

OCS Weekly Bulletin

September 6, 2007

Fall OCI Hospitality Tables, Upcoming OCS Events & Career-Related Articles

What's Inside

Firm Hospitality Tables, Page 1

Upcoming OCS Events, Page 1-2

Career-Related Articles Pages 2-9

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.

Fall OCI: Firm Hospitality Tables

Please Note: Only 2L and 3L students can attend these law firm events. All hospitality tables will be set up from 9 AM - 4:00 PM unless otherwise noted.

Thursday, September 6

LeBouef Lamb - Crocker Garden

Friday, September 7th

Skadden Arps - Cooley Courtyard

Upcoming OCS Events

- **One-on-One Legal Search Consultations**
- **TGIF**
- **“Getting Behind the Marketing Pitch”**

One-on-One Legal Search Consultations (for 2Ls and 3Ls only)

Have you scheduled callbacks in either the Bay Area, DC, LA, NY or looking to get into the IP legal market? Do you have lots of questions about individual firms and the markets they are located in?

Don't miss out on the opportunity to meet with legal search consultants in these legal markets! OCS is now scheduling individual consultations with the following legal search consultants:

Lynne Coonan, DC legal market, Thursday, September 6, 1 - 5 PM

Julie Brush, Bay Area legal market, Monday, September 10, 1 - 5 PM

Kate Patterson, IP legal market, Monday, September 10, 2 - 5 PM

Randy Beckwith, Southern CA legal market, Monday, September 10, 2-3 PM; Tuesday, September 11, 1 - 3 PM (phone appts)

Carol Kanarek, NY legal market, Wednesday, September 12, 9 - 11:30 AM; Thursday, September 13, 1 - 3:30 PM (phone appts)

Please email Elizabeth Amstutz (eamstutz@stanford.edu) to sign up for your consultation - spots are limited.

Upcoming OCS Events (cont.)

TGIF - Friday, September 7, 4:00 - 5:30 PM, Crocker Garden

Come welcome the new transfer students and get the chance to speak with 3Ls who went through OCI last year! It's a perfect time to speak to folks before callbacks and have your questions answered! Co-sponsored by OCS, League of Stanford Transfers, Law Association, and the Office of Student Affairs. Food and beer will be served!!!

“Getting Behind the Marketing Pitch” (for 2Ls and 3Ls only)- Monday, September 10th, 12:45 PM, Room 190

You've read all the firm materials.... You've had your initial interview...but you still don't have a sense of what the firm is really like.

Come to this lunchtime presentation by Cesar Alvarez, CEO of Greenberg Traurig, and learn what you need to know to get behind the firms' marketing pitches.

Cesar will cover such topics as:

- * How the firms' management structure can affect work environment
- * What indicators will help you determine a firm's economic health
- * What questions you may want to ask during callbacks to determine the firm's real position on pro bono, diversity and work-life issues.

This event is ESSENTIAL for folks headed to callbacks!!! Lunch sponsored by Greenberg Traurig.

Career-Related Articles

• **Recruiters List the Resume Essentials for GC Wannabes.....**Pages 3-4

For corporations looking for lawyers, it's a buyer's market, so they can be picky about who gets in-house legal jobs. Five legal recruiters say they've noticed that lawyers with certain types of skill sets -- and mind-sets -- tend to land the in-house posts. For instance, SOX knowledge and previous GC experience are pluses. Companies "never want to pay us a fee to find someone who's going to grow into the job," warns Bob Graff of Major, Lindsey & Africa.

• **Don't Call it 'Sports Law'.....**Pages 4-5

Q & A with Nets Basketball senior vice president and general counsel Jeff Gewirtz

• **First-Years Need a Road Map to Career Success.....**Pages 5-7

The summer program activities of last year are long over and a fresh crop of lawyers are ready to start their first legal jobs. They're eager to show that they are ready to practice law — and nervous and excited about meeting the challenge. Before they jump in, they might profit by a few tips for doing well not just on the job but in building successful and satisfying legal careers.

