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About Globe Law and Business

Chapter 3:

The first “R” of business development

Business development requires focus on two “Rs” – reputation and relationships. All lawyers need to understand that there is no substitute for an excellent reputation. So, let’s start there.

A reputation that will win and keep clients means demonstrated excellence in legal analysis, writing, communicating, and service to the client. The definition of “the client”, however, evolves during your legal career, starting with your colleagues in your firm and then moving to the traditional notion of clients – companies and individuals outside of your firm.

Building a reputation in your first few years

Attorneys in law firms build their reputations initially by doing incredible work for the senior associates and partners for whom they work. Those are your initial “clients” as a new associate, and studies show that within weeks of your start date, your competence and abilities will be assessed and cemented in the minds of many with whom you work.

To build your reputation internally you must meet deadlines, provide value, answer the questions you are asked succinctly and coherently, and look for other ways to add value to the problem or issue you are evaluating. For example, if you were asked as a first-year associate what the statute of limitations is for filing a claim, you should, of course, answer that question. But you might consider going further: defining the circumstances in which the statute may be tolled or citing exceptions to the application of the statute. Showing that you can think beyond the issue presented to you indicates that you understand the role of an attorney is to think both broadly and specifically and to find creative solutions to problems presented by clients.

In the days before electronic documents, I remember an incident where a first-year associate was preparing the documents for an upcoming deposition. He gave them to me in a binder that was tabbed and had an index. He had ordered them by subject and then chronologically. I expected that. But he also put them in a box, with a yellow legal pad and several pencils,

and sent them to my home. This may sound ridiculous, but what it said to me is that he recognized his job was to make my preparation as easy as possible, both in terms of substance and the practical matter of getting a deposition outline done – in those days by paper and pencil.

Another example that stands out is a new associate who missed a filing deadline. She acknowledged the mistake, and provided me – without being asked – several alternative ways to ask for relief from the missed deadline. And she didn’t bill an hour of time for doing so. We were able to obtain relief for her error, and instead of thinking of this young woman as someone who had screwed up I thought of her as someone who was mature, responsible, and a problem solver.

“[I always did] excellent work... I was extremely responsive regardless of whether I was dealing with clients, partners, or senior associates. I came through on my promises. I tried to be creative, thoughtful and proactive.”

Joan Haratani, partner, Morgan, Lewis & Bockius LLP

Reputation internally is also built by how you present yourself to your superiors and colleagues. You are a lawyer, so look like one and act like one. What does that mean? It means you should present yourself as a professional at work and at work-sponsored outside events. That goes for how you dress, how you talk, how you react to criticism, and how you relate to your colleagues. This also means that you volunteer for assignments that might be outside of your safety zone, you take on challenges, and you express an interest in the business of the firm and in your progression within the firm. You ask for opportunities to work on matters, to go on outings with clients and partners, and to be included in meetings and events with lawyers internally and externally. It means creating content for social media platforms for the firm, such as generating blogs and ideas for webinars and podcasts. You will enhance not only your own reputation through these, but those of your fellow professionals and your firm.

“First, I learned the law, which included writing articles for partners and tagging along at every opportunity, whether to a presentation, court appearance, client visit, etc. I tried to make it easy for the partners to bring me along by making it clear I would not bill for my time... Happy partners make an associate’s life much better, and provide a great foundation to build one’s own reputation.”

Tim Long, shareholder, Greenberg Taurig LLP

So, kudos to the associate who asks a partner out to lunch to get to know him or her. High marks to the associate who hears about a project that is interesting and asks how he/she can help. Praise to the associate who raises his/her hand with an idea for a blog or speech on a new issue in his/her practice area. And, as Joan Haratani, partner at Morgan Lewis says, “*Identify those senior attorneys in your firm or company that you admire and ask them to mentor you.*” These are things that make you stand out from the crowd and begin to build your reputation internally. These kinds of things involve risk taking and networking skills.

