

What All Attorneys Can Learn From Female Rainmakers

By **Craig Levinson** (May 7, 2020, 5:31 PM EDT)

I assembled a virtual panel five months ago, based on a notion that law firms seeking to truly separate themselves from existing law firm competitors and insulate themselves from future market entrants should look for answers within. They'll discover a subset of their own successful female rainmakers who, due to a combination of factors we'll discuss,[1][2] are using more sophisticated client development tactics than are most lawyers. These strategies work well in any market but become mandatory in a future where alternative legal services providers, virtual law firms, and the Big Four compete on a level playing field with BigLaw.



Craig Levinson

That was pre-COVID-19. That was before deal flow and considerable litigation had been ground to a halt. It was prior to the global economy and markets being decimated. It was before layoffs, pay cuts, and slashed partner distributions. Some firm leaders will default to, "This is 2008 all over again — only worse — but with some belt-tightening, everything will return to normal."

Two years ago, however, I predicted in Law360 that if we faced another Great Recession, "the effect on the legal industry would likely be much different than it was a decade ago. [Alternative legal services providers] didn't have nearly the credibility in 2008 that they enjoy today. Both law departments and law firms could integrate [ALSPs] so deeply into their delivery models that there would be no turning back."

In 12 to 18 months, lawyers may find an unrecognizable competitive landscape, in which most of their firms will be vulnerable — if they don't rapidly start upgrading their client development tactics to ones like those used so successfully by my panelists:

- Jennifer Trock, a partner at Baker McKenzie and leader of the firm's international commercial practice group and aviation group;
- Desiree Moore, a partner at K&L Gates LLP and co-leader of the firm's digital crisis planning and response team; and
- Debra Fischer, a partner at Morgan Lewis & Bockius LLP and co-leader of the firm's trade secret and unfair competition task force.

Craig Levinson: Debra, I saw where you stated that you succeeded, despite men's tendencies to give business to other men, by, "filling the holes that others were ignoring and then trying to distinguish yourself by doing work that no one wanted to do or thought of doing." Would you contend that female lawyers, many of whom dealt with gender bias from prospective clients, have had to become more strategic and more creative in their approaches to client development?



Debra Fischer

Debra Fischer: While times are changing, female lawyers have historically had to be scrappier when it comes to finding work. As a new partner with a 3-month-old (over 20 years ago), I came back from leave with nothing to do. Being hungry, I tried everything from making lengthy lists of potential clients and learning about them, to driving for hours to prospects and providing free seminars, reading books on how to be an effective adviser, or holding events where I would bring women executives together — something not so common two decades ago. I learned from successful entrepreneurs to think outside the box and, when my hard work paid off and I attracted a new client, to understand this relationship was precious and not one to take for granted. In having to go through this process of starting from scratch and having to grow a law practice on my own, I became self-sufficient and

did not have to rely on referrals from others.

Desiree Moore: Along those same lines, it became apparent to me early on that if I was to go toe-to-toe with a man 20 years my senior for litigation work, I was very likely going to lose out every time. General commercial litigation — and bet-the-company litigation in particular — is a space that is generally dominated by more senior men. After spinning my wheels trying to get that work, I decided to change my approach. At the time, I was getting a lot of good experience in emerging industries and launched my firm's social media practice, and this evolved into the digital crisis planning and response practice, or dCPR, that my partner Elisa D'Amico and I now lead.



Desiree Moore

It occurred to me that many of the practitioners in more traditional practice areas knew little about social media, crisis management in the digital age, or how to relate to a younger demographic in corporate culture. This was a new space — and it could be our space. In other words, we had to figure out how to pivot in a competitive landscape so that it was in our favor. Very few of our competitors, and particularly not the individuals who were getting that litigation work or who were otherwise more familiar to boards of directors and corporate institutions, were going to be as adept at navigating digital crises like we are, or navigating traditional crises in the age and advent of social media and other digital platforms, so this was a market we could confidently corner, knowing we had the legal chops to excel.

