



BUILD YOUR BOOK, CONTROL YOUR CAREER

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I experienced serious doubts about whether I wanted to practice law several months before my law school graduation despite having a good legal job that I liked lined up at the lowest point of the Great Recession. Since I'm personable, I like to talk, and I like the challenge of trying to convince people to do something, I decided to interview for a sales job and got an offer with a great company. I convinced myself the sales gig was the right path for me.

But before taking the job, I decided to talk with my priest who graduated from law school but never practiced. I explained my dilemma and asked for his advice. He told me that a sales job would always be there, but I was likely shutting the door on the possibility of a legal career if I didn't start working as a lawyer right out of law school.

He also said something I'd never thought about. He said that a big part of a lawyer's job is to bring in business, which is basically just high-level sales work. I realized I could have my cake and eat it too: If I needed to scratch the sales itch, I could practice law *and* work in sales. Lightbulb moment, folks.

I immediately started working to understand how lawyers bring in clients and sell their services. I read books and articles on marketing and sales (for lawyers and nonlawyers). I talked with people who I identified as rainmakers inside and outside of my firm to learn their secrets. Then I put the things that I read and was told into practice.

Standing on the shoulders of these giants, I've had both great successes and disheartening failures. Some of my greatest professional experiences have been bringing in new clients. Some of the most professionally discouraging things I've experienced have been striking out trying to bring in a new client after months of diligent work.

After learning from my successes and failures, I want to pass on

my cumulative experiences to newer lawyers who may feel completely lost when it comes to business development. So I spoke at the FBA's Rising Professionals Symposium this past February on the same topic and title of this article, outlining a five-step plan that I think will help newer lawyers start building a book of business and provide an understanding of the process. That's how this article came to be.

Before diving in, I want to be crystal clear about what this article is and isn't. This article isn't about how to maintain, expand, or cross-sell current clients (which are great ways to build a book of business). This article is not about how to convince retiring partners to hand you their books of business on their way out (another great way to build a book of business).

This article is instead about one thing and one thing only: Bringing in new clients with which neither you nor anyone else in your firm already has a relationship.

Let's get to it.

Why is Business Development Scary and Yet Critical to Success?

Here's the problem for almost every lawyer in private practice reading this. Business development, a skill that is not focused on (if discussed at all) in law school, requires that you spend a bunch of time and energy on something that yields few (if any) short-term benefits. It requires the same limited time and energy that could be spent on billable work for which you are more likely to be directly compensated through raises and bonuses.

Also, for the better part of lawyers' early careers (likely years one through eight), our bosses generally want us to do two things: (1) become great lawyers who produce strong work product and (2) bill hours to clients. Lather, rinse, repeat. If you're doing these two things well in private practice, you're an all-star associate and you'll be rewarded with raises and bonuses. You'll be making the firm money and keeping the partners' and firm's reputation strong.

During these years, we're not very likely to spend much time on business development because it seems like billable work is a

never-ending fountain from which we can always drink. Partners continue sending us work, we do it well, and we bill the hours. We keep getting raises and bonuses. No one mentions developing our own clients.

Many partners don't actively encourage younger lawyers to spend time on business development. And why should they? When associates do work for partners, the work gets done and the partners get their cut. Partners are also busy with their own workloads and personal lives, and helping another lawyer develop his or her book of business is typically not high on the list of priorities.

And so, entrenched in this comfortable cycle—getting work, doing it well, and billing it—and having never spent much time thinking about developing a book of business, many lawyers reach year eight of practice (maybe sooner, maybe later) and start hearing words like “originations,” “realization,” “leverage,” and “collections.” These are at first unfamiliar words. It quickly becomes clear, however, that at some point in the not-so-distant future, the newer lawyer will be expected to have his or her own clients or other sources of regular work and that being “self-sustaining” (and likely a great deal more than that) will be a requirement for a brass partnership ring.

Many lawyers hit this point, struggle to develop any level of sustainable business (because it takes *years* to do so), and then ultimately leave their firm or private practice altogether for a gig that doesn't require a book of business. But what if you want to stay at the firm? Then you must start working on business development now.

Being a lawyer who starts early means that you learn what it takes to bring in your own clients long before the pressure is on. You start to build a reputation for yourself outside of your firm. You start the process of making valuable connections that will pay dividends when you reach this point in your career. By doing this work early, you set yourself up to become a rainmaker later. And there's little doubt whether you'll make partner.