• **It's Time to Make the Garden Grow.....**Pages 7-9

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?

See following pages for complete articles

Career-Related Articles

Recruiters List the Resume Essentials for GC Wannabes

Katheryn Hayes Tucker
Fulton County Daily Report
August 30, 2007

For corporations looking for lawyers, it's a buyer's market, so they can be picky about who gets in-house legal jobs.

"Everybody wants to go in-house," said Raj M. Nichani, vice president of Hughes & Sloan Inc., a 19-year-old Atlanta-based legal search firm. "There are not enough jobs."

Four other legal recruiters confirmed this assessment, noting that while law firm jobs are plentiful, in-house positions make up less than 10 percent of the openings they fill but attract 15 to 20 extremely well-qualified applicants for each one.

What the recruiters have noticed over the years is that lawyers with certain types of skill sets -- and mind-sets -- tend to land the in-house posts.

Based on conversations with these recruiters -- Nichani; Bob Graff of Major, Lindsey & Africa; Richard Rice of The Partners Group; Becca Newton of NewtonHarris Executive Legal Placement; and Melba Hughes of Hughes Consultants -- here are some indicators that lawyers have the right stuff to succeed in-house.

1. The right transactional experience. "The first thing we obviously look for in a GC are his or her legal skills," said Hughes. "I think most of the GC's that we've placed have come from a corporate securities background." They may have been an in-house corporate counsel or an outside counsel, but they were already doing the required work. "It depends on the company. If you place a GC with a real estate company, they're going to want real estate transactional experience," said Hughes.

Said Graff: "We do a lot of general counsel searches every year, and 90 percent to 95 percent of those we place are existing GCs at another company. Even smaller companies want a GC who already has GC experience. They rarely come from law firms -- unless they are acting as outside counsel for the company. ... If they're getting a search firm involved and they're going to pay us a big fat fee, they want us to find what they're looking for. They never want to pay us a fee to find someone who's going to grow into the job."

2. The right values. This would depend upon the match between company and attorney, but generally would require a certain level of personal development, particularly for the GC. "When you think about a general counsel, the highest legal officer of a company, it's a prerequisite to have maturity, judgment, vision and leadership skills," said Hughes.

3. Sarbanes-Oxley Act knowledge. "The majority of GC searches want Sarbanes-Oxley experience -- even if they're not public -- because going public might be a strategy. The board members are worried about liability," said Graff. "The GC is the one they look to to keep them out of trouble. Nobody wants to wear striped pajamas."

4. The right management skills. In-house lawyers take on responsibilities for a staff if they have one. "They're part of a small team and they have to be able to delegate," said Nichani. "In-house, there are so many things going on, you can't micromanage."

"It's difficult to find somebody right out of a law firm that has budget experience," said Hughes. "Have you ever fired anybody? Have you ever hired anybody? Do you have a track record of developing subordinates?"

5. Litigation stars need not apply. In-house lawyers do not try cases, and they naturally want to stay out of court. If they have to be there, they use outside counsel for litigation. "Of the people I know who are star litigators, I don't think it has ever come up that they want to go in-house," said Nichani.

6. Willingness to accept a hefty pay cut. "Compensation is not as good in-house," said Rice. "They have to be willing to take a significant cut in pay." Nichani said he is seeing salaries for mid-level in-house lawyers in the \$120,000 to \$140,000 range, but he thinks they should be in the \$150,000 to \$180,000 range. (Alston & Bird and King & Spalding, for example, said recently that first-year associates in Atlanta will start making \$145,000 next year.)

There are other rewards to consider, such as stock options, bonuses and possi-

bly improved hours. But ... see number 7.

7. Willingness to accept more responsibility. While the hours of an in-house job might be more predictable -- taking kids to school or having dinner with their family is easier to plan -- the pressure might be greater. "A lot of the time, associates assume they're going to have an easier schedule and a quality-of-life change for the better. The fact that they don't keep a time sheet is appealing, but it's a different sort of pressure," said Newton. "If you're somebody who wants to cut back and not work as hard going in-house, you're probably not the right candidate."