Levinson: As a former in-house lawyer, Jennifer, I'd like to hear how your experience as a client shaped your approach to client development as an outside lawyer.



Jennifer Trock

Jennifer Trock: One of the biggest takeaways from being in-house is to remember that in-house lawyers know the client's business and legal needs the best — and much better than I do. My job as an outside lawyer is to take the time to really learn the in-house lawyer's business, needs and goals, so I can best support them as they support their internal clients. The outside lawyers who took the time to get to know me and the business — and who helped advance my career in the process — were the ones I went back to again and again.

Levinson: Unsurprisingly, the No. 1 complaint of in-house lawyers surveyed is, "Lawyers don't know my business." Despite this, most lawyers continue to write and speak on legal problems, not business problems. Jennifer and Desiree, you've both focused on one particular vertical. How has that approach helped you succeed as rainmakers?

Trock: My practice — aviation — is industry-focused. I've grown up professionally learning the industry, its ups and downs, and how the different sectors within the industry (manufacturers, airlines, travel distributors, airports) interact and work with each other. I attend aviation-sector conferences, read aviation trade press, and am close with the aviation bar. It's a true differentiator in developing robust client relationships.

Every project I work on has an aviation component, but it also almost always involves other practice areas — corporate, disputes, labor, environmental. It has enabled me not only to talk shop and forge relationships, but more importantly it enables me to help clients look around the corner to see ancillary issues coming their way and allows me to be a strategic partner to our clients. This is more important than ever in our new normal. It's essential to build the expertise and relationships over time, as these are the relationships clients go to first in a time of crisis.

Levinson: Clients seem to feel safe with you, Jennifer, on both a conscious and a subconscious level. While they're thinking, "Jennifer really knows our business," they're apparently also having visceral reactions to you sounding like an industry insider and your alerting them to future business issues. That usually creates a feeling of "Jennifer gets me, gets my job, and has my back," even if the client can't exactly express that.

Fischer: As you say, everything else being equal, our clients are only going to choose us and stay loyal if it feels right. We absolutely must learn our clients' businesses, draw on all of our experiences, rely on our intuition, and be creative problem solvers for what keeps them up at night.

Levinson: That's a good point, Debra. Jennifer, in achieving that mix, what else do you do that's industry-related?

Trock: I'm involved with the aviation community, including the International Aviation Women's Association and the American Bar Association's Forum on Air & Space Law, which I currently chair. To make the most of these roles, I encourage people to put the needs of the organization before their own — think about who the best person is for a particular role, not necessarily using a role to promote yourself. This builds credibility and ultimately helps win trust from clients, and once the trust is formed, the work tends to flow naturally.

Levinson: And to me, that's you tapping into your professional empathy. You understand how potential clients in your organizations feel about people blatantly trying to leverage a leadership role and you go out of your way to remain credible by leading with your conscience, and clients can feel that selflessness. How about you, Desiree?

Moore: This ties in nicely with my earlier comment. I do think there is a gap in the legal industry overall, and especially in emerging industries, where lawyers can be slow to learn their clients' businesses well enough to give the client comfort that the partnership makes sense. Women who are looking to build their practices would be well served, in addition to competing with other male and female lawyers for the more traditional work, to identify those gaps and learn them — study them and become the best in

their field — so that that woman is the logical choice, over and above anyone else who may be pitching for the same work.

Levinson: And you, Debra?

Fischer: If your work for a client is not only consistent with their legal goals, but also contributes to their business goals, the more likely it is that they will consult you regularly. Clients rarely just want to know the law; they want to figure out what to do. If they come to believe that getting your opinion first will help them make a better decision that will enhance their company's objectives, you are serving your client well. That is particularly true when the stakes are as high as they are right now.

Levinson: A legal industry with an unprecedented level of competition will require new thinking. Mike Roster, former co-chair of the Association of Corporate Counsel, says that for 85% of a company's legal spend, "there are typically 10, 20, or more law firms and practice groups who can handle the work superbly — not just OK, but superbly."^[3] Talk to me about that 85% versus the other 15%?