In addition to making partner, having your own book of business will likely result in additional compensation in the shorter term as well. Many firms have compensation structures designed to encourage younger lawyers to bring in new clients. For example, some firms give associates a cut of the collections from the associate's originations. (If you're not sure about your firm's policy, just ask!)

Finally, having your own clients gives you flexibility and security in your job. If you have your own book of business based on your own deep relationships and connections, chances are that those clients will follow you wherever you go. You also have to worry less about someone else leaving and taking your source of work with them. Having your own clients gives you control over your own career.

Below is a five-step plan of attack I've cobbled together that I hope will help you build your book of business and control your career.

Step 1: Build Credibility

Lawyers aren't selling a tangible product that can be easily quantified and valued. Lawyers sell components of their personal selves: their intellect, their experience, their responsiveness, their personality. But, unless you're pitching to someone who already knows you very well or doesn't care about your professional credibility (like my grandma, who doesn't care that I don't have much experience writing wills), it can be difficult to demonstrate these qualities, *especially* when you're a newer lawyer.

It's therefore important early in a lawyer's career to build credibil-

ity. Lawyers must show that they're smart, they're actively engaged in their practice, they have the specific type of experience their prospective clients are looking for, and they keep up with the latest trends and developments in a particular area.

How do you do that?

First, it's important to develop a level of expertise in *something*. “But Evan, I'm a general business litigator and so it's difficult for me to specialize in any particular area of the law or develop a niche.” If that's that case, then think of a specific industry, procedural rule, or type of case that's personally interesting to you. Then think strategically about whether focusing on that industry, rule, or issue makes sense from a marketing perspective (i.e., are there already a million other lawyers doing the exact same thing?).

Pro tip: Make sure that what you pick is interesting to you. You're going to be spending a lot of time with this topic in the years to come, so make sure you don't hate it. You won't be able to convey enthusiasm about something you're not that interested in. But, if you do wind up hating it, you can always start over and pick something different.

You've now picked something in which to develop a level of expertise. Now what? It's time to learn everything you can about that topic. If you focus on an industry, learn what the good trade publications are. Read them. Find out if there are any industry-specific groups in your area. Join them. Treat this like a substantive legal issue that you're researching for a case and dig deep.

Once you have a deep understanding of the thing that you'll focus on, brainstorm how you can get the word out that you're kind of a big deal on this topic. Write and publish articles on the topic. Apply to speak with relevant organizations.

This takes time and patience. After all, like I mentioned above, we all have billable work to do and lives to live outside of work. Don't set too fast of a pace and burn yourself out. Set annual goals (say two or three published articles and a speech or two) and work from there. Remember: This is a marathon, not a sprint.

Before long, you'll have a body of work that shows you are an expert. When potential clients look you up, it will be clear that you're a step ahead of your peers because you clearly know a lot about *something*. And later on, as I explain below, you'll leverage this expertise to win new business.

Pro tip: The writing and speaking commitment is a huge pain, especially when you first start. But keep in mind that you will also be simultaneously enhancing your writing abilities, and the public speaking skills you develop will easily transfer into substantive legal proceedings like hearings. You'll be able to practice these essential skills in a low-stakes situation. It's a win-win.

Step 2: Identify Your Targets

You've now spent time building your credentials. You can clearly demonstrate you have a fair level of expertise on an industry, rule, or issue. Coincidentally, while you've been working on credentialing yourself, you've also become a more experienced attorney and probably don't sound so wet-behind-the-ears talking about lawyer stuff. People now recognize that you didn't just graduate from law school and that you can add some real value.

At this point, it's time to start thinking strategically about what your ideal client looks like. There are many factors that go into this. First, does your firm have a strategic plan for its overall client devel-

opment? If you're at a larger firm then probably so, and you would do well to familiarize yourself with that plan. This will help you better understand what strengths your firm has (and how you can capitalize on those strengths), where your firm is most interested in spending its marketing dollars, and what practices you can most effectively collaborate with and cross-sell.

Even if your firm doesn't have a formal strategic plan like this, you can sit down with some of the high-ranking partners and get the same information. Just tell them that you're working on a business development plan, and that you'd like to pick their brain and get their input on what they think your ideal client would look like.

Pro tip: Partners are usually impressed when newer lawyers show an active interest in business development because so few do. It shows that you're thinking long-term about your career and that you have an entrepreneurial mindset, which is becoming more and more critical to long-term lawyer success.