8. Interest in the business. Learning the business -- and taking a genuine interest in it -- is a key to success for a GC. "The more people can educate themselves and understand how the company is set up -- where the revenues are, the employees, the size, learn the business -- the more effective they're going to be," said Newton. "You don't have to have an MBA, but you need to understand the nuts and bolts of how the company works."

9. Willingness to take risks. Corporations sometimes go out of business, downsize or have trouble paying their bills. Rice said one reason some of the people he has placed in-house have called him back is that they've been laid off. Candidates should do their homework on the company. "A lot of attorneys who have a desire to go in-house haven't thought it through."

10. Ability to get along with all sorts of people. "A law firm is not going to hire an outright jerk," said Graff, adding that if an attorney can bring in a lot of revenue, "the definition of jerk might not be as strict." It's different in-house, where the GC must work with every department, other managers and their staffs as well as CEOs and board members. Here, an engaging personality is valuable. As Graff put it, "If your outside lawyer is a jerk, it's not as big a problem as if your in-house lawyer is a jerk."

But the bottom line is that many in-house lawyers do great work and seem very happy, the recruiters agreed. "My

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Career-Related Articles (cont.)

Recruiters List the Resume Essentials for GC Wannabes

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personal opinion, over the last 10 years, is that a lot of the best legal work is done in-house. They can pick and chose what they do and what they send to outside counsel," said Graff. "And I think people like being closer to the deals. They like having a seat at the table."

Don't Call it 'Sports Law'

National Law Journal
Peter Page
September 3, 2007

Name And Title: Jeff Gewirtz, senior vice president and general counsel

Age: 38

Traveling: Fan adulation of the athletes competing on basketball court is to Nets Basketball and Brooklyn Sports and Entertainment, subsidiaries of East Rutherford, N.J.-based Nets Sports and Entertainment LLC, what oil is Exxon-Mobil — a raw material to be shaped into many profitable products.

There are two aspects to the business of running the New Jersey Nets basketball team. "There is the basketball operation with the roster of 14 or so players, and everything other than what happens on the court," Gewirtz said. "Everything from sponsorship to ticket sales, to radio, television, general marketing and promotional efforts, intellectual property."

Real estate developer Bruce Ratner and other investors purchased the team in 2004 with the intention of moving it from its home court at Continental Airlines Arena in New Jersey to his proposed Atlantic Yards development in Brooklyn, N.Y. Architect Frank Gehry is designing the \$4 billion redevelopment of fallowed rail yards and industrial land into 17 towers of residential, retail and office space. At the heart of it will be the Barclay Center, a vast sports and entertainment complex where the rechristened Brooklyn Nets are scheduled to begin playing their home games beginning with the 2009 season.

"It will be one of the most special

sports and entertainment venues ever built," Gewirtz said. "The Nets organization will monetize the new building through selling sports marketing assets. We are involved with suite sales, because with sports arenas, selling luxury suites is critical."

The Nets' soon-to-be former landlord, the New Jersey Sports and Exposition Authority, has retained the company to help rename Continental Airlines Arena — "to structure the right package for the naming rights and finding companies interested in the naming rights opportunity," he said. "It is a new endeavor for us."

Route To Present Position: "I am not a huge sports fan," Gewirtz confessed. "I was always fascinated, from an early age, by the business side of sports. Even in college, I was always curious how tennis players were able to obtain streams of income outside of their prize money through endorsement deals for equipment or apparel or patch deals on their shirts."

Gewirtz graduated from Tufts University in 1991 and went directly to the Brooklyn Law School on a three-year merit scholarship. In February 1995, he became an associate at Dunnington, Bartholow & Miller in New York, one of the few firms then with a sports practice. Gewirtz moved to the WTA Tour Inc., the association of professional woman tennis players, then to the Ladies Professional Golf Association and the International Olympic Committee. In 2002, he moved to The Coca-Cola Co. as counsel for sports and entertainment transactions, marketing and media. He left Coca-Cola in August 2006 for a stint as general counsel of the

U.S. Olympic Committee before joining the Nets in May.

