

REPRINTED FROM
DAILY JOURNAL

Monday, July 14, 1997

LAW FIRMS FIND ASSOCIATES CAN MAKE RAIN, TOO

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Rainmakers are born, not made.

That's the most common misperception that lawyers – especially associates – have about business development, according to marketing professionals.

“Someone who is just starting to think about business development tends to think there is something magical about rainmaking,” said Jolene Overbeck, national director of business development at Los Angeles' Latham & Watkins.

Instead, successful rainmaking comes from skills that can be taught, she said.

On The cutting Edge

While many business-savvy law firms are teaching business development skills to their partners, a few firms on the cutting edge of marketing training have implemented programs aimed at associates.

Scott Edelman, a litigation partner with Los Angeles' Gibson, Dunn & Crutcher and co-chair of the firm's associates' committee, is a believer. He said the firm has just started experimenting with a training program specifically for associates, which will be taught by communication expert Lawrence M. Kohn.

“Associates have significant contacts with people throughout the city and are the future partners of the firm,” Edelman said. “The earlier they start thinking about marketing, the better off we all are.”

In addition, law firms who wait until lawyers become partners to teach them business development skills shortchange their associates, said Anne Bothwell, director of development for Oakland's Crosby, Heafey, Roach & May.

“Before making partner, associates at most major law firms need to show that they have either aptitude or experience in business development,” she said. “business development is the main difference between becoming an equity or non-equity partner. It's too late to give them training after they get there.”

Kohn, of Los Angeles' Kohn Communications, agreed. “It takes years to develop a practice. It seems absurd to ignore one of the elements of becoming a partner until it's time to become a partner.”

Recognizing that, Los Angeles' Paul Hastings, Janofsky & Walker has used its training program as a recruiting tool, said Stephen Barrett, director of practice development.

“That’s how we differentiate ourselves, by telling summer associates what we do [in marketing] and what tools are available to you if you come to Paul Hastings,” he said.

Firms have to realize that associates want to learn, Barrett said, and just as the firm must respond to clients’ needs, they must respond to the needs demands and wants of their associates.

At Latham, business development training is considered a necessary part of young lawyers’ career development, so the firm targets its fourth-year associates for such training, said Overbeck.

Overbeck, who teaches most of the training sessions herself, emphasizes client services and maintaining relationships.

“We tell the associates to show the clients that they are your first priority,” she said. “Covering all the bases for existing clients is the best way to get new clients. It’s so simple, but that’s the essence of business development.”

During the early stages of training, Latham’s associates focus on initiating and building relationships with clients. Overbeck teaches them how to build a network of contacts by maintaining existing contacts, following up leads and getting involved in trade associations and in the community. In more advanced business development training, Overbeck teaches specific skills, such as how to respond to requests for proposals and how to do seminars and client presentations.

For a large firm like Latham with 422 associates, perhaps some of the most crucial information she can share is how the firm can support associates’ client service and business development efforts with client alerts, newsletters, articles and internal networking.

In addition, Overbeck counsels associates on their individual business development plans, considered a key step toward making partner.

Material on business development is available over Latham’s intranet for quick reference. Topics include writing and submitting articles for publication and meeting client expectations.

Crosby, Heafey also offers a comprehensive training program for associates. But instead of waiting for the fourth year, Crosby starts teaching marketing at the summer associate level. “We start pretty early, not because we have expectations of them, but to demystify the process,” said Bothwell.

Although she teaches most of the training sessions, sometimes she relies on outside consultants for “fresh blood.”

Topics include “nuts and bolts basics” such as how to identify potential clients, how to ask for referrals and how to expand relationships with existing clients.

Realizing that skills cannot be learned by listening to a two-hour seminar, Bothwell has the associates practice the skills they learn in class.

“The biggest problem in training lawyers is that they are really smart and highly educated – they’re so quick to grasp a concept that they then just want to move on,” she said. “but business development is not a contemplative exercise; it’s action-oriented. It’s hard to take the concept home and do it without practicing first, so that’s our focus in the training process.