Another critical part of building your reputation internally is asking for feedback after every significant project. That tells the person with whom you are working that you care about the value and quality of the work you have done. It also shows that you are looking to grow from each experience. And because most partners often don’t take the time for (or try to avoid) giving feedback, you have to ask for it. That is not how it should be, but that is how it is in many firms. So, take the initiative and ask for information about your performance from the people with whom you work.

But, when you do ask for feedback, be prepared to accept what you are told. Don’t expect praise, but accept it when it is given. Take criticism constructively and ask for opportunities to show improvement. This is especially important for first years who often feel crushed by criticism. Don’t let that happen to you. Being a lawyer is a hard job. You worked hard to get here. Give yourself time to grow into the job, which means accepting both compliments and criticisms and always striving to do your best.

In your first years as an associate, you have to be careful about offering excuses for mistakes or criticisms from a partner or senior associate. Statements like, “I was trying to meet your deadline but I took so long drafting this, I just didn’t have time to proofread” may be more damaging to your reputation than the typos you are trying to explain. As a partner, that makes me think that you didn’t manage your time well or that you procrastinated, or that you simply weren’t willing to go that extra step to finish the job professionally. That is not the message you want to convey.

On the other hand, there will be times when you think the senior person you are working with has leveled unjustified criticism toward you. Rather than responding on the spot, give it some time. Talk to a mentor about how to address it, consider how to best approach the senior person, and then do so in a manner and tone that is calibrated to the magnitude of the issue and the personality of the senior person.

Building your reputation as you advance in your career

While your first few years will be focused primarily on building your reputation with your immediate colleagues and members of your firm, by your third or fourth year you should be focusing your energy externally as well. The first rule of encounters with persons outside of the firm is this: treat everyone you meet as a potential client. You never know who will advance in an organization. So, whether you are working with a low-level businessperson or the head of litigation, you should treat everyone the same – with respect, deference, and humility. You may think you are more accomplished, smarter, or more savvy, but that doesn’t matter. You are in a service industry and your job is to serve your clients.

Why is this important? Because many of the people who you meet at lower levels within their organizations, or even in other law firms, will advance into positions of power. One of my clients started out as an entry-level human resources person. I, at the time, was a new associate. We bonded over our career goals, our family situations, our professional interests, and our personal interests. As she progressed in her career she took me with her, as her outside counsel. She displaced other firms to bring me into each new company she went to; she fought the legal departments in her organizations to be able to use me, even with my firm’s higher rates. Over her career and mine, the business she sent me generated millions of dollars for my firms.

The same is true of other lawyers with whom you work, even as a junior associate. They too can move into positions of power and a source of business:

“In the late 1980s, early 1990s, I worked on a big class action with lots of lawyers from around the country. One of them later went in-house at Sprint, and because she knew me well from the previous case, sent me the business.”

Meryl Macklin, partner, Bryan Cave LLP

The advantage of the contacts you establish through your online platforms and social media is that they will stay with you as the years pass by. They may grow professionally, but you will maintain that digital contact and the relationship throughout.

Building your external reputation also requires that you find a way to differentiate yourself from other lawyers. That means you must think out of the box and show people outside of your firm that you are creative and strategic. Often you can do that by writing blogs, articles or conducting

webinars to groups of lawyers and groups of businesspeople. But writing or speaking on the “same old, same old” take on an issue or problem is not an effective use of your time. If you are going to invest time in any type of content, then find a different angle on the issue, a new way of approaching it, a creative way of describing or presenting it. You want to stand out; you want to be the one they remember. When you are presenting a speech, for example, think about a) whether to use a program such as PowerPoint and b) how to use it. My advice? Use PowerPoint for emphasis, not content. The mistake so many people make is putting too much information on their PowerPoint slides. Then, instead of facing the audience when they present, they read from the screen, which is usually behind them. Or, the audience reads the screen and only half listens to the presentation. That impacts the value of your speech. If you use PowerPoint, bullet point the important concepts and use your interesting and effective presentation to explain the bullet points. If you want to offer more detail, write a paper as well and include that in the materials that accompany your presentation and, of course, prominently include your contact information.

