

Excerpts from

San Francisco Daily Journal

December 04, 2006

WINNING CLIENTS TAKES MORE THAN A HANDSHAKE

Law Firms Begin to Focus on Teaching Young Attorneys to Develop Business

By William-Arthur Haynes

Daily Journal Staff Writer

SAN FRANCISCO - Veteran San Francisco-based trial attorney David O. Larson remembers the charge his mentors issued when he was a young lawyer.

"They always told me, 'You ain't nothing, kid, unless you're bringing in business.'"

Larson was at a 20-or-so-lawyer firm in the East Bay and the only associate in one of the firm's two offices.

"I earned \$400 a month and one-third of any business I brought in," he remembered. "And it didn't take me very long to figure out that \$400 a month - even though it was 1960 - wasn't going to cut it, but that one-third was going to make a big difference."

In a time before attorneys were pigeonholed into specific practices, Larson built his book "the good old-fashioned way: I earned it."

He developed a network of potential clients, on his own or through the auspices of the firm, by doing good work and making himself available to people. He did everything from estate tax returns to estate planning. He formed some small corporations, handled a wealth of divorces and did some criminal defense.

"It's all customer contact, contact, contact," said the Lewis Brisbois Bisgaard & Smith partner. "Build a base of business, build a client base, get to know the network and get to know people."

That's the advice he gives to the associates he coaches on business development.

In 46 years of practice, Larson contends little has changed with regard to attracting business. What has changed drastically is the profession. As a young lawyer, Larson relied on the informal mentoring of those older and wiser than him.

Since his early days, the legal landscape has morphed into the large-firm platform and highly specialized practice areas. Not much is informal in law anymore, teaching the techniques of client-fetching included.

An increasingly competitive legal market is driving more law firms to implement business development training into the nurturing process of young attorneys.

And more and more practitioners at all levels of the profession are realizing they need to bring in business in order to obtain the desired revenue, prestige and power within the firm, according to Larry Kohn, founder and president of Kohn Communications, a Los Angeles-based legal marketing and management consultancy.

"By virtue of the increased number of law firm marketing directors alone, it's clear that marketing has become an accepted and fundamental component of the practice of law," Kohn said.

In the last six months, the amount of associate training programs Kohn Communications conducts has swelled dramatically, whereas in the past law firm clients have shown no interest.

"Before this year, Kohn Communications had rarely participated in marketing development for associates," Kohn said. Now the consultancy is retained to do training for all senior associates at Howrey, a global firm of 560-attorneys; Dallas-based Jenkins & Gilchrist, a 270-plus-attorney national firm; and is negotiating with several more firms Kohn declined to specify.

"Management finally understands that the process of bringing in clients is so long that it's a little silly to start training your people after they've already become partners," Kohn said. "The law firms themselves see it as a differentiator. It's showing that they're concerned about investing in the future of associates."

When the time for partnership consideration arrives, Larson said, young attorneys who have demonstrated an ability to capture business can separate themselves from the pack and perhaps tip the scales in a favorable direction.

E. John Park is a senior business and finance associate in Morgan, Lewis & Bockius' Silicon Valley office. He recognizes that at a minimum, associates are expected to do excellent work. But as they approach a more senior level, there's an increased emphasis on the ability to work independently and to expand relationships with clients.

"Everyone assumes you're a good lawyer," Park said. "But partners are looking for that ability to bring in clients that view you not only as a good, technical lawyer, but as a trusted adviser."

Some young guns understand that making rain is the crux of getting ahead, and they do what it takes. To others, however, knowledge doesn't translate into action.

"It seems obvious, but the obvious isn't regularly implemented," Kohn said. "There may be situations when they're aware of it, but being aware of it and doing it are two very different things."

Kohn asked how many people know they need to quit smoking, but continue to light up? How many know that changing their diet will obviate future health problems but continue to eat they way they do?

"How many people know that it's in their best interest to go out there and network and bring in business but don't do it?" Kohn asked. "Just because it's obvious doesn't mean it's implemented."

In many instances it's not so evident, Kohn said. For years, the norm within large firms has been to discourage young attorneys from marketing. Large firms were adverse to associates bringing in small deals. There continues to be a thread of that philosophy in the profession, he said.

"I'm helping my prospects deal with partners who still firmly hold that view that they don't want money being invested in associates for marketing because lawyers shouldn't need to market," he said. "This is still a very entrenched view that marketing is inappropriate."

Associates under the impression they'll achieve partner on lawyering skills alone are "significantly minimizing their odds," Kohn said.

"There's no question that the days of becoming a partner based solely on being a good lawyer are long gone."

So how does one go about the necessary task of bring business into the firm? There's no hard and fast rule.

Most marketing approaches are tailor-made to fit the individual's personality, practice area and firm. But several common factors exist among the strategies espoused by

successful business developers and coaches.

Providing young attorneys with a structured environment for learning client management and marketing capabilities is vital to business development. It's unrealistic to think that young lawyers will go out and develop a marketable skill set on their own.

There's a general consensus that managing cases for superiors is an ideal way for young attorneys to develop the skill set used to land clients. According to Larson, the biggest client young attorneys have is the partner they're aligned with or the practice group they are in.

But the firm can be relied on for only so much. Partners and consultants agree that beating the bushes is the only sure way to cultivate client relationships.

"Associates have to build [a book of business] themselves," Larson said. "It's not going to be built by the law firm or the partners."

Andrew G. Giacomini, managing partner of Hanson, Bridgett, Marcus, Vlahos & Rudy, agreed.

"We always tell all of our associates very early on, 'This isn't a law job, this a career and whatever you want from your career, we'll help you succeed but you need to invest in it too,'" Giacomini said.

Participation in professional organizations is a fundamental strategy for increasing client opportunities, according to many partners and marketing coaches.

"Pick an industry that you have an interest in or one where you observe a lot of activity and get involved in their trade associations," Kohn said. "Most major rainmakers are involved in trade associations."

Associates who take the attitude that they're too young to have credibility are missing the bigger picture, Larson said. They should become ambassadors of their firm and promote its capabilities.

"Your primary marketing strategy shouldn't be to sell yourself," Larson said. "Sell the firm. It's not that you don't have anything to sell. You have an entire firm behind you."