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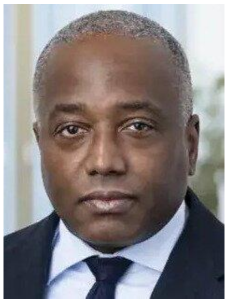
Biz Development Tip Of The Month: Harness Client Trust

By **Derrelle Janey** (July 20, 2026, 2:35 PM EDT)

In today's competitive legal market, attorneys must excel at business development in addition to the practice of law, despite a lack of business training in most law school curricula. In this Pulse Expert Analysis series, experts share real-world tips each month to help fill the learning gap.


Derrelle Janey

Approximately 20 years ago, I was at a dinner party, and a fellow guest asked me what I did for a living.

As a relatively young attorney, I was effusive: My practice focused on white collar defense and civil fraud. Unlike many other practices, I appreciated my role in counseling and providing legal advice to persons in "emergency room" situations, often facing allegations of embezzlement, insider trading and misappropriation of corporate assets.

What I did not yet appreciate, but would later learn, is that these moments of crisis are also inflection points for business development. These clients had been "caught" and were fighting for their proverbial lives.

How an attorney shows up when a client is most vulnerable often determines not just the outcome of the matter, but also whether that client becomes a long-term relationship, a referral source or an advocate for a lawyer's practice.

In these moments, trust became the bedrock for client retention. Each of these clients needed a lawyer who would fiercely advocate for them, but also someone they could trust — not just with what might feel like the shame of their immediate circumstances, but also because the illicit activity might be connected to broader, more embarrassing contexts.

Clients who feel respected and understood are more likely to remain loyal through appeals, collateral investigations, parallel civil matters and future business needs.

Neither law school nor the bar exam prepares the practitioner for managing a client relationship that is accompanied by those types of dynamics or for appreciating the role trust plays in managing that relationship.

Moreover, ethical compliance alone does not differentiate one lawyer from another in a competitive legal market. Clients rarely choose, or stay with, counsel simply because the lawyer follows the rules. They stay because they feel safe, respected and heard.

That distinction is central to business development, particularly in white collar and investigations practices, where reputational risk looms large.

Of course, professional and ethical rules (e.g., American Bar Association Rule 1.16) provide for a general prohibition against disclosure of information relating to the representation of a client.

Furthermore, practically every client has a rudimentary understanding that a lawyer has a fundamental ethical obligation to maintain their confidence.

However, there is a long runway between understanding that principle and the point where a client feels emotionally available to share the full story. Each lawyer will approach developing a client's trust commensurate with their own personality and style.

For me, the foundational element is making it clear, both early and consistently, that my role is not to judge, but to understand. In practice, that often starts in the first meeting by listening more than speaking, resisting the urge to immediately solve the problem and explicitly telling the client that my job is to understand the full context before offering advice.

In one particular experience, where the client was under investigation for conspiracy to commit insider trading, I listened for over 30 minutes while the client avoided discussion about his role. Finally, calmly, I told the client that it was likely I had seen or heard of similar situations before, that my role was to be a resource in his time of need, and that, thus, whatever the client shared with me about his role in the crime only helped me help him.

I also make a point of explaining why certain questions are being asked, particularly when they feel uncomfortable or unrelated. This posture not only improves legal outcomes; it also strengthens the client relationship in ways that lead to repeat engagements and referrals.

A corporate employee charged with insider trading may also disclose previously undisclosed tax irregularities or involvement in related transactions that raise parallel regulatory concerns. Similarly, a client charged in a financial fraud conspiracy may reveal personal financial pressures or compliance failures that materially affect defense strategy and exposure.

These disclosures often occur only after the client believes the lawyer sees them as more than "the case."

From a business development perspective, this depth of trust positions the lawyer as a long-term adviser rather than a single-matter technician — as someone the client will call again when the next issue arises.

To be clear, a white collar practitioner must take steps to ensure that they are not directly or indirectly aiding or abetting any of those other crimes while representing the client. On occasion, when the client refuses to cease other ongoing criminal activity, the lawyer might have to resign from the representation. That is beyond cavil.

The critical point, however, is that a relationship must exist between the lawyer and the client that affords the client the ability and willingness to share those facts with the attorney. Merely reinforcing the point that you, the lawyer, can be trusted because you are duty-bound to maintain their confidence might well fall on deaf ears.

The client may have spent years avoiding disclosure to anyone of broader facts that are relevant and material to their defense. More is needed. Clients who believe you are not judging them are more willing to trust you with sensitive information that can be used in their defense.

For example, at sentencing, where a client has been charged in a financial fraud conspiracy, a gambling addiction could be a mitigating factor.

Indeed, the U.S. Sentencing Commission's proposed 2026 amendments to the federal fraud sentencing guidelines would, for the first time, formally recognize presentencing rehabilitation, including participation in substance abuse or gambling treatment programs, as a basis for downward sentencing adjustments.

Situations like these underscore a broader truth in white collar defense: Pertinent information revealed early can help a case move more smoothly and quickly. Instilling a layer of trust encourages clients to be fully candid from the outset, sharing facts, documents and contextual details that may feel uncomfortable or reputationally damaging.

One practical way to encourage this openness is to explain early on how incomplete information can limit legal options, while full transparency expands them.

That early transparency reduces friction in decision-making, allowing counsel to assess risk quickly and accurately, without the late-stage surprises that can prolong investigations or undermine credibility. Over time, these trust-based efficiencies drive sustained client relationships that are foundational to revenue growth.

So, a relationship where the client has sufficient trust in the lawyer to share what might to them seem like conduct unrelated to the reason they sought the retention in the first place is essential.

Stated differently, treating a white collar client with respect and as a human being whose conduct you might disagree with, but whom, as their advocate, you are trying to fully understand and appreciate is critical to creating the most effective defense.

Revisions to ABA Model Rule 1.16 have made this dynamic more complicated. Lawyers now have an explicit duty to inquire into the facts and circumstances of a representation.

From a business development standpoint, transparency about this duty can actually strengthen trust rather than weaken it. Explaining why certain questions are asked, and how they protect the client, reinforces the lawyer's role as a strategic adviser rather than an adversary.

For example, few lawyers want to be associated with a client who exchanges large bags of cash with third parties as part of a gambling operation while defending against a pending healthcare fraud case. ABA Resolution 100, which proposed amendments to Model Rule 1.16, arguably reinforces that reaction.

On the other hand, a white collar practitioner can meaningfully manage those risks by offering the prospective or existing client an opportunity to disassociate from the activity. Approaching these conversations with an emphasis on shared goals, such as minimizing exposure, protecting credibility and preserving options, rather than moral judgment, often preserves trust even when difficult boundaries must be set.

The practitioner might explain that the "unrelated" activity is also a crime for which the client could be charged that, in turn, could trigger a bond violation and affect results at sentencing. Articulating what is in the client's interests and why might yield better outcomes in the relationship with the client, as opposed to implying that the lawyer is judging the client as a result of their conduct.

After all, if someone charged with a crime — at perhaps the lowest point in their life — feels that their lawyer is judging them personally, they could refrain from supplying the most sensitive information that might aid their case.

Business development is often framed as networking, pitching or visibility. But in high-stakes practices, trust is the most effective, and least discussed, business development tool.

Lawyers who intentionally cultivate trust through respect, empathy and clear communication do more than win cases. They build durable client relationships that lead to retention, referrals and long-term practice growth.

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