Legal Team And Outside Counsel: "At this juncture, I am the legal department for the Nets," Gewirtz said. In addition to Chief Executive Officer Brett Yormark, he reports to David Berliner, executive vice president and general counsel for Forest City Ratner Cos., and works with Laurie Golub, an associate general counsel at Forest City Ratner who handled the team's legal work before he arrived.

Washington-based Arent Fox assists with sports marketing transactions and general sports matters. Gewirtz calls in Farrell Fritz of Uniondale, N.Y., for employment matters, and Kramer Levin Naftalis & Frankel and Wilkie Farr & Gallagher, both of New York, for litigation. Simpson Thatcher & Bartlett of New York handles general corporate and corporate finance matters. New York's Weil, Gotshal & Manges helps with intellectual property issues, as does the National Basketball Association's (NBA) intellectual property legal group.

Daily Duties: "I do get involved with drafting player and coach contracts, or on occasions advising on provisions of the NBA operations manual, but the great majority of my work is on the business side of the team," Gewirtz said. "It is niche-related business, which is our current sponsorship activities and, just as importantly, a variety of issues related to our proposed transfer to Brooklyn for the 2009-10 season."

Much of his day is spent on matters for Yormark. They are in the early stages of selling sponsorship and media alliances,

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Career-Related Articles Cont'd

Don't Call it 'Sports Law'

(continued from page 4)

such as “founding partner” sponsorships, for the new arena. “Obviously, we have issues unique to the sports and entertainment business as well, but at the end of the day it is still practicing law, limiting liability for your client and helping your client make money. Our client just happens to be in the business of sports.”

Personal: Much of Gerwitz's free time is divided between his passion for

tennis, which he played competitively in college, and teaching a sports law course at Brooklyn and New York law schools.

“‘Sports law’ is a complete misnomer, but it's a great class whether you have an interest in sports or not,” he said. “There is no such thing as sports law, just legal issues that happen to have some applications to sports.”

Last Book And Movie: *Breaking Back: How I Lost Everything and Won Back My Life*, by tennis player James Blake, and *2 Days in Paris*.

First-Years Need a Road Map to Career Success

Rachelle J. Canter

Special to The National Law Journal
September 3, 2007

The summer program activities of last year are long over and a fresh crop of lawyers are ready to start their first legal jobs. All that work, study and preparation have brought them to this point. They're eager to show that they are ready to practice law — and nervous and excited about meeting the challenge.

Before they jump in, they might profit by a few tips for doing well not just on the job but in building successful and satisfying legal careers.

- Associates are responsible for building their own careers. The first and most important tip, the one that underlies all the others, is that a great career is up to the individual attorney. Doing a good technical job of practicing law is essential to success — this is an associate's first priority. At the same time, it would be a mistake to put all one's time into building technical skills. It also is important to spend a modest amount of time on building one's career. Associates would be unwise to leave the building and managing of their careers to an interested supervisor, a formal or informal mentor, the firm's training and development program or to chance. A great career is the associate's top priority and no one else's. This is a do-it-yourself world, and by following some simple tips,

associates can create a great career for themselves.

Many good attorneys have thought that their success depended solely on doing a good job. They ignored the important tasks of building their careers, brands and relationships, and their careers suffered as a result. Associates who manage their careers as well as their jobs, who make this part of the way they approach their work, will build habits that can ensure successful and satisfying careers and will offer important contributions to their firms.

- Associates should figure out what career satisfaction means to them. First-year associates are at the beginning of their careers, and their ideas may change as they practice. Still, it is not too early for them to start figuring out what they find satisfying. They probably already have some ideas, based on law school, summer associate and other experience.

Associates who loved moot court competition may find that litigation is a good fit. Those who enjoyed writing and creating intellectual arguments may prefer appellate work. Others might have enjoyed the transactional work they were involved in during their summer clerkships. For others, an undergraduate major in math might suggest the intricacies and calcula-

tions of tax law.

