



HOW TO BUILD AN EFFECTIVE LAWYER-CLIENT RELATIONSHIP TO FOSTER INNOVATION

AS A CLIENT

Focus on outcomes, not pathways.

- Your initial questions may not always reflect your ultimate intentions; be sure to discuss your overall desired goal and outcomes rather than focusing on the specific pathway.
- Be flexible and open to different paths to achieve the desired goals.
- Provide a clear and detailed sense of the initiative, question, challenge, or problem, which will help the lawyer in identifying potential issues and options.
- Questions to ask:
 - *I want to accomplish this outcome; how can you help me do that?*
 - *What are my options legally for accomplishing this desired outcome?*

Involve your lawyer as early as possible.

- Reach out to the lawyers early on, which helps them identify and address or avoid issues that otherwise might slow down or sidetrack your work.
- Involving lawyers early helps maximize their ability to help you by providing options and workarounds, and planning for what needs to happen procedurally. Late involvement can cut off options that may be no longer available.
- Questions to ask:
 - *What information do you need to understand the project?*
 - *What additional context can I provide about the project?*

Be clear about your level of risk tolerance.

- Be clear about the extent of your and the agency's tolerance for risk; this information will help the lawyer provide better advice tailored to the project's needs.
- Questions to ask:
 - *What level of risk will I and the agency be taking on with this approach?*
 - *Is there an approach that would present less risk and still enable me to accomplish the desired outcomes?*
 - *Is there an approach that includes more risk, but would enable me to accomplish my desired outcomes more [quickly, efficiently, fully etc.]?*

Draw on a lawyer's institutional knowledge.

- “Innovation” connotes novelty. Lawyers can be nimble, whether new or more experienced. Their institutional knowledge of what may succeed or fail, and what has been tried before, can be invaluable.
- Questions to ask:
 - *Have you or any of your colleagues worked on a similar project?*
 - *Based on your experience, how would you recommend we proceed?*

See your lawyer as a member of the team.

- Involve the lawyer on an ongoing basis. Projects evolve over time and if the lawyer is kept up to date, they can continue to help the project team avoid roadblocks along the way.
- See the lawyer as a value-added team member and they will be more likely to feel ownership and fight for the project.
- Questions to ask:
 - *How would you like to stay informed about this project?*
 - *What types of project changes or developments would you like to hear about?*

AS A LAWYER

Keep an open mind.

- Let the client think freely; help them discover solutions rather than relegating them to a single path.
- Strive to understand the goals and challenges at the root of the client's project; begin with the basics and work up from there.
- Questions to ask:
 - *What is the ultimate outcome you want to achieve?*
 - *What are the major hurdles you're currently facing in achieving this outcome?*

Clearly identify risks and options.

- Innovative projects can carry higher-than-usual levels of risk; make sure to have a clear vision of the client's and the agency's risk tolerance (individual, office, agency).
- Questions to ask:
 - *What level of risk are you comfortable with as the project owner?*
 - *Do you understand that, as the project owner, you will ultimately shoulder the risk associated with your decisions?*
 - *What level of risk is the agency comfortable with on this matter?*

Be a resource.

- Be transparent, explain the basis of your advice, and offer options to the greatest extent possible. Offer your institutional knowledge of what may succeed or fail, and what has been tried before, but be clear that you're doing so to support informed decisions, not as an impediment. Just because we have not tried something before does not mean we should not try it now.

- Network within the agency so that you can effectively act as a conduit to team members with the best expertise to handle different situations and questions.
- Questions to ask:
 - *What additional information can I provide to help you understand my recommendations?*
 - *Are there other perspectives that would be helpful in your decision-making process?*

Clarify your role.

- Clients must understand the lawyer's role with respect to providing advice and guidance.
- Be clear to distinguish your legal advice from your strategic or policy advice or other input.
- Risk is ultimately the responsibility of the client and the agency; do not allow the client to delegate the decision-making role, even if it seems logical.
- Questions to ask:
 - *How can I help inform your decision?*
 - *From these potential paths forward, which would you like to take?*

Provide your best objective advice to support the client's mission.

- Your role is to provide the best objective advice to support the mission of their project or, if the particular goal or outcome is not legally supportable, to provide alternative options.
- Clients will be more receptive to your recommendations if they feel that you have a demonstrated belief in the mission of their project.
- Lawyers should be willing to serve as an ambassador for the client's project. It is not unlikely that the lawyer will be the most senior member of the project team.
- Questions to ask:
 - *What process would work best for you to keep me up to date on the project?*
 - *Can we set up a regular meeting or phone call?*