Once you understand your firm's overall business development strategy and goals, imagine your ideal client. First, think about footprint and geography. Is your ideal client a local company without any out-of-state locations, or is your ideal client a national company with locations across the country? Second, think about industry. Is there a specific industry in which your ideal client operates? Also consider size. You don't want to spend time chasing down a client that's simply too big (or too small) for you and your firm to effectively service.

Research companies matching the criteria you've identified. Use LinkedIn, Google searches, and any other market research tools available to you. You should try and identify five to 10 target clients from this research. More than that, and you risk stretching yourself too thin. Fewer than that, and you're leaving opportunities on the table.

Pro tip: Don't forget to check whether the targets you identify have been firm clients in the past. You don't want to waste your time on a company that may already be a current but inactive client. Also try to coordinate your business development efforts with others in your office and practice groups to ensure that you're not unknowingly interfering with a relationship someone else is trying to develop. That's no bueno.

Once you've made your list of targets, it's time to learn everything you can about them. You need to know their history, how their operations work from top to bottom, what risks and hurdles they and others in their industry are facing, and, of course, what legal issues clients of that type routinely face, with an eye toward finding problems you are well-equipped to handle and can show expertise in dealing with. (This is where the credibility you built in Step 1 starts coming into play.)

By this point, you know everything there is to know about your targets. Now it's time for Step 3, connecting with the people at your targets who can give you work.

Step 3: Connect With People Who Can Hire You

Being friends with a low-level employee at one of your targets won't get you very much billable work. You instead have to figure out who makes the decision to send work to outside counsel and develop a relationship with him or her. You might be able to identify this person from the company's publicly available information on its website, but that's often not the case.

Instead, you've must do more research. I recommend using LinkedIn to search for people in the company's legal department and find any common connections. If you find connections, use them to

arrange a meeting or an introduction. If you don't have any connections, then it's time for Plan B, which may sound slightly creepy, but it can really yield dividends.

People routinely list on LinkedIn what civic and professional organizations they belong to. Perhaps you attend some meetings and look for the individual there. Perhaps you give a speech to a particular trade group the person is involved with. In any event, once you meet the person in the flesh, strike up a conversation and parlay that conversation into a lunch meeting or drinks. And now guess what? You firmly have a connection in your target organization.

I'm sure that some of you reading this might be thinking, "Evan, that's going too far. I feel weird basically stalking people on the internet." (At the Rising Professionals Symposium, at about this point I said, "If you don't feel like a creeper doing this, you're not doing it right.") Trust me, I understand that this can feel weird, but it's a concrete way to make targeted connections relatively quickly.

The good news is that there are other ways to make connections within your target organizations. Find what works best for you. But remember, sitting around with a list of ideal clients and hoping and praying that you randomly meet someone who can send you work is wishful thinking. You must make connections in a way that makes you feel comfortable.

Once you've developed a connection with someone in the organization, gently ask questions to figure out whether this person or someone else is the one who decides who assigns work to outside counsel. I hope it's obvious that this isn't the first question you ask this person. Make sure the relationship is at a point where you feel comfortable addressing these issues.

Pro tip: These conversations with people in the organization (even if they're not a decision-maker) are great opportunities to get more intel on the company. You can find out what specific issues they face and how they handle them, etc. Use your time wisely and listen way more than you talk.

You've now established connections within your target organizations, and you've figured out who has the authority to send work to you. Now it's time to figure out how to connect with the decision-maker. One easy approach: Ask your contact if he or she is willing to set up a lunch with the decision-maker. For example, if your contact is an in-house attorney at your target company and the decision-maker is his or her boss, ask your contact to set up a lunch with the three of you. You might be surprised, but this works really well. During the lunch, be sure to get the decision-maker's contact information.

Now it's time to develop a relationship with the decision-maker.

Step 4: Build Relationships

Clients don't hire law firms, they hire lawyers. Everything I've read and everyone I've ever spoken with about business development has emphasized that strong personal relationships are the key to a solid book of business.

Litigating day in and day out we sometimes forget the gravity of what it is we do as attorneys. Although it sometimes feels like part of our day-to-day routine like brushing our teeth, our clients come to us in a time of need and trust us to handle a problem for them, a problem that can have serious financial and personal ramifications for them. For example, even though an in-house attorney may not be personally liable in a case she sends to outside counsel, her job performance will ultimately be directly or indirectly judged by the re-

sults her outside lawyer delivers. Handing off a case or matter to an outside lawyer thus requires something extremely important: Trust.