Associates can ask themselves some simple questions to get at the elements of personal career satisfaction:

What are their greatest and most enjoyable skills? It's a good idea for associates to look for things at which they excel, whether it's designing computer programs, crafting an excellent piece of writing or managing a project. Associates can identify those things they do particularly well and enjoy most; career satisfaction does not consist of doing things that one does well but hates doing.

What activities does an associate most enjoy? He or she can think back over work, school and extracurricular activities to identify particular tasks that gave the most pleasure. It is likely that they involve his or her greatest and most enjoyable skills, so the answers to the questions above can help here.

What roles does the associate most enjoy? Leader? Team member? Project manager? Coach? Independent expert? Spokesman? The associate can think back and identify particular roles he or she has found particularly satisfying.

What rewards does an associate find most meaningful? Helping another person? Contributing new ideas? Building

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Career-Related Articles Cont'd

First-Years Need a Road Map to Career Success

(continued from page 5)

something from scratch? Professional recognition? Everyone assumes that money is the top priority, but research consistently shows that it is not the prime motivator for most people. Each associate needs to figure out what reward matters most to him or her.

The answers can help an associate identify opportunities to build his or her skills and practice in line with career satisfaction. The firm will likely assign the associate to an area where it has a pressing need, but being aware of one's own career satisfaction can help one build expertise in line with one's personal career satisfaction over time.

• *Associates need a career plan.* A simple plan can help an associate build his or her career in a focused and effective way. One's career plan can be as simple as two lines on a piece of paper detailing what one hopes to do and contribute in his or her career, and plotting how one hopes to build one's skills and value toward that end.

How can an associate make himself more valuable to the firm and to his own career development in the next year, in small and specific ways? What is the one thing that he wants to work on? Maybe it is to improve his speaking skills. How could he measure his efforts and progress? One way would be to commit to giving a certain number of presentations during the first and second halves of the year (with more presentations in the second half) and to study the audience or supervisor evaluations of his performance. The idea is to look for small, measurable steps that don't consume a lot of time but that advance one's goal.

• *Associates need to build their individual brands.* One important way to build a career is by building one's brand. What does "brand" mean when applied to a lawyer instead of a computer or a bar of soap? It is one's unique version of being a lawyer.

An associate's competitive edge from the start of his or her career depends on the ability to differentiate oneself from the competition. The people who get the best opportunities, mentors and feedback are

generally those who stand out from the pack. No partner with a plum assignment says, "Bring me any junior associate." He says, "I need Carol, who always delivers the best motions under tight deadlines." Generic lawyers need not apply — and they certainly won't be chosen.

What kind of a brand can an associate hope for in the first year of practice? Although it will develop over time, one can establish a brand right away. It can be the brand of the go-to person who always delivers at crunch time. Or perhaps it's the person who handles unusually senior levels of responsibility.

At the most basic level, a brand can be defined by an associate's specific accomplishments. Even in the first year of practice, an associate's specific achievements and contributions differ from everyone else's. Especially if the associate uses her definition of career satisfaction and keeps short-term and long-term career goals in mind, she can seek out assignments to build her skills and brand further in line with her goals.

Document, document

• *Track one's accomplishments.* Part of managing a career and brand is staying abreast of what one has contributed. An associate's accomplishments are much more than meeting billing requirements, but it's up to each associate to track his or her own progress.

A simple way to do so is to keep a document on one's computer desktop at home to record each accomplishment, quantifying its importance whenever possible. Did the associate produce a memorandum in record time? Did he step in to assist with depositions for a senior associate who took ill?

The associate should take a minute at the end of each day or week to update the document with his or her accomplishments. This record will take next to no time to update, but will provide invaluable data for performance reviews, compensation discussions and negotiations to take on new responsibilities. It also will build one's confidence and ability to demon-

strate value to the firm. An added benefit is that it will help the associate to develop the self-promotional tools necessary to become an effective rainmaker.

