



When Change in a Partner's Life Changes the Firm

BY JAMIE K. MULHOLLAND ON AUGUST 14, 2015

I was getting fired. I just knew it. The managing partner of one of my client firms had called to ask for a meeting to discuss something, but wouldn't say what, and requested that we meet outside of the law firm. I suggested breakfast at a spot near the firm, and "Alex" agreed.

"Did you want to talk about the website?" I offered.

"No," he replied.

"The seminar?"

"No."

"Hmm. Well, I'd love to come prepared. Can you share anything about what we'll be discussing?" I semi-pleaded.

"It's really better if we just discuss it when we meet," he said.

I quickly added things up in my head. Offsite location, totally evasive on the subject matter...this could only mean one thing: a breakup. Throwing my hands up in defeat, I responded with what little humor I could muster: "I know what it is. You're getting a sex change."

Silence.

Remember those commercials where someone cracked a joke but then there was no response on the call because the line had dropped? This was not one of those instances.

Today, of course, this topic has become quite common conversation, thanks in part to the recent, very public transformation of Caitlyn (nee Bruce) Jenner. But this was 2008. Even then, the language used to describe Gender Identity Disorder (GID) was less about someone's identity, and more about it being a disorder.

At our meeting, Alex shared his very personal story, something that he had struggled with his entire life. He had been married for umpteen years to his college sweetheart and they had children in their late teens and twenties. His wife knew of his internal struggle, knew that he liked to occasionally dress as a woman, but they agreed it would always stay a private thing. Over the years, however, this "private thing" began to burst at the seams. He grew depressed and frustrated, to the point of driving home from work one day thinking that if he just drove off the highway and into a tree, everyone's problems would be solved. It would appear to be a horrible accident and not a suicide, his family would be spared the embarrassment of his secret getting out, and he would be free of this devastating struggle of trying to keep everyone else happy while he slowly collapsed inside. Instead, at that moment, he chose to be free. To take the steps to live life as the woman he had always been inside.

Choices, naturally, come with consequences, and this one had complicating factors on two levels. There were obvious personal ones, involving his wife, children, family and friends: telling people, moving on in their relationships. But what about work? This was a little more involved. After all, Alex was an established litigator, a shareholder in his firm, and also the firm's managing partner. He needed help in formulating a plan for communicating this to the firm and its clients. So he called me.

We agreed from the start that the plan needed to not only define the audiences and their messages, but also have ancillary steps based on the reaction to the message. As news that was certain to garner strong emotion on a multitude of levels, we needed to be prepared for someone to react in whatever way was natural to them.

The Timeline and Tasks

This was July 2008. Alex had already created a timeline of his own for the transition, which was to follow this schedule:

- August 2008: Begin hormone therapy (where production of certain hormones of the birth gender are suppressed and other treatment is given to stimulate the hormones of the desired physical gender), but remain in current physical (male) persona.
- August 2009: Undergo cosmetic surgery, taking a short medical leave for recovery and returning to the office as a woman.
- Summer 2010: Final gender reassignment surgery (it is recommended by a majority of health professionals that one "lives in the role" for a minimum of one year before this surgery, to comfortably incorporate the new role in actual day-to-day living, i.e. attending social events, using a new public restroom, etc.)

From this schedule, we outlined our tasks:

1. **Define our core message.** Like any solid communications plan, this needed to start with getting our basic points in order so that all messaging flowed from a central concept addressing three things:

1. *What* is happening.
2. *Why* it is happening.
3. *How* this will affect the person on the receiving end of the news.

2. **Define our audiences.** Identifying and prioritizing the people with whom we needed to share the message: who should hear it when, and in what format.

3. **Define the marketing materials that will be tied to the announcement.** What collateral would be affected by this, and when did the collateral need to be updated? What collateral should actually be created as a tie-in to the announcement?

4. **Define our response to any publicity.** The shareholders (Alex had already personally shared the news

with the other shareholders of the firm before our meeting) agreed from an early point that they did not want active outreach in terms of publicity (which would have been the most interesting news release I have ever written...to date, I haven't seen such a headline yet in any law journal's "People of the Bar" section), but they wanted us to be prepared for any inquiries that might result from sharing the news with the various audiences.