Now the digital landscape makes it so much easier to gain exposure. As well as the opportunities presented by in-person events, you have a wealth of news platforms, digital trade journals, social media, and other outlets for your ideas and thinking. The trick is to ensure that the audiences you are reaching are the right ones for you. If you create content for one outlet you can repackage it and use it elsewhere. One idea can go a long way. For example, a blog can become a help sheet or a webinar, as well as social media posts. More on this in chapter ten.

When I was trying to build my reputation, I took any speaking engagement that came along. I would speak to the Rotary Club, the local merchants’ associations, industry conferences, and bar association events. How did I get those gigs? I asked for them. I went to friends and family and made “cold calls” to organizations offering to be their lunchtime speaker and offering a topic that was relevant to their group.

At those events, I would do whatever it took to make my presentation memorable and relevant to the audience. For example, while other lawyers were explaining to these groups of businesspeople the esoteric reasons why one court’s opinion on a certain issue was different from another court’s opinion, I would talk about the top ten ways businesses could avoid litigation in employment cases. In that discussion, I might reference uncertainty within the courts on a certain point, but because I was talking to businesspeople, I didn’t talk about the intricacies of those conflicts. Instead, I focused on the impact that uncertainty might have on choices

they made regarding their employees. That resonated with these audiences; in-depth discussions of the law, for the most part, did not. But if I were speaking to a group of employment lawyers about new developments in the law, my presentation would be filled with “lawyer talk” – although I would find a way to make it interesting to keep with my goal of being the “creative and out-of-the-box” thinker. I used to be a frequent speaker at conferences that attracted high-level employment lawyers from across the country. I always made sure my presentations were different from other presenters. For example, I sometimes opened with a few phrases from a relevant song (“Take this job and shove it” when talking about constructive discharge cases; “Stand by your man” when talking about sexual harassment cases where consent appeared to be an issue). I may not have a great voice, but people remembered my speech. Just to be clear, however – I am not suggesting this as a tactic everyone (or anyone) should use. But it was consistent with my brand and my personality and to this day there are people who will say, “Oh yeah, you are the one who sings”.

Peppering content with personal examples of cases or deals on which you have worked – particularly if you talk about things that distinguish you from other lawyers – also builds your reputation. Readers and listeners love to hear relevant war stories and if you can present those in a big-picture, succinct (be careful of giving too many details), engaging way to your audiences, they will remember you for the stories you have told. And that builds reputation.

For example, when talking about trial tactics I often relay a situation where I used an advertising agency, instead of trial consultants, to assist with trial themes and opening statements. That is an unusual approach and very different from what clients generally hear from lawyers. Some find it shocking; others find it amazing. But all of them remember it and so they remember me, and that builds my reputation as someone who thinks differently from most lawyers.

But remember; articles, webinars, and speaking engagements don’t necessarily yield clients directly. They build reputation because your name begins to become a household word so, when asked about you, people say, “I have heard of her”.

These kinds of activities are part of branding yourself and raising your visibility. It may be years before they yield a client. That doesn’t mean you shouldn’t do them, it just means you should be patient.

As Michelle Banks, former general counsel of the Gap Inc. and now senior advisor at Baker Gilmore, says:

“When I was a general counsel, I cannot think of a situation where we hired someone solely on the basis of an article they wrote. But we did consider, and in some instances engage, lawyers we heard speak at conferences. I would not dismiss writing articles, however, because they are opportunities to build your brand by showcasing your expertise, they may help you get a speaking engagement, and they are opportunities to remind people of you and your expertise.”

As Michelle suggests, it is possible that something you say or do at an event or in an article will yield immediate results. The case on which I billed more fees than any other single case in my career came from a speech I gave at an employment law conference in which I talked about how I would handle a particular type of claim. The approach I suggested was quite unique, it caught the attention of one of the lawyers in a large legal department, and that led to meeting with the general counsel, where my firm was retained to handle the case.

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