• *Build relationships.* Emotional intelligence, or interpersonal skill, is twice as important to professional success as intelligence quotient and technical skills. Leadership roles are almost entirely based upon emotional intelligence. An associate can get his career off to the right start by viewing relationship-building — with partners, associates, staff, mentors, recruiters — as the important part of his work that it truly is.

It is wise to remember that any good relationship is mutual. One might not believe that he has much to offer at the start of his career, but that's not so. Associates should always look for ways to help others — and if they can't think of a way to do so, they at least can ask how they can help. The way to build a strong network is to look for opportunities to help others; later, they will be more ready to reciprocate.

During an associate's first meeting with a mentor, the focus generally is on educating the new attorney about the firm and the job. But the associate can make it a give-and-take exchange by asking how he or she can be of assistance to the mentor. Even if the mentor doesn't have a ready answer, the offer will be remembered and appreciated.

• *Communicate professionally.* The ability to establish oneself as an effective communicator is central to professional success. If a supervising partner does not give clear instructions on how he likes to work (and likes the associate to work), the associate should ask. The supervising attorney otherwise might not consider it his responsibility to orient the associate; frequently senior attorneys are too busy or distracted to do so.

Better for the associate to organize his thoughts into a few clear questions: How does the senior attorney like things done? How often does he or she want the associate to check in? Does he or she prefer e-mail or face-to-face communication? What are the senior attorney's expectations in terms of deadlines, and what is his or her

Career-Related Articles Cont'd

First-Years Need a Road Map to Career Success

(continued from page 6)

preferred format for the final work product? Getting the information one needs is essential to performing effectively.

Consider the example of a superstar junior associate who ran into trouble because she did not understand what a partner expected from her. When asked to research an issue, she presented him with a set of alternatives. He (and the clients) interpreted this as a lack of decisiveness and confidence. What her supervisor expected (but never articulated) was that she select an alternative and argue its pros and cons. By the time another partner told her about her mistake, it was too late. Had she asked the partner for his expectations and desired approach, her stellar career at the firm would not have been cut short.

How to communicate

Regardless of the preferences of supervising attorneys, here are three general

tips about the importance of clear and professional communication:

First, a "draft" means one's best work, not one's first rough thoughts that someone else (who has even less time or patience than the associate) will fix. It's all right to ask for help, but the associate should make his best effort first.

Second, the associate should convey a disciplined message in e-mails and face-to-face communication so that others aren't irritated by rambling, overlong messages. This conveys respect for others' time and helps to clarify one's own thinking. It's a good idea to outline one's message before sharing it.

Finally, it is a mistake to present a problem without presenting solutions and a recommended alternative.

- *Calendar regular time for career and brand building each week.* It's a good idea to reserve five minutes a week to identify another step in meeting one's career

goals, update one's accomplishment log or schedule a networking lunch. This will help one to advance one's career goals, and to build one's brand and career into something of pride, accomplishment and great satisfaction.

The tips proposed in this article are small, measurable and not time-consuming, but they will allow young associates to create a clear road map to the careers they want. It is possible to have a great life and a great career, and for newly minted associate attorneys, it is time to get started.

*Rachelle J. Canter is president of RJC Associates, a consulting firm that works with law firms and corporations around the country. She has more than 20 years of experience providing coaching and career transition assistance to lawyers, and is the author of a career guide for attorneys, *Make the Right Career Move*. She can be reached at rjc@rjcasociates.net.*

It's Time to Make the Garden Grow

Monica L. Goebel

Special To The National Law Journal

September 3, 2007

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

Career-Related Articles Cont'd

It's Time to Make the Garden Grow

(continued from page 7)

their members, or by writing articles for their newsletters or other publications. While the associate's resume 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 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 is 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

Career-Related Articles Cont'd

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(continued from page 8)

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 One 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 Two 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 non-lawyer consultants in the field or trade association members who are subject to the 123 regulations.

Step Three 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 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 current and past clients.

Step Four 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.

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