

# OCS Weekly Bulletin

September 19, 2007

Upcoming OCS Events, Diversity Fellowship Opportunity & Career-Related Articles

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## About OCS

The Office of Career Services (OCS) serves as a bridge between students, alumni and employers. The staff helps students and alumni to shape and realize their career goals. We also provide counseling, workshops and resources on judicial clerkships, international opportunities and non-law alternatives.

OCS is open Monday through Friday from 8 a.m. to 5 p.m. The office is located on the first floor in Room 143 in the Law School's office building on Nathan Abbott Way.

## Upcoming OCS Events

- **1Ls: Spotlight Lunch Sign-ups**- Deadline is Sept. 24th!
- **Public International Professor Panel**- Sept. 25th, 1:00 PM, Room 280A
- **"Negotiating Firm Offers"**- Sept. 26th, 12:45PM, Room 190
- **Practice Area Overview**- October 1st, 12:45 PM, Room 180

### **1Ls: Spotlight Lunch Sign-ups**- Deadline is Sept. 24th!

Please sign up for Spotlight Lunches. Please rank your top 5 choices on the bulletin board outside of OCS. Please see the poster on the next page for the practice areas that are being highlighted and the participating attorneys/firms.

**Public International Professor Panel**- Sept. 25th, 1:00 PM, Room 280A  
Featuring Professors Allen Weiner, Erik Jensen and Jennifer Martinez!

### **"Negotiating Firm Offers"**- Sept. 26th, 12:45PM, Room 190

Thinking of splitting your summer as a 2L? Do you want to ask your firm to be assigned to pro bono projects once you start as a 1st year associate? Learn how to approach your firm and coordinate an offer that will mutually benefit both you and your firm(s)!

### **Practice Area Overview**- October 1st, 12:45 PM, Room 180

Join Stephen Engle of legal search firm Major Lindsey & Africa as he reviews many of the most popular practice areas! Stephen will go over what the main duties are for each area, and what type of person would enjoy each practice.

## Upcoming OCS Events (cont.)

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# OCS Spotlight Lunches

Sign up to have lunch with attorneys and get to know more about their practice areas! All lunches will be limited to 15 students. Sign up on the OCS bulletin board. Students will be assigned to up to 3 lunches.

Rick Mallory & Mike Durkee Allen Markins Real Estate & Land Use October 2	Mike Farn & Robin Reasoner Fenwick & West Patents October 5	Bruce Deming, Covington Mergers & Acquisitions October 16	Ray Cardozo, Reed Smith Appellate Litigation October 19
Frank LaPallo, Manatt Phelps Healthcare October 3	Pieter Bekker, McDermott International Litigation October 7	Jefferson Scher, Carr & Ferrell Trademarks & Copyright October 16	Bonnie Eskenazi Greenberg Glusker Entertainment October 24
John Farrell & Katie Prescott Fish & Richardson IP Litigation October 3	Dan Bromberg Quinn Emanuel Appellate Litigation October 9	Craig Dauchy & John Dado Cooley Venture Capital October 17	Stephen Ferruolo, Goodwin Proctor Life Sciences October 26
Trent Norris, Bingham Environmental October 4	Holly Sutton Farella Braun + Martel Employment October 10	Karen Rezendes, Lozano Smith Education October 17	Renee DuBord Brown & Paul Grewal, Day Casebeer Antitrust October 29
	Rebecca Miller, Lakin Spears Trusts & Estates October 11	Robert Hawk, Heller Ehrman Civil Litigation October 18	Berwin Cohen, Mayer Brown Tax October 30
	Rebecca Eisenberg, Adlrite General Counsel October 11	Richard Marmaro, Skadden White Collar Crime October 19	<i>Dates to be Announced</i> Gary Benton, Pillsbury International Transactions Jeff Birren, Oakland Raiders Sports Jeremy Zucker, Hogan & Hartson International Trade

*Take Charge. Explore the Possibilities.*

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## Diversity Fellowship Opportunity

### MORGAN LEWIS & BOCKIUS LLP ANNOUNCES DIVERSITY FELLOWSHIP PROGRAM

Morgan Lewis is proud to announce the Diversity Fellowship Program (DFP). Our goals are to promote diversity in the legal profession and to attract future leaders who are committed to the importance of diversity. The DFP awards salaried summer associate positions and \$15,000 stipends to highly qualified second-year law students. Students may apply to work in any of our domestic offices with Summer Associate Programs. Eligible applicants must have a demonstrated interest in promoting diversity. If you are interested in being a Diversity Fellow, download an application form at [www.morganlewis.com](http://www.morganlewis.com) under Careers/Diversity at Morgan Lewis. Applications and inquiries can be forwarded to [diversityfellowship@morganlewis.com](mailto:diversityfellowship@morganlewis.com).