Moore: This is a really interesting question — and I love the way that it is framed because it helps me think about my own process, which in some ways is flexible, as all sales and service industry roles must be, and in other ways is orchestrated. I do think there's a real opportunity for women in particular to steer their practices in the direction of the 15%. In the early years of your career, it is important to build and develop an excellent foundation in a more broad or traditional practice (like litigation or corporate or real estate, etc.). But once you have that foundation, you should be looking to specialize, to distinguish yourself, and to capture a piece of the market that isn't as saturated with lawyers who can handle the 85%.

The digital crisis planning and response practice that I mentioned earlier was designed with exactly this in mind, even if not said in the same terms. I am a commercial litigator by background and training. While I believe that I am good at it, there are literally thousands of people across the country who can do what I can do in the commercial litigation space. However, as my career progressed, I gravitated toward crisis management, including data breach, social media crises, reputational crises, and more. I spoke earlier about pivoting my practice and choosing this area in order to gain a competitive advantage — it was the best avenue I could decipher to carve out a niche for myself and find success in business development.

Trock: I'd add that gaining industry expertise also makes a difference for lawyers who are branded more as practice experts. In a highly competitive business marketplace, knowing a client's business allows lawyers to work more as strategic advisers with their clients and really understand how the so-called routine work fits into the client's larger business goals. I'm not suggesting that corporate or litigation lawyers, for example, have to narrow their practice to just one industry, only that they take the time to do a deep dive in those industries in which they do the most work and take the time to really understand a client's business.

Levinson: I'd take your last comment a step further, Jennifer, and say that, while practice experts don't need to narrow their practices to just one niche, they generally must market to only one of them. This enables them to be seen consistently and remembered by at least one audience, thereby maximizing the amount of potential business opportunities. Lawyers can accept any business that makes sense, but efficiency dictates that they limit their pursuits to one vertical. Desiree, you're a litigator who found success by doing just that. Tell us more.

Moore: It's important to identify and actively create branding opportunities like our dCPR client solution so that we are not only procuring that 15% of work we've discussed but opening up further doors and building long term client relationships, so we are considered for any work that arises. My digital crisis planning and response partner, Elisa, is also a marketing wiz so a lot of our dCPR branding helps us stand apart as well. I think our overall strategic efforts show how hard you have to push and how much thinking goes into building a practice, but it's doable and it's fun when you can build something that people need and value.

Levinson: And, to my earlier point, once you proved your chops as digital crisis lawyers, Elisa and you started receiving significant referral work, both dCPR related and otherwise.

Moore: That's right. I focus on becoming a trusted adviser, not only for the crisis work that got me in the door, but to guide clients on other matters that arise. Because I'm no longer targeting everyone for every issue (which is impossible), I can regularly get in front of one discrete, yet large, audience by focusing my limited time on targeted clients who have crisis support needs (and nowadays, that is all clients, but we can still keep our targets focused). As you say, Craig, it's a way to get as many opportunities as possible. Clients feel safe knowing I'm working side by side with them in moments of crisis and bet the company situations. From there, they entrust me with helping them through any situation, including finding partners within our firm to help in matters we cannot oversee directly. The irony is that targeting so narrowly on one vertical has, in fact, enabled us to build much more diverse practices.

Levinson: Here's what happens with many lawyers who focus on one vertical: They receive so much work in their chosen niches and so many referrals in other practice areas, that they play far less golf; they spend less time in affinity groups, and they stop attending general networking events. One commonality I see among busy lawyers is that our limited time makes us abhor inefficiencies. Accordingly, lawyers who experience early success concentrating on one vertical reliably choose to double-down on that strategy rather than reverting to the less efficient, old school networking tactics.

