

Pinpoint Highlights of 2017 and Offer Forecasts for 2018 to Industry Publications

When you position yourself as a thought leader with your finger on the pulse of the market, reporters and potential clients will see you as their logical go-to resource.

By **Janet Falk** November 27, 2017

January is named for Janus, the Roman god with two faces: one looks forward and the other, back. For reporters, January actually starts in mid-to-late December — the time when many industry, business and legal publications compile a “year in review” article to summarize the significant events of the calendar year. These invariably include corporate transactions, litigation, innovation, legislation and court decisions. In the course of aggregation and analysis, reporters will consult industry leaders who will gaze into their crystal balls and forecast the significant trends and issues in the year ahead:

- How will competition, technology, easing of federal regulations and other factors affect specific industry sectors?
- How will the impact of such factors cause ripple effects across markets, whether local, regional, national or global?
- How will these upheavals play out over the short-term and long-term horizons?

When you position yourself as a thought leader, you can seek out opportunities to identify potential business concerns before they appear on the radar screen of your clients and competitors by grasping their likely impact on operations and profitability.

Because you have your finger on the pulse of the market — whether health care, biotechnology, commercial real estate or any other practice area — reporters and potential clients will see you as their logical and legal go-to resource.

Introduce yourself to reporters as a reliable and authoritative source whose opinions and forecasts may be quoted in these look-back and look-ahead year-in-review news stories that industry executives and prospective clients will consult as they prepare for the new year.

Questions for the Big and Little Picture

Give your crystal ball a shake and get a clearer view of the future with the following questions. Begin with the highlights of the past year to guide you to prognosticate next year's trends:

- Name the industry leaders, plus a few new entrants, in defined market sectors, whether or not they are your or your firm's clients:
 - a) Who is experiencing rapid growth — and how are they achieving it?
 - b) How will the bigger players view expansion and industry consolidation? Will they speed up or slow down?
 - c) What is the role of international players in a certain niche market? Are they competitors, prospective licensees or possible partners?

By surveying the landscape along these lines, you demonstrate how closely you track the market and are able to advise clients regarding opportunities for acquisition and growth that they — and their competitors — might experience in the next year.

- Mergers, acquisitions and buyouts:
 - a) Name the biggest deals in the sector. What factors drove them? Will those market forces continue or abate in the year ahead?
 - b) How will the structures or terms of these transactions have an impact on future deals?
 - c) What are the trends in equity, debt and bank financing for both smaller sales and mega-deals?

Did your client close a merger or did the board turn down their acquisition offer? A company may contemplate selling a division or purchasing a competitor. When you understand the tone of the market, you can advise them on calculating the perceived market value of their own operations in the event of a sale. You can also counsel if a potential target is under-valued or over-priced. Your clients also will anticipate how they might structure their assets for sale, or, alternatively, how they might blend equity, debt and bank loans to pay for the transaction.

- Dive into the financial and tax environment:
 - a) What is the appetite for IPOs in a particular industry?
 - b) Do you foresee any companies or industries that might be vulnerable to failure or bankruptcy? How might their disappearance from the sector affect other players?
 - c) What are the potential implications and ramifications of the pending tax reform discussions?

The stock market may go up, down or tread water. Regardless, timing an IPO is fraught with opportunities and possible missteps. Note that weak financial underpinnings of some companies can cast a shadow on the viability of other players in the sector. The upside is a nimble, opportunistic and well-financed buyer can find easy pickings for acquisition at a fire sale of assets.

- Explore the consumer segment of the market:
 - a) How are businesses coping with changes in the marketplace, as well as savvy consumers who research everything online, regarding new products and launches?
 - b) Are there developments regarding new or expiring patents?
 - c) How are leading brands maintaining market share and protecting their intellectual property?

Your clients may be involved in manufacturing, transporting, wholesaling or retailing of consumer goods; the consumer sector comprises about 70 percent of the economy and therefore significant shifts will cascade across diverse industries. Focus on some of those potential effects and how to capitalize on them.

- Review legal and employment issues, as well as regulatory challenges for operations:

- a) Consider the time frame for a newly enacted regulation to finally kick in. How will it affect individual businesses and the industry at large?
- b) Recent litigation and missteps of peers may lead companies to evaluate and update their policies and then implement best practices. What steps should businesses take to keep current in specific areas?
- c) In the current environment, a reminder to review best practices in sexual harassment training is appropriate.

Presumably, clients have been alerted to a regulatory change and have followed your guidance to install the appropriate monitoring systems. A checklist and calendar are thoughtful reminders of how to remain within bounds on regulatory issues.

- Technology considerations:
 - a) How will the use of big data affect consumers, retailers, utilities and consumer goods companies in the industry?
 - b) Given recent data breaches, what more should companies do to address privacy and security issues and advise their vendors, customers, collaborators and others?
 - c) Where do technology-driven productivity gains most affect operations and employees? Are there layoffs ahead or are companies seeking more tech-savvy candidates?

Technology cascades across nearly every aspect of business operations; protecting precious data and anticipating cyber threats are priorities in all industries. Indicate how your practice is on top of these concerns and your firm offers resources to address security, privacy and related technology issues.

- Litigation and settlement:
 - a) What were the biggest cases of the year, by impact and by dollar amount?
 - b) How will those decisions or judgments incite, impede or affect future litigation?
- These precedents will resonate for several years; companies may decide to adopt pre-emptive measures as a defense to avoid or mitigate similar litigation and settlement.
- The View from 1,000 Feet:
 - a) Name other issues looming on the horizon that companies should address, while making 2018 the best year ever.
 - b) Are there any unsung players or former market participants that are likely to appear?

A weak or resurgent economy, an uptick or downturn in consumer confidence, and steady or rising interest rates will transcend many sectors. Or, an upstart, disruptor company or circumstance that breaks the trend may come to the fore, such as a natural disaster, currency fluctuations or a spike in the price of oil that makes automobile sales tumble. Other potential flare-ups include domestic labor unrest or international political upheaval. Where appropriate for the industry, cite the likelihood of several events along these lines and anticipate their repercussions across that market sector.

Create a Context

As you develop answers to these general issues, plan them in a context and frame your responses thematically, as upcoming trends. There is no need to fear sticking your neck out. Your insightful predictions will address:

- 1) What might occur;
- 2) The factors that are the basis for your assessment; and
- 3) How market participants and/or clients might take advantage of these trends.

Spice It Up

Use clever language to capture the reporter's attention, and ultimately engage the reader. Be it rhyme, alliteration, visual imagery or anecdotes, turn your insights into quotable and memorable phrases.

Now is the time to offer "Top Ten Predictions for the [Name of Industry] in 2018" to reporters and editors at appropriate business and trade publications. Position yourself as a resource before the compilation of the usual year-end article in order to be interviewed and quoted.

It is unlikely that any journalist will check back in December 2018 to check whether your predictions were on target. But, reporters will remember who they contacted for next year's trend story, so you may get asked for an update to prepare for 2019.

Journalists — and clients — contact the attorneys they see in the news and hear about. Developing answers to these questions and sharing your insights with reporters at industry publications will have a double impact. It will position you as an industry thought leader with powerful insights, gleaned from careful monitoring of market trends and the business consequence of legal issues. Plus, the resulting news stories, at year-end and throughout the upcoming year, will make your phone ring.

Falk is the head of Falk Communications and Research in New York. She provides media relations and marketing communications services to law firms and consultants.

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