**Attention:** *The deadline is fast-approaching (September 21, 2007) so if interested, please submit your application as soon as possible.*

# Career-Related Articles

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- **What's GC's Biggest Beef With Outside Counsel?.....Pages 3-4**

Running corporate legal departments is as much about business as law, and outside firms who want to represent them had better understand that, according to four GCs who spoke last week at the Federal Bar Association convention. One thing all four agreed on was their biggest frustration with outside counsel: not understanding their business pressures. "You'd be amazed at how many law firms will make a pitch and never ask a question about our business," said UPS GC Teri Plummer McClure.

- **How Associates Become Rainmakers.....Pages 5-7**

By the time most law firm associates have reached the senior level, they've developed the technical skills and proficiency necessary to be good lawyers and the personality traits necessary to please clients. The associates who are able to use these qualities to bring in new business, as opposed to simply completing the work assigned by partners, are much more likely to become partners themselves one day. So, how does one make the transition to rainmaker? Consultant Monica Goebel has

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## What's GC's Biggest Beef With Outside Counsel?

Katheryn Hayes Tucker  
Fulton County Daily Report  
September 14, 2007

Running corporate legal departments is as much about business as law, and outside firms who want to represent them had better understand that, according to four general counsels who spoke on a panel at the Federal Bar Association convention in Atlanta last week.

The Thursday afternoon program at the Marriott Marquis downtown, titled "Today's Corporate General Counsel," featured:

- James A. Hatcher, senior vice president, law and policy, Cox Communications;
- Becky Powhatan Kelley, executive vice president -- distribution and business affairs/general counsel, The Weather Channel;
- Teri Plummer McClure, senior vice president of legal, compliance and public affairs, general counsel and corporate secretary, UPS;
- Scott Meece, worldwide general counsel, CIBA Vision Corp.;
- And, as moderator, William J. Carney, Charles Howard Candler professor of law, Emory University School of Law.

One thing all four GCs agreed on was their biggest frustration with outside counsel -- not understanding their business pressures.

"You'd be amazed at how many law firms will make a pitch and never ask a question about our business," said McClure. "I get so many bad pitches."

Knowing what McClure wants in an outside law firm is valuable information. UPS spends 93 percent of its legal budget on outside counsel, she said. Only 7 percent goes to pay the law department staff of 110 people -- 55 of whom are attorneys.

McClure said one associate told her -- in a pitch -- that he wasn't going to be able to make partner if he didn't bring in some business, so would she please help him out.

# Career-Related Articles Cont'd

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## What's GC's Biggest Beef With Outside Counsel?

(continued from page 3)

"I'd love to," she said. "But you have to show me how you can add value to my business."

That one, of course, did not get to work for UPS. One who did took an entirely opposite approach.

"The best pitch I ever heard was from a lawyer who had read our 10K and our annual report and the newspaper and knew our business," she said. "I really value attorneys who understand our business."

She said she has received lengthy legal memos that don't take into account the realities of the business world, calling such missives "useless."

The others agreed. The Weather Channel's Kelley added another story about bad pitches: the lawyer who not only doesn't ask questions about her business, but also won't let her get in a word.

"I've had lawyers on the phone trying to ask them a question, and the attorney just keeps talking," she said.

Kelley also emphasized the importance of business savvy. "I want my outside lawyer to care about our business," she said. "I want them to feel the pain if things aren't going well."

Another issue GCs have with their outside counsel is failing to understand the budget constraints of a business. "I'm under budget pressure just like the marketing guy and the financial guy," said Hatcher of Cox.

Possibly the biggest beef is over billing -- especially when the bill jumps without warning, according to Meece. "Then, I get beat up by my finance department," he said.

The panel discussed a wide range of topics for one-and-a-half hours of general CLE credit. Among them:

- Public vs. private. "I sleep a lot better now that we're a private company," Cox's Hatcher said. He added that his 20-attorney legal department still does a lot of the reporting and compliance work required by the Sarbanes-Oxley Act. But since Cox went from public to private in 2004, they don't have to do the parts that

don't seem to be helpful. "Sarbanes-Oxley took good companies and made them prove their innocence," he said.

- How GCs spend their time. Hatcher said, "I spend a lot of time on administration. I personally like to spend more time on strategy. I don't do much real legal work. It's more managing."