Aside from limited exceptions (e.g., institutional firm clients and such), an in-house lawyer is not going to send a lawyer work just because he or she works at Big & Awesome LLP. They're not going to send an attorney work because the lawyer went to the very best schools or because the attorney was on law review and moot court. They're not going to send an attorney work because they work for the oldest firm in town.

"For this new piece of litigation I'd like to hire some prestigious but disagreeable fellow with whom I have nothing in common," said no client ever.

Clients send work to people they know, like, and trust. Clients want to know their lawyers on a personal level because that's just how people are. We don't typically pick random strangers to help us with things as important as litigation or other legal work. Clients pick lawyers to work with who they personally like and get along with, and who have earned their trust and respect.

You therefore must build a strong relationship with the decision-maker. Focus on common interests, problems, backgrounds—anything the two of you have in common. Again, as I mentioned above, when you're interacting with the decision-maker you should be actively listening like you do in a deposition. Be engaged and find opportunities to deepen your connection.

Pro tip: Read How to Win Friends and Influence People by Dale Carnegie. It's a wealth of insight on how to develop these kinds of meaningful relationships. It's well worth your time and will even make you a better lawyer.

You will, over time, build a meaningful friendship with this decision-maker. During your conversations, you'll also have opportunities to talk about your skills and expertise. You will build the trust required to get work from this decision-maker over time.

But what now? You have relationships with the decision-makers at your target companies but what's next? Step 5.

Step 5: Make the Ask, Maintain Contact, and Be Patient

There's no avoiding it: At some point, you must ask the decision-maker for work.

Don't make it awkward or weird. Ask like you do it all the time and like it's commonplace. "Jane, I know you just got that lawsuit involving [my area of expertise], and I'd love to help you out with it." That's a simplistic example, but sometimes that's all that it takes. In

one way or another, you must make it clear that you want to do work for the organization.

Maybe you'll get lucky and the first time you ask they'll send you the work. But it's more likely that they will already have a process in place or counsel they like to use and they'll go that route first. When this happens it's incredibly disheartening. It's like working up the nerve to ask out the prettiest girl you know and then she says she already has plans that day. A real punch to the gut.

Once you get over the initial shock of the "no," you'll be asking yourself, "What do I do now? Have I wasted all of that time for nothing?" Absolutely not. Now you do two things: Maintain contact and be patient.

Continue to send interesting articles relevant to the decision-maker. Keep getting lunches with your contact. Do anything you can to stay on his or her radar and to show that you're still friends and that you still want to do the work when the time is right. The contact shouldn't be so frequent or intense that it's annoying, but enough so that you're not forgotten. Once or twice a month should be sufficient. Maybe a little more, maybe a little less. This is more art than science.

Above all, however, you must be patient.

It can take years before landing even a single significant client. Building a solid book of business takes a long time and a lot of effort. There will be times that you will put in the effort but nevertheless strike out and not get the work through no fault of your own. Timing is everything, and sometimes it's simply not in the cards.

But don't give up hope or stop trying. You must keep marching onward and upward after every defeat. Keep researching companies, keep making meaningful connections, keep asking for work. Eventually the stars will align and the work will start to flow to you.

And when it does, you'll know that you've built your book and that you control your career. ☺



J. Evan Gibbs is an employment litigator with Troutman Sanders in Atlanta. He loves dogs, anything outdoors, and playing the drums.

Avenatti Interview *continued from page 12*

JO: What goals do you still have for your career?

MA: I want to continue to represent deserving clients. Help them adjudicate their rights and hopefully bring dignity and respect [to] the profession.

JO: You litigate in state and federal courts, what do you see as the pros and cons of each?

MA: Well one of the cons of the federal system is the unanimous jury requirement. As a plaintiff's lawyer that certainly is not a benefit. I think a benefit to the federal system is uniform rules across many jurisdictions. Also, the speed with which cases proceed is generally faster than state court. The overall quality of the federal bench is generally

superior, although that is not always true. I think that as a plaintiff you generally get a more sympathetic judge in state court than you do in federal court, but again that is just a generalization. State court can also be a little more user friendly, not quite as rigid. But these are all generalizations.

JO: In your recent interview with Bill Maher you didn't dismiss his suggestion that you should get involved in politics someday. Do you have any interest?

MA: I won't dismiss it entirely, but as of this moment, I don't have any plans to go into politics. ☺