Moore: That brings us back to the main question and some of the items you and I have been discussing. Women have no choice but to market more efficiently and creatively, while we likely do instinctively engage in more emotional, empathy-based selling ... and I would call it investigating rather than selling. What successful female rainmakers do, and what it sounds like you focus on in your coaching process, is basically what we do as crisis lawyers. We ask probing questions to understand the individuals involved and the business situation and we help clients clarify the repercussions by sizing the problem — financially, operationally and personally.

Levinson: Exactly, Desiree. In terms of helping prospects, I want to mention something one of my mentors, Mike O'Horo, devised. He spoke of climbing a professional ladder with a client, from relevant, to useful, to valuable, to indispensable. Debra, you're a labor, employment and noncompete lawyer. Yet you mentioned clients who can't make a business decision without calling you. How did you become indispensable to these companies?

Fischer: When I find out the pilot on my plane is a woman, I feel safer because I know what it must have taken for her to make it to that seat. When you can't count on an existing network or referrals, you have no choice but to compete on the merits. I knew that, to get the work, I had to be better, which meant working harder and being more strategic. But that was just the beginning of the story. In your terms, it made me relevant and possibly useful. In order to become valuable and then indispensable, I had to see the problem before it interfered with the client's business and then help them find a solution that was

consistent with their business goals. We say this all the time, but it's really true — in order to be trusted advisers, we must understand, and become a part of, our clients' businesses.

Some of this involves getting to know many people at every level in the organization in order to figure out how everything works. We also need to understand the pressures our clients are under that may have nothing to do with legal issues. This has never been more true than today. Our clients are currently facing unprecedented strains on their businesses and are being bombarded with daily crises, not to mention hundreds of new laws and regulations. It has never been more important to listen to our clients, understand their needs, and be available to them given the extraordinary issues they are facing.

Levinson: And meeting many decision-makers in the organization has always been critical. In 20 years of coaching lawyers, the No. 1 way I've seen lawyers squander business opportunities is by failing to account for additional stakeholders in the hiring decision. Why is this such a universal problem?

Moore: I think this stems from lawyers not being oriented to the inner workings of a business, both on a macro and micro level. We don't have a class in law school that teaches us fundamentals of corporate principles, or anything along those lines (my firm recently launched a training program for all first year associates called "the mini-MBA" for this reason). Lawyers are by and large not businesspeople by nature. And then on top of this, heading into pitches or even just speaking with a general counsel informally, lawyers tend to focus on their own legal knowledge (expertise in a nuanced area of law, for example) and this detracts from thinking about the business needs of the company, including who might have to weigh in on the decision to hire the lawyer.

Trock: It's critical to consider the client's key stakeholders and decision-makers anytime you are trying to get work. For me, when I'm working on a pitch, I spend a lot of time getting to know my audience and preparing accordingly. One of the questions I nearly always incorporate into a meeting is to ask how outside lawyers are hired. If the answer is by someone who is not in the room, my follow-up to them is to ask to get in that room or for the opportunity to go with them to present to those decision-makers. The willingness of the GC/CEO to do that for you, however, turns much more on the connection that you have made with that person and whether they trust that your interest is to make them look good before the decision-makers. That only comes when you put their needs before your own, and when you've taken the time to build the trust and relationships to do so. By the time a crisis hits, it's often too late.

Levinson: I hadn't thought of that in the context of helpfulness or selflessness, Jennifer, but it makes a lot of sense. Debra, you and I were discussing the psychology of being helpful. I had seen studies showing that women, on average, get more satisfaction, than do men, from engaging in prosocial behavior than in self-serving behavior.[4] You had an interesting comment about how some women lawyers naturally bring caretaker traits, such as helpfulness and empathy to client development. Tell us about that.

Fischer: When I was a new mother, one of my law partners advised me not to talk about it at work. Over the years, my experience has shown me that such advice ignores all of the things that make women such great advisers. Women have traditionally been the caretakers. (This is slowly changing, and my own husband has an equal, if not greater, role in taking care of our family.) As caretakers, we can excel at anticipating the needs of our clients if we let ourselves draw upon our personal experiences instead of hiding or apologizing for them. Given our many responsibilities as spouses and mothers, we are well equipped to help our clients problem-solve. We are also experienced in dealing with difficult personal matters and more likely to be comfortable talking about them.