Kelley said the Weather Channel is "smaller, so I have to get involved in legal work. I do spend a lot of time on the administrative side and in developing people."

McClure of UPS said, "two-thirds legal, one-third compliance and public affairs."

- Managing the rising cost of outside legal work. "That's how I got to hire five more lawyers in six years," said Kelley, who started out solo as the Weather Channel's first GC. She also said she started using boutique firms and out-of-town firms and firing the big ones. "We had used a major law firm in Atlanta that did exceptional work, but we just couldn't afford their hourly fee," Kelley said.

"We're looking at alternative fee arrangements, including taking work off shore," said McClure. This would primarily involve discovery work and would rely on British-trained lawyers in India. "We will probably do it in the next six months," she said.

Hatcher said Cox still used large firms for what he calls "bet-your-company work." That would include the transactions involved in taking the company private. For other, less critical work, he said, he uses less expensive, smaller firms.

- Limiting first-year associates handling their work. When Carney asked if they'd done anything to limit the use of highly paid first-year associates who "speaking as a professor, don't know very much yet," every head at the table nodded.

"They just don't have the business experience," Kelley said. "We want partners."

"We'll use contract attorneys instead because we get a better rate," said Mc-

Clure, who requires pre-approval of any associates on her work. And she added, "We don't pay for summer associates."

Carney told them Emory is starting a transactional law program that he hopes will help prepare associates for corporate work and "have you rushing to our door in a few years."

- Confronting unreasonable demands of opposing counsel. "I used to say, give them everything," said Kelley. "Then I found the more we gave them, the more they wanted. So now I don't give them anything. You just can't settle with them. You've just got to beat them."

- Position on serial lawsuit filers. "We have a no settlement policy. We fight every case to the end," said McClure. "We seek sanctions and attorneys fees."

- Balancing legal advice with business. Important as business is, sometimes the in-house lawyers still have to say no. "You have to combine business expertise with legal sensitivity," said McClure. "You have to be counted on to deliver deal-breaking advice." She said UPS relies on the trio of inside counsel, outside counsel and business. She resists those pushing for "legal justification for a business decision."

"There's a blurring of the line between business and legal advice," said Meece. "Sometimes they'll say, 'legal stopped this,' when the problem was not necessarily a legal one, just something the legal department noticed."

Said Hatcher, "That blurring of the line goes all the way down. I don't have a problem with that. Some of the best trained and brightest minds in the company are lawyers. Why not use them to get the business benefit. And the attorneys enjoy that. It makes their jobs more meaningful."

# Career-Related Articles Cont'd

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## How Associates Become Rainmakers

Monica L. Goebel

The National Law Journal

By the time most law firm associates have reached the senior level (six to nine years out of law school), they have developed the technical skills and proficiency necessary to be good lawyers and the personality traits necessary to please clients. The associates who are able to use these qualities to bring in new business, as opposed to simply completing the work assigned by partners, are much more likely to become partners themselves one day. So, how does one make the transition?

Business development usually revolves around expertise/track record, interpersonal relationships or a combination of the two. An attorney with a highly specialized, hard-to-find expertise (such as enforcement of the Foreign Corrupt Practices Act) or a highly publicized record of success in a unique area (such as defending chief executive officers in white-collar crime litigation) will receive new business without spending much time developing interpersonal relationships. On the other hand, an attorney with a general commercial litigation background will need to diligently pursue and manage relationships with clients and referral sources to develop a steady stream of business.

There is no single right way or magic formula for becoming a rainmaker. Successful rainmakers draw on their own personal strengths. It follows, then, that associates seeking to make the transition from worker bee to rainmaker must identify and capitalize on their own unique skills and assets to create a business development plan. Of course, all associate marketing efforts should be consistent with the goals and plans for the firm or practice group.

An attorney with a unique skill to market will have an advantage in business development. Most prospective clients with a specific need will pass over the generalist and select an attorney who is a true expert in the area. Accordingly, senior associates should define a niche, or niches, for marketing purposes, and the more specific that niche, the better. The niche should be featured prominently in the attorney's biographical materials and will help focus marketing activities.

A senior associate who does not already have a niche should create one -- and update marketing materials to reflect it. In some situations, the nature of the practice may make the niche obvious. For example, an associate in the tax group may have been assigned to work on a variety of state and local tax matters, including a number of property tax valuation appeals. Further, many of those appeals may have involved retail property. This associate could define his or her niche, not as a tax controversy lawyer but as a tax lawyer who helps retail companies reduce their property tax liability. Once this niche has been defined, the associate can narrow his or her marketing efforts by focusing on retailing associations and getting to know their members or by writing articles for their newsletters or other publications. While the associate's résumé should continue to reflect that he or she can perform a variety of tax matters, the special area of focus should be front and center.