Our Core Message

We wanted the message to touch on two points beyond the news itself: that this transition was a medical one of necessity. Not elective, but corrective. We also wanted to stress that, despite the gravity of the news, things would be business as usual: Alex would retain the position of managing partner in the firm and continue in practice. Same brain, new suit. What we decided on was this:

Alex Smith has lived and struggled with Gender Identity Disorder for his entire life.

This year, Alex will undergo reassignment procedures.

Alex will continue in a thriving legal practice as Alexis Smith.

Alex has the full support of the firm and all of his colleagues.

Alex and his family are looking forward to a renewed and enriched life.

Our Audiences

At this point we listed the groups to whom the message would be delivered. Then we prioritized the list and discussed the type and format of the delivery:

1. Internal

It was agreed that non-equity partners would be given the news personally, one-on-one, in meetings with Alex. All other employees and associates would be called together for staff meetings (dubbed in advance as "diversity training") in March 2009. The meetings would take place over two days: in day one, Alex would share his background and decision, the core message we had developed, and the planned timeline, taking questions at the end. On day two, an HR diversity trainer was brought in, who delivered a very informational presentation on the science behind GID and the definitions related to it ("sex" is your biological physiology, "gender" is how you see yourself in your brain, "orientation" is the sex to whom you are attracted and "identity" is how you express your gender).

To put the issue into context in terms of its prevalence, the trainer reviewed national statistics of the estimated number of transgender individuals living in the country and offered "right" and "wrong" examples of acceptable reference terms. The training was immensely effective, not just in terms of addressing the GID issue, but in how to conduct oneself in a positive and reaffirming way in a workplace. In essence, no employee is ever expected to change or compromise their own core or religious beliefs, but every employee is expected to treat colleagues with respect and understanding. A training that goes a long way on many issues, as it were.

The initial meeting flowed just as we hoped it would: Alex's family of coworkers responded with overwhelming support. There were a few tears, some hugs and many well wishes.

After the meetings, we distributed preprinted double-sided 3x5 cards with bullet points on one side echoing the core message points and on the other, suggested responses for any inquiries someone might receive. The suggested responses were divided into three categories: direct, divert, or deny.

Direct questions were ones to which the individual could offer specific answers.

Q: "What will Alex's new name be?"

A: "Alex will continue in her practice as Alexis Smith."

Q: "How does everyone feel about this there? I'll bet it was a shock."

A: "Oh, Alex has the full support of everyone at the firm."

Divertable questions were ones that involved a client issue or something that could not be easily answered.

A: "Let me put you in touch with [name of a senior partner], who can respond to any questions or concerns you may have that I cannot address."

Deniable points emphasized not responding to anything of a negative or inappropriate nature:

A: "That is not my place to say."

The message cards were very effective, not only as a quick reference tool for questions, but, as they were stationed on everyone's desks and always near the line of vision, were easily ingrained into memory and naturally worked into conversation.

2. External

The main external audience for our messaging plan were those individuals with a financial tie to the firm: clients, colleagues (such a referral sources, attorneys in other firms, judges), and select vendors.

Alex created and prioritized a list of who would need to receive the news, and shareholders and other attorneys were prompted to make their own lists as well, with leeway as to how and when to do so. Fortunately, with almost six months between the staff announcement and the initial surgery, the news could easily be shared in the course of regular interaction in meetings or telephone calls. It was agreed that no formal written communication or announcement from the firm would be issued.

Just as with the staff meeting, the reactions were largely as we had hoped. While we certainly braced for some negativity, the general feedback was that, so long as things were "business as usual," it was a nonissue. In one such call, Alex shared the news of the transition with a client, saying that, as he was to begin living in the role before their next court appearance, his own appearance would be quite different. The client's response was something along the lines of, "So long as we win, I really don't care what you look like."

