

# Scoring a Bullseye

## How To Gain New Business With Matched Data From Golden Arrow

### INTRODUCTION

In our first Golden Arrow white paper we identified and discussed four methods of matching data from a variety of sources with law firm data. As law firms are increasingly focused on the business of law, the need to monitor the external forces that impact clients has taken on critical importance. The same can be said for monitoring that same data for potential new clients. However, recognizing a match between external and internally interesting data is only half the battle. What do you do when you make a match?

In this second white paper, we examine ways in which law firms and attorneys can turn those matched data points into actionable leads and how to make positive impact with that information.

### TRADITIONAL LITIGATION ALERTS

You've created an alert using another provider(s) to let you know when an important client has been named as the defendant in a major lawsuit, and the first notification has gone out to the attorney. What happens now?

Typically the next step is to get a copy of the complaint or other court document that has initiated the litigation. There are a variety of ways to do this, including court web sites, major services like Lexis, Bloomberg, Westlaw, and the old standby of an attorney service. With major courts, out of pocket costs will be fairly low - some services provide complaints at no cost. For smaller courts that aren't available online, costs could be more than trivial. In our experience, sending an attorney service to a less busy court is usually more than \$150 per visit. Knowing the quickest and least expensive way to get a complaint requires some knowledge. Because of this, we strongly recommend centralizing it as a function.

Centralization has other significant benefits. By centralizing requests you can monitor who has asked for a complaint and keep track of duplicate requests. The last thing a firm wants is two partners to pitch the same client for the same work.

### GOLDEN ARROW'S REGULATORY ALERTS

Most of the alerts sent by Golden Arrow are not reporting traditional litigation so there is often no court complaint to be found. However, original documents are often available (with some exceptions discussed in detail below) at little or no out of pocket cost. It is up to the reader to determine just how much information is necessary before making initial contact with the party or parties named in the complaint listed in the Golden Arrow alert. In some cases, just a quick note to a client is enough

for them to appreciate that you are looking out for their interests. In other situations, the attorney may want to have all the information about the complaint in order to better inform a potential client about the nature of the risk and how the attorney is best qualified to assist. At Golden Arrow, we know that our subscribers are already employing both of these basic strategies and due to our system's unique advantages - contacting the client will often be the client's first notice of the risk. This will go a long way toward strengthening the relationship between companies and their existing outside counsel.

## **GOLDEN ARROW'S LABOR AND EMPLOYMENT ALERTS**

National Labor Relations Board (NLRB) - Our NLRB alerts come with a link to the docket for each listed complaint. Previously all the documents listed on NLRB dockets were linked for immediate review. Now, many of the listed documents are available only upon a formal Freedom of Information Act (FOIA) submission. At Golden Arrow we have found that there is an unfortunate inconsistency in the response time from the NLRB's FOIA office. We have waited anywhere from three days to three weeks for a redacted copy of a complaint.

California Private Attorney General Act (PAGA) - The California Department of Industrial Relations (DIR) requires the filing of a notice when and an employee is going to sue, or has already sued an employer on behalf of the State of California. As with the NLRB complaints, the DIR requires the filing of a formal Public Records Act (PRA) request in order to obtain a copy of the filed document(s). Due to the nature of their unpredictable delays, we recommend quickly contacting the client with only the information first provided by Golden Arrow. We know that using this technique has been successful measured by the fact that law firms have been hired to represent clients on these matters. We also know that some proactive attorneys are approaching the clients of other firms with our information right away in an attempt (sometimes successful) to be hired.

Golden Arrow helps with both FOIA and PRA requests by including the links to those online request centers in each of our daily alerts so that subscribers do not need to hunt them down. We hope this helps to better explain and streamline this process.