Another alternative is periodic review, an approach Kohn endorses. He coaches lawyers individually on business development skills, usually on a monthly basis and sometimes over several years.

“Learning how to market requires you to change your behavior in a way that’s identical to losing weight or body-building,” he said. “You can’t go to one seminar and expect to lose weight immediately. You need a support system.”

One of the most critical aspects of business development training is letting associates know what the firm expects from them, said Barrett. “It’s the biggest thing on their minds.

During associate training, Barrett explains the firm’s expectations with the help of a slide show. On the first slide, the firm emphasizes that associates need to concentrate on becoming a good lawyer first and foremost. But Nos. 2 through 5 address why associates should learn marketing skills – addressing issues of external competition among law firms, what the firm considers the complete and irreversible buyers’ market for legal services and internal competition.

According to Barrett, a statement of expectations is also a good way for the firm to focus on what it considers truly important in associate marketing.

When designing a training program, it’s important to be sensitive to the firm’s culture, Barrett said.

“The program can’t be too mandatory, because most law firms don’t respond well to internal mandates,” he said. “You have to use the carrot, not the stick.”

Bothwell agreed. “The best thing to do is work with volunteers,” she said. “if you coerce people to attend, they don’t want to be there, which isn’t good for them or the people who are there.”

At Paul Hastings, said Barrett, the firm believes so strongly in business development for associates that it has put its money where its mouth is. He said the firm has a budgetary allowance for associate business development activities. But he declined to specify how many business development hours the firm is willing to designate as “forgiven unbillables.”

“Law firms have to understand or make provision for the fact that associates need some time to do new business and should be compensated for it in the associate compensation system, just like doing MCLE or pro bono work,” he explained. “Asking it to be done 100 percent on associate time may not be entirely reasonable.

RAINMAKING FOR BEGINNERS

Today's issue of California Law Business reveals that 44 percent of associates surveyed spend no time whatsoever on business development activities; sixteen percent spend one to five hours per month; 10 percent spend five to 10 hours; 21 percent spend 10 to 20 hours; 7 percent spend 20 to 40 hours; and 3 percent spend 40 plus hours. To help associates get on the right track, here are some do's and don'ts of business development, courtesy of Kohn Communications and Jolene Overbeck, national director of development at Latham & Watkins.

Don't let the negative images of salespersons prevent you from developing marketing skills. Many associates think of marketing as sleazy salesmanship. That's a misconception. The best selling technique involves not asking for the sale. Don't shove your legal services down someone's throat; communicate your ability to offer value. How you communicate is the essence of success.

Don't think you need a certain personality in order to be a rainmaker. Many associates believe you have to be outgoing and schmooze well to be a successful rainmaker. To the contrary, rainmaking skills can be taught. Lawyers who are highly analytical and not particularly outgoing can be highly effective business-getters once they know how.

Don't expect to get business just because you're a good lawyer. Highly skilled lawyers are often frustrated because they want to be judged on their technical skills. Many clients don't know how to judge if you're a good lawyer, and sophisticated clients are often already aware of your talent or the law firm's reputation. Instead, they judge lawyers on their gut feelings, whether they like you as a person or whether you seem like a reasonable person to work with.

Nourish contacts with people your own age. Associates may think business development means establishing a relationship with general counsel, a goal that's not usually attainable. Instead, they should cultivate relationships with friends and colleagues, who will end up as general counsel or CEOs in the future.

Don't market to nonprospects. Many lawyers make the mistake of spending time on people who will never be clients. If your practice targets in-house counsel, being active in the local chamber of commerce won't help your practice.

Respect the sales cycle. Partners' sales cycles often span two to five years. The thought of a five-year sales cycle is difficult to deal with, especially for associates who are accustomed to getting an assignment and finishing it. You have to be out there having lunch or golfing with potential targets who may not hire you for several years.

Create networking systems that provide ongoing interaction. Get involved with a club that meets monthly, such as the Rotary Club or a trade association. These groups have regular meetings, giving you the opportunity to create familiarity and a comfort level.