The other day a client told me he called me because he needed someone with more emotional intelligence to help with a conflict involving a high-level executive. Another client calls me when the matter is too sensitive for anyone else to handle; I believe because she trusts me, can be open with me, and knows that I appreciate the complexities involved. When COVID-19 hit, one of my most valued clients who was dealing with personal issues as well as important decisions to make for his company, directed his staff to "lean on" me and our firm during this time. There was no greater compliment I could have received. This client knows, just as I would do anything to help my friends and protect my family during this unprecedented time, I am fully committed to my clients and will come through for them when they need it most.

Levinson: Let me say thank you to my panelists, who were fantastic. While each one took a different road toward becoming a successful rainmaker, they were all extremely tactical and innovative in developing clients. During this crisis, in which work for many lawyers has slowed, my panelists continue to stay busy. I believe this is because they have honed great instincts and have made themselves indispensable to clients by accessing the traits we discussed, particularly empathy and putting others' interests ahead of their own. All lawyers seeking to develop new business in a time of great adversity should cultivate these traits and, within their own firms, emulate successful women rainmakers like our panelists.

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[1] Professional client development requires lawyers to be more collaborative, more helpful, more open to change, better at aligning people, and stronger in some aspects of emotional intelligence, particularly empathy and interpersonal relations. It seemed to me that each of these traits was one in which women, on average, outperform men – and numerous studies supported that hunch: Cathy Benko and Bill Pelster, How Women Decide, (Harvard Business Review, September 2013) bit.ly/3bm84Vp, University of Zurich, The female brain reacts more strongly to prosocial behavior than the male brain, study finds (Science Daily, October 9, 2017) bit.ly/34TDKz2, Drew Gannon, How Men and Women Differ in the Workplace (The Fiscal Times, May 25, 2012) bit.ly/2Vkyrp0, Young Entrepreneur Council, 12 Ways to Shift Your Mindset and Embrace Change (Inc., April 6, 2015) bit.ly/3ct5Ovv, Dr. Shawn Andrews, Are Men and Women Equally Emotionally Intelligent? (Forbes, Oct 9, 2019) bit.ly/2Vm0ogm.

[2] Like the authors of the HBR study I reference, I understand that the subject of gender differences is a sensitive one that is almost "always fraught." I, however, find the generic "women vs. men" schema to be imprecise, since all individuals fall somewhere on a spectrum and bring traits linked with both women and men (traits that can be cultivated) to work-related tasks. Most of the women I surveyed, though, also discussed encountering gender-related bias in competing for legal work, which the studies support (Harry Keshet, Ph.D., Women Attorneys Business Development Study (Keshet Consulting, 2007) bit.ly/3cFBq1l, ICLE, What Lawyers Need To Know About Gender Bias (Upcounsel, 1995) bit.ly/2Vh5aLT, Joan C. Williams, MCCA, & the ABA, First-Of-Its-Kind Survey Shows Systemic Bias

Across The Legal Profession Presents Significant Barriers To Gender And Racial Equity (American Bar Association, Sept. 6, 2018) bit.ly/34MG8ax). I sought to survey these successful women rainmakers to see how these traits, in conjunction with the adversity they faced, contributed to their client development successes.

[3] George Beaton and Imme Kaschner, "Remaking Law Firms: Why & How" (ABA Publishing 2016).

[4] University of Zurich, The female brain reacts more strongly to prosocial behavior than the male brain, study finds (Science Daily, October 9, 2017) bit.ly/34TDKz2, Lara B. Aknin, Ashley V. Whillans, Michael I. Norton, Elizabeth W. Dunn, Happiness and Prosocial Behavior: An Evaluation of the Evidence (World Happiness Report, March 20, 2019) bit.ly/3ezmy6k.