## **FCC ALERT**

Golden Arrow's Federal Communications Commission (FCC) Alert delivers a list of newly filed consumer and competitor complaints each day where one party has requested a dispute with a telecommunications provider be resolved by the Federal Communications Commission. Golden Arrow recognizes that many law firms and lawyers represent clients in the telecommunications industry. It makes sense that those law firms subscribe to Golden Arrow's FCC Alert in order to monitor their clients' exposure to newly filed complaints. In fact, it is probable that sophisticated law firms with telecommunications practices may have already adopted a method to alert relevant attorneys to new business leads. However, what Golden Arrow offers is the ability to better match a larger number of law firm clients with the FCC complaints. This is an important feature that allows members of a telecommunications practice to reach existing clients currently served by attorneys in other practice areas - in other words, it facilitates cross selling. To illustrate, suppose a firm's labor attorneys represent Neato Radio Control Toys Inc. (Neato). It is more than likely that at some point in time, someone may file a complaint with the FCC alleging that Neato's toys interfere with their garage door opener. It would be an excellent opportunity for this law firm's telecommunications attorneys to work with their labor attorneys to reach out to Neato and offer their legal services.

## **CALIFORNIA ENVIRONMENTAL ALERT - PROP 65**

California is the world's fifth largest economy and our California Environmental Alert provides subscribers with a crucial pre-litigation notice unique to California. If you represent a client that does business in the state, this alert will help you stay on top of the inevitable lawsuits before they are filed. Any individual or group in California has the right to file a Prop 65 complaint against any business selling products in California or that maintains a property open to the public. The Prop 65 complaint is based upon the possibility that any chemical substance found on a list of thousands is present in products sold by or found at facilities maintained by the recipient of the complaint. Golden Arrow allows subscribers to take advantage of the requirement that filers must register a pre-litigation notice with the California Attorney General office 60 days before they are permitted to file the complaint with a court. Golden Arrow's Alert notifies subscribers of that early 60 day notice. This allows attorneys to contact their clients well in advance of a lawsuit in order to prepare a response and perhaps even avoid the litigation in the first place. Our Prop 65 alert is also an excellent way to contact potential new clients who may be unfamiliar with this procedure unique to California. We are confident that an out of state company would appreciate an early head's up.

## WEST COAST UTILITIES ALERT

Golden Arrow's West Coast Utilities Alert delivers content unique to the market, including both consumer complaints and provider filings this report is useful as another source for identifying leads for litigation work in the energy and telecommunications sectors. As with other sources of industry specific litigation this alert provides attorneys with an excellent means of expanding relationships beyond the usual areas of representation. Another important use of this alert is the ability to incorporate it into land use practices as a potential pre-litigation notice. When consumer complaints target a specific provider filing, the issue is almost guaranteed to eventually end up in court, often with a large number of plaintiffs. This is another method of being able to anticipate problems before they derail real estate developments or necessary utilities projects. On the other hand, our Utilities Alert may be used as a crucial current awareness component for a non-profit, community oriented legal services organization. Golden Arrow's Utilities Alert is equally useful to law firms and community organizations.

## FEDERAL ENERGY REGULATORY COMMISSION ALERT

The theme of using Golden Arrow alerts as a way to identify cross selling opportunities continues: energy practices are not as common among large law firms, therefore the use of our Federal Energy Regulatory Commission (FERC) Alert for strengthening client relationships takes on greater importance. No client has ever asked to not be informed of potential opportunities or risks. Even if a law firm doesn't offer services in

a particular area of expertise, it would be a missed opportunity to not take advantage of easily obtainable information that could be passed along as a courtesy.

More traditionally, there are opportunities to identify immediate representation needs with these alerts, as energy company filings contain both risks and potentially beneficial transactions. Our data files identify trends that help clients anticipate important events. These alerts also enable attorneys to position themselves and their firms as "go to" advisors by providing them with the information necessary to author relevant and current articles, client memos, and blog posts - information difficult to obtain without a news service like Golden Arrow.

## CONCLUSION

Certain themes run throughout this paper: speed of contact with clients, cross practice engagement opportunities, new client opportunities, and more. What wasn't specifically mentioned is the reality that other law firms and attorneys are utilizing Golden Arrow and similar alerts. It is occasionally the case that an attorney will contact another law firm's client before the primary law firm does. In fact, this may happen more frequently to law firms that have not implemented systems such as those described in our last white paper, or with those law firms that simply do not recognize the need to do client outreach asap. For every law firm that does not pay attention to the information in these alerts, there is another that does - and they are just as interested in gaining new clients as a competing law firm that has an existing relationship.



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