Similarly, an associate with a general commercial litigation or business transaction background can define a niche by focusing on a particular type of client that he has serviced -- for example, companies in the telecommunications industry. This associate's niche could be helping telecommunications companies resolve business disputes or enter new markets.

A substantive niche may develop naturally in the course of practicing law. For example, a litigated matter may result in a published judicial decision on a legal issue that affects a common business concern, such as enforcement of arbitration agreements or the interpretation of an agency regulation. Senior associates should take advantage of the time spent working on the case by converting briefs or research memoranda into articles for publication and offering to speak about the decision to bar and trade associations. Having worked on the actual case automatically cloaks the associate with credibility as an expert in the area. Every article written should be recycled in as many different media as possible.

For example, an article written for a

bar association presentation can be modified to include fewer legal citations and republished in a trade magazine. It may become part of the handout materials for a client seminar. Of course, copies of the articles should be forwarded to clients and referral sources as a method of keeping in touch and letting them know about the niche.

Senior associates may be concerned that an overly specific résumé will be self-limiting or will not attract enough attention. This may be addressed by having a résumé that features more than a single niche and that also includes a description of general background and experience. Many attorneys have more than one form of their résumé. Senior associates should remember that business development activities are more likely to be successful if they are marketing to someone who needs their services. A very broad résumé may reach a larger audience, but a narrowly focused résumé will get the attention of the clients who have a specific need in the niche area.

## CULTIVATING RELATIONSHIPS

For marketing purposes, important relationships fall into two broad categories: clients and referral sources. Clients are the people who actually purchase services and may include current and former clients as well as prospective clients. Referral sources include any person who can refer a client to an attorney. This may include an actual client who refers a new client, a competitor who may be precluded from taking on a particular matter due to a conflict, a partner in the law firm, experts or consultants who also provide services to potential clients, law school classmates and the like.

Current and former clients are the best source of new business and should be a primary focus of marketing efforts. The key is to develop strong personal relationships with the people within the client company who can actually send business, or can help get it, or can serve as a referral

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# Career-Related Articles Cont'd

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## How Associates Become Rainmakers

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source to other clients. Even if the client contact with whom the senior associate deals is not a decision-maker, that person may be promoted or move to another company or may have contacts with decision-makers in the industry.

For purposes of business development with clients, the first step is to provide outstanding service on all matters. Next, senior associates should take the time to develop a personal relationship by getting to know their client contacts as individuals -- a good starting point is to spend an extra minute or two in each phone call asking how the client is doing and learning about his or her concerns and interests.

Once a senior associate has demonstrated his or her ability to perform and has established a relationship with the client contact, two important activities for developing new business are staying in touch and following up. This can include, for example, sending the client copies of articles that may be of personal or professional interest or helping the client celebrate a victory, a promotion or another significant event with lunch, a gift or a congratulatory card.

In-person visits to the client's place of business are an excellent way to cement and expand a relationship. The visit should be at no cost to the client and should focus on learning about the client's business methods, objectives and challenges. Unless the client has requested that the attorney make a pitch, contacts with clients should generally not involve "selling" services or telling the client about the law firm's capabilities. Rather, senior associates should spend time asking clients about their needs and listening to what they say. After the clients have articulated their needs, the associate can follow up with information about how he or she, or other members of the firm, can meet those needs. Of course, before engaging in these activities, associates should confer or coordinate with the partner in charge of the client.

In the abstract, a list of possible referral sources may seem endless -- classmates, bar and trade association members, competitors, former colleagues and clients

and so on. Therefore, senior associates should focus their efforts on "high potential" referral sources, meaning people who know the targeted clients, who believe that the associate will do an excellent job and who are willing to act on the associate's behalf.

Examples of high-potential referral sources include highly satisfied current or former clients, people who have referred business to the associate in the past and people with whom the associate has a strong professional relationship. For these sources, the key activities are staying in touch (occasional phone calls, sending of articles, invitations to speak on a panel, lunch, sporting events, etc.) and letting them know that referrals would be appreciated. This may be as simple as telling the person, "I really enjoyed working on ABC case and would like to handle more of those. Do you have any ideas about how I could get referrals for similar cases?" Additionally, most attorneys keep a long list of referral sources who do not fall into the high-potential category. Given the time constraints facing senior associates, sending an annual holiday card or occasional copy of a pertinent article may be all that is appropriate.

