawyering," says Louis Lehot,

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