Marketing Materials

This work began almost immediately after our initial meeting, as some directories, listings, and other publications have deadlines many months before a calendar year. So, literally days after the partners received the news, they had to determine how the attorney's listing would be submitted for the following year.

We then systematically updated all of Alex's personal marketing materials: the biography, business cards, notepads, notecards, etc., having all ready for uploading to the website or printing and physical distribution during the August 2009 leave. All other materials during the year containing Alex's name (such as firm letterhead) were reprinted in minimal quantities before that leave with others ordered en masse and ready for distribution after she returned as Alexis.

Upon her return, we immediately scheduled a photo session with the firm's photographer so that she could have her headshot promptly added to the website. We then notified bar and other professional associations to update their online listings (Alexis had taken care of the legal name change before the leave, so the listings were easily updated as they tied back to the lawful license name).

As the firm had decided against any type of written announcement, Alexis then simply continued on in an active marketing effort, authoring articles on various practice topics and taking on speaking engagements of a similar nature, which always go a long way to help an attorney's name become well-known.

Publicity

The shareholders had decided early on not to actively reach out to the media, but a concern was raised as to "What if someone else does?" That is, what if a disgruntled client or competing firm decided to tip off the major daily newspaper of the region? We wanted to be ready for any such inquiry with someone who could speak to the issue confidently, positively, and with finality. We prepared similar message points to what was distributed to staff and then discussed who the firm's spokesperson should be.

It should be noted that, while they supported their partner, all of the shareholders were facing a challenge of sorts in personally adapting to the news themselves. After all, this was a longtime colleague with whom they

built a practice, someone with whom they spent a great deal of time, and whose family often spent time with their families. The concept of “support” in theory is easy, but would face its own test when Alex began changing before their very eyes.

The firm’s founder, who maintained an active practice of his own, was asked to serve in this role, and he agreed. He was an excellent “sound bite” kind of guy, he held his own in any interaction, and he was sophisticated and sharp. While Alex expressed initial concerns that the founding partner did not understand or embrace the message of GID enough to speak on that issue, he also understood that this would be the most powerful person to deliver a message of support and understanding from the firm’s perspective.

As it turned out, this too was a nonissue. There were no inquiries after the first phase of communication began, and when Alex asked me to reach out to a legal publication’s editor in the last few months before the initial surgery offering the story as a build-up to the unveiling, a “day in the life” kind of thing for a law firm partner, the editor replied that, as gender reassignment was becoming more commonplace in the world today and they had heard of it happening in other law firms, “this really isn’t a juicy item for us.”

Wrapping Up and Moving On

Two days before Alex left for the initial surgery, he sent an email to the firm as a whole.

He reminded them of the timeline for the next month, and the logistics for general inquiries or communication on client or firm matters. He then offered caveats that he fully expected slipups to happen when he returned as Alexis (pronouns, apparently, are the worst, as people will continue to say “he” instead of “she” for a period of time), and finally, offered a deep and profound thanks to all of his colleagues for their support as his work family.

Alexis returned to work and to her practice and continues to serve in the role of managing partner. The firm, naturally, has changed quite a bit in the last six years. Partners and clients have come and gone, people move on, and people adapt.

While the firm and I did end up parting ways later, Alexis and I have stayed in touch. We email from time to time, we chat now and then, and have met for lunch.

This connection will always be precious to me (and not just because we share a passion for shoes). I am honored to have been a part of this process, both for her and for the firm. We entered a mission together with trepidation, with excitement, but most importantly, with a plan. During this process we learned several things:

- Working through an issue, even though it may be emotionally-charged and life-changing, was no different than working through a marketing plan. Think, discuss, execute. Step by step.
- When approached professionally, with forethought and care, people will always respond in kind.
- Life goes on. What feels jarring today isn’t so shocking tomorrow. Take every happening with that bit of perspective.

Even though some of the elements for which we planned ended up unneeded, we had them in place. We were prepared. Which, after all, is the essence of any element of a marketing plan. Like, for example, the redesign of a firm’s logo. Which, in a sense, she was.

An established brand, a new look, a positive future ahead.

About the Author



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