### **BUSINESS DEVELOPMENT PLANS**

To make the transition into a rainmaker role, it is essential that associates write a business development plan. A written plan will help the attorney to clarify his or her objectives, focus and prioritize marketing activities and establish a roadmap to success.

Step 1 is to set goals. Why have a plan at all? Business development takes time and perseverance. Associates are not likely to succeed without a strong personal motivation to do so. Accordingly, a plan should start with a statement of the associate's vision for his or her career path and the personal reasons the associate wants to develop business. For many associates the motivation is simple: advancement to a partnership. However, some associates find that it is more useful to state something concrete, such as: "Control \$500,000

in annual billings from clients that I generated on my own."

Once the associate has articulated personal motivations, the next step is to set an annual goal. The goal should be specific, measurable and realistic. For example: "Be retained by XYZ Co. to handle an employment litigation matter," or, "Become nationally recognized as an expert on new 123 regulations and cultivate referral sources in that area."

Step 2 is to focus marketing efforts by selecting marketing targets. When selecting marketing targets, a good place to start is determining where business has come from in the past -- is there a regular outside referral source, a client contact who keeps sending new work, a partner in the firm who refers matters? A good marketing plan should identify the names of current and former clients that may be a source of new business and also identify existing referral sources. Those individuals with whom the associate has a positive history should be the primary focus of marketing efforts.

It is also useful to identify new opportunities. If the target is XYZ Co. and the associate has no contacts within that company, then the associate will need to perform some research to determine who can make an introduction to relevant people at XYZ Co. or to identify the organizations that include as members pertinent individuals at XYZ Co. If the associate wants to become known as an expert in 123 regulations, there is likely a bar association that may be interested in 123 regulations. Additionally, appropriate marketing targets may include nonlawyer consultants in the field or trade association members who are subject to the 123 regulations.

Step 3 is to select marketing activities. Once the associate has identified marketing targets, the next step is to decide exactly what to do to market to those people. For example, if the associate has an acquaintance who works for XYZ Co., selected activities may focus on staying in touch with that person, learning how outside counsel selection decisions are made at XYZ Co. and determining whether

# Career-Related Articles Cont'd

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## How Associates Become Rainmakers

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XYZ Co. has any unmet legal needs. Specific activities could include having the library or marketing department conduct research about XYZ Co., a phone call and lunch with the acquaintance to obtain information, followed by a request for an introduction to the decision-maker, followed by keeping in touch with the acquaintance and the decision-maker.

If the associate wants to become known as an expert in 123 regulations, an important activity would be to determine what speaking and writing opportunities are available within the pertinent bar and trade associations. Most senior associates need to update their biographical marketing materials. Another specific marketing activity may be to create and implement a systematic plan to stay in touch with cur-

rent and past clients.

Step 4 is to write the plan. Associates should write down their goals, targets and planned activities, including specific names and dates for completion. They should look at the written plan once a week and check their progress. Senior associates should remind themselves of their personal motivations for business development, and be persistent.

Being a rainmaker means being in control of a book of business. An attorney who controls a book of business will have more professional satisfaction and opportunities. Rainmakers generally become partners. Rainmakers are invited to join powerful committees (such as the compensation or executive committee) within a law firm. Rainmakers are able to select

the clients and attorneys with whom they wish to work and can command more flexibility in their schedules. Rainmakers are not likely to be targeted for layoffs, and rainmakers have doors opened for lateral movement to more lucrative positions. Associates who choose to invest their time and energy in making the transition from worker bee to rainmaker have little to lose and much to gain.

*Monica L. Goebel is a consultant with ClientFocus, a business development coaching company based in Roseville, Calif. Previously, she was managing partner of the Phoenix office of Washington-based Steptoe & Johnson LLP. She can be reached at [goebel@clientfocus.net](mailto:goebel@clientfocus.net).*

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## Past Articles

To access the Bulletin Archive, click on the following link:

<http://www.law.stanford.edu/experience/careers/ocs/students/bulletin>

### Thursday, September 6

“Recruiters List the Resume Essentials for GC Wannabes”

“Don’t Call it ‘Sports Law’”

“First-Years Need a Road Map to Career Success”

“It’s Time to Make the Garden Grow”

### Monday, August 27

“Saving Good Judgment From the BlackBerry Culture”

“Washington Kept Outside the Magical Circle”

“Law Firms Peel a Calif. ‘Orange’”

“Firm Kills Billable Hour for First-Year Associates”

“Dewey Ballantine and LeBoeuf Lamb to Merge”