

## Leaving Business on the Table? A Pro-Con Game You'll Play Forever...



By Nancy Mackevich Glazer

It's a familiar occurrence, happens all the time. You're meeting with a client about a new business problem. In the course of your conversation, you recognize ancillary legal issues outside your area of concentration or outside your firm's areas of practice.

Most of us know talented attorneys, either friends or colleagues, to whom we can comfortably refer business. It's a wonderful position to be in, having the ability to send business to someone with total peace of mind for the client's welfare. Most all of the time, we're happy to do it.

Maybe I should end it there. Referring business to those more competent to handle it is a good thing. Some of you can and will stop reading now.

To those of you who are still reading, obviously, there's more. It's that small percent of issues you recognize where you think twice and wonder, "Could I handle this new matter?"

Whether you practice in a large, middle market or a smaller firm, sometimes there will be times when you wince – considering whether or not to leave business behind you. Is it a good thing to know your limits?

There are the obvious positives of accepting all or part of an engagement that has issues outside of your firm's practice areas, such as: (1) increasing firm revenue; (2) expanding your legal skills; (3) growing your practice to cultivate new business; and (4) creating stronger bonds with the client and becoming their go-to attorney. If the client already trusts you and knows the quality and value of your work, this opportunity can be a welcome and satisfying experience.

Conversely, there could be some negative consequences of taking legal work beyond your firm's areas of practice. First, the likelihood of making mistakes can be higher. The cost of foreseeable mistakes depends largely upon the facts, circumstances and the interests involved. You must assess these costs for you and your client. Of paramount concern is whether your client's best interests will be served if you take the matter.

Second, and related to point one, do you or members of your firm have the time needed to come up to speed? Will the time required to learn pay off for you in the end, perhaps as a longterm way to grow your practice? Again, most important, will your learning curve in any way jeopardize your client's interests?

In addition, you must also assess if taking the case will require you to take away too much time from your existing clients or other commitments. The answers may not be obvious as no one can accurately predict the many unknowns.

Last, you must decide if the added engagement will be worth it in the long run. There is no question that learning new laws and applying them to real situations adds pressure. While we can't always put a dollar amount on the cost of stress, the financial benefits may not be worth jeopardizing peace of mind, health or well being.

To gain some insight into this debate, I spoke with solo practitioner, Diane Brazen Gordon, who has practiced law for over 20 years. Gordon's practice concentrates on representing individuals filing bankruptcy under Chapters 7 and 13 of the bankruptcy code, unfair debt collection and student loan law.

Gordon is also the president of North Shore Law, an association of women attorneys practicing in Chicago's northern suburbs. Members of North Shore Law collaborate and support each other professionally, often referring business outside their practice areas to each other.

Gordon is happy to refer matters to other members as well as to other seasoned attorneys. In making the decision whether to make a referral, her foremost concern is always the best interests of the client. "Working solo, I know that if I ever need something, usually a second pair of eyes on a brief or a sounding board about my approach to a novel issue, that attorney will be there for me. As of yet, I have never been disappointed."

She feels that referring business out "only creates opportunities to build relationships with those attorneys." For a solo or small firm attorney, in Gordon's eyes, that relationship can be tremendously valuable.

If you're familiar with "Breaking Bad," you will recall how Walter failed to recognize his limits. For Walter, his stellar income wasn't enough; if it had been, we would be watching more seasons. Quoting an infamous billboard on the show, yes, it's good to know when you'd "better call" for help.

If you can call someone other than Saul, that might be a good thing, too.