

Rainmakers: Born or Bred



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Introduction

What makes someone a successful rainmaker?

That is what I was wondering one day as I was listening to yet another lecture about business development. And, as usual, the lecture focused on what I would describe as the “tactics” of business development – building a reputation and having a “plan”.

I thought to myself, if business development were this easy, then why isn't everyone a rainmaker? – because any competent attorney can develop a reputation and have a plan for bringing in business.

As a successful rainmaker in my 40 years of practicing law, I suspected there was more to the equation. In fact, I knew the dirty little secret of rainmaking and business development, which is this: business development is just a fancy, lawyer-like way of saying “selling”. And selling requires more than just a good reputation. That particular “S” word, however, is one that lawyers don't like to embrace or acknowledge because it seems inconsistent with our lofty profession.

And yet, selling is exactly what we do when we engage in business development: we sell ourselves, our firms, our reputations, and our expertise.

Once you accept that premise, the whole approach to business development changes. Why? Because we know that the most successful sales people are those who are not only selling an excellent product (in legal terms, that would be your reputation and expertise) but who also know how to establish relationships so that clients want to “buy” the product. And it is building the relationship part of business development skills that law schools and law firms have ignored for years. We don't

teach it, we don't talk about it, and many of us don't know how to do it.

“Successful rainmakers care deeply – perhaps unusually so – about personal relationships. Some rainmakers focus on relationships as a means to control how, on what and with whom they work. Others simply derive deep satisfaction from helping others. But all successful rainmakers strive for lasting and meaningful personal relationships.”

Mitchell Zuklie, Chairman, Orrick, Herrington & Sutcliffe LLP

That is what this book is all about. It is about changing the business development conversation. It is about changing the way we train people, the way we interact with our clients, the way we think about how we bring clients into our firms. It is about a new construct that recognizes the power and value of relationships as we sell our legal expertise. It is about making it rain!

Chapter 1:

Business development? Who needs it?

Law schools have done a disservice to their students by making them think that being a *successful* lawyer is only about being an *excellent* lawyer.

Law firms have then perpetuated this myth by hiring attorneys based primarily on their pedigree, thus continuing the traditional notion that the lawyers who will be the most successful in their firms are those individuals who went to a few elite law schools, were on law review, and, perhaps, even clerked for a judge.

Is this wrong? Not completely. But it is wrong-headed because, for most firms, being a really smart lawyer isn't enough to make you successful in the competitive market for legal services. The reason for this is simple. Law firms are businesses, and that means they must make money. Money comes from clients choosing one firm of really smart lawyers over another firm of really smart lawyers.

So, the truth is that firms must have lawyers who can not only do excellent work but who can also bring in new clients and keep them. The skills required to accomplish that are not also necessarily synonymous with a remarkable pedigree. The fact is that you can be the smartest person in the room, from the best law school in the country with accolades galore, but if you can't relate to your clients, if you can't communicate your ideas in a way that mere mortals can understand, all that knowledge and expertise will be for naught – because clients won't want to work with you.

This does not seem like an earth-shattering concept. But it does force us, as lawyers, to think about ourselves and our profession in a different way. Traditionally, we have considered

ourselves above the fray. We are different from all other professions. That is why we call anyone who is not a lawyer a “non”. Yes, we call them “non-lawyers”. Think about that. There is no such thing as a non-CEO, a non-accountant, or a non-physician. But, in our world, everyone who isn’t an attorney is called and thought of as a “non”.

Because we think of the world in this way, we sometimes forget that it is the non-lawyers, the business people, whose business we are trying to bring into our firms (and I include in-house lawyers as business people, because they quickly learn from their business clients that if they try to live in the lawyer/non-lawyer paradigm they will not be successful).

In fact, if you ask a business person what makes an excellent lawyer, the answer you will get is broader than simply where the person went to law school.

*“Transitioning from outside counsel to in-house requires a fundamental shift from clean-up crew to party planner. In-house lawyers get into the facts early – ideally before there is a significant legal issue. They are expected to play a greater role in the decisions being made, and, at times, wear many hats. In addition to being able to clearly articulate the legal risks to non-lawyers, in-house lawyers need to provide a menu of business savvy options, outline real-world consequences that might flow from each one, and then influence the client to make the best decision considering all factors – legal and non-legal. On any given day, I play the role of a lawyer, salesman, journalist, clairvoyant and psychologist. **Having outside counsel that understands this complicated landscape, who can offer more than just the straightforward legal analysis, is invaluable.**”*

Heidi Swartz, Associate General Counsel, Labor & Employment, Facebook

Because many lawyers graduate from law school without understanding this fundamental fact – that being smart and

clever about the law is not enough – it is up to firms to drive this point home and train their lawyers not only on how to be great at their craft but also on how to sell their product. At the end of the day, those lawyers who have good reputations for excellent legal work and who know how to build relationships with non-lawyers are actually the most valuable assets to their firms.