

Staying one step ahead ... always

Know the situation, know your clients and never stand pat

What does it mean to be proactive as a lawyer?

Martini: For me, being proactive means being at least three to five steps ahead, for your clients and yourself. It is understanding the current state of affairs and how they came to be and where the situation is likely to head given the balls that are currently in motion.

It is acting in response to that knowledge, and not just allowing things to happen through the ordinary course. Being proactive is often discussed in the context of preventing bad things from happening, but I prefer to look at it as optimizing the ultimate outcome of any given situation.

Susler: Proactivity manifests itself differently in different practices and organizations, but generally, being proactive as a lawyer means being out in front of matters, taking the lead, not necessarily waiting for your client to ask.

Take the initiative rather than waiting to react. Some things require reactivity, such as lawsuits. However, you can use those situations to be proactive. For example, advise how to avoid similar situations in the future, perhaps by suggesting certain additional terms for contracts or revising processes and procedures.

As an attorney in private practice, how have you become more proactive during the course of your career?

Martini: As a young attorney, I channeled my efforts toward doing the very best job on every assignment.

I looked at projects on an individual basis. As I have gotten more seasoned, I think more holistically about clients, rather than on a matter-by-matter basis.

I try to understand the currents driving my clients' businesses and their legal needs. I seek to be much more multi-dimensional in my thinking and in developing my skill set and in understanding the business of law and how global political and economic issues shape certain events and have ripple effects on all organizations.

Thinking about the world and my clients in this way enables me to be a better predictor of what is coming down the pike and enables me to think, plan and react accordingly.

As an in-house attorney, in what ways do you expect your outside counsel to be proactive? And how are you proactive for your internal clients?

Susler: I like my outside counsel to keep me advised not simply about



Inside Out

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Watch them talk more about this topic with the Better Government Association's Andy Shaw at chicagolawyer.com. To submit a question for future columns, e-mail questions.insideout@gmail.com.

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often drive certain actions and failures to act which, in turn, lead to various outcomes.

In sum, a lot of critical thought and analysis coupled with a healthy dose of psychology will serve you well in your quest to be more proactive.

Susler: I have to echo Tina's answer. Sometimes being proactive is as easy as cultivating relationships with your clients. Get to know them as human beings as well as business people. In turn, they will feel comfortable and compelled to seek your advice and counsel.

Knowing your clients and their needs opens the door to learning what is important to them and to the business, as well as to providing advice and suggestions ahead of the curve, rather than always waiting to react. ■

what has happened in a matter but of anticipated issues or concerns and to offer potential strategy road maps which we continually discuss and revise as necessary. I want them to call me first sometimes, rather than waiting for my call. Internally, I try to do everything we have both been discussing for my clients.

For example, I will follow up with salespeople on deals we are negotiating rather than waiting to hear from them.

I will conduct contracts training for our sales teams and educate them about when and why they need to call me. I talk regularly with various business leaders to learn what is happening and where we are going with various customers and with the business overall.

Sometimes, simply asking a few questions and then following up with more specific inquiries or ideas can be a big help to the client. This is a good, proactive way to offer solutions to problems they may not yet have recognized as well as demonstrating I am a valuable and important part of the team.

How can attorneys learn to be more proactive?

Martini: I would recommend thinking more thoroughly about more issues more often. This will enable you to better understand how many events and circumstances are much more predictable and within your control than meets the eye. It is important to be a student of human nature, and understanding people's motivations and agendas is a significant part of that, since those things will

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