

**Client Development for Law Firm Associates
HB Litigation Conferences
March 24, 2009/2:00 p.m. ET**

Operator: Welcome to the HB Litigation conference call. I would now like to turn the call over to your host, Amy Taby. Ma'am, you may begin.

Jaimee Taibi: Thank you, Michele. Good morning and good afternoon. Welcome to the HB Litigation teleconference, *Client Development for Associates*.

I'd like to introduce our speakers. Rick Capozza chairs Hiscock & Barclay's Environmental Practice Area and the Energy & Utilities Practice Area. He focuses his practice in the area of environmental law with a concentration in CERCLA/Superfund, mergers and acquisitions, regulatory compliance/permitting, project siting and transactional due diligence. Mr. Capozza is the Business Development and Client Relations partner and has chaired his firm's marketing committee for over 10 years.

Also joining Mr. Capozza is Paris Gunther. She's been the Director of Marketing and Client Development at Wilson Elser for four-and-a-half years. She began her career as a litigator in Minnesota and has spent the last 20-something years in various marketing positions. Just prior to joining Wilson Elser, she was marketing consultant at Shearman & Sterling.

Finally, Gabriel Miller will be moderating today's program in speaking. He is General Counsel of Sokolove Law, LLC. Gabriel oversees all legal activities involving the firm. As a member of the Senior Management Team, Gabriel is responsible for implementing the ongoing national growth of the firm. His legal oversight extends to national marketing and relationships with affiliate firms as well as day-to-day firm operations.

With that, I'd like to turn my call over to Gabriel to get the program started, and thank you in advance for your attention. Gabriel?

Gabriel Miller: Thank you. My name again is Gabe Miller and the reason I'm moderating this call, and I'm going to ask each of our speakers to give you the same type of introduction in a second, is because I'm the client. I spend at any given time of my career – and I've been in-house counsel in a number of different settings from banks to media companies privately held to publicly held, and now even though I'm a general counsel of a law firm, as a general counsel of a law firm, I spend close to \$1 million a year on outside counsel

legal fees at times. And so I'm the guy that you want to get to in terms of trying to figure out how to rainmake effectively.

The purpose of this session, if we do our jobs right, is to provide you with some very practical advice that is going to help you understand what it means to be a rainmaker. How do you start that process, how do you build that as part of your day-to-day work in – and I'm looking at this and laughing at it – rainmaker in dry weather. I think I probably would have put it crasser, in maybe wartime conditions, in maybe the worst time ever in terms of trying to go out there and develop business. And I know I'm not telling you anything you don't already know about the practical realities of trying to do business development in the current economic climate. But we talk about practical advice.

What you're going to hear as a central theme through everything that we tell you is that it's all a bouncing act. It's a bouncing act of billable hours versus non-billable hours, what tactics work for your personality, what are the type of clients that you are best at going after versus what are the right clients for your firm within both your practice group and within your firm as a whole.

And that's why I think you've got the luxury and the benefit of two great speakers here to join us between Paris and Rick because they come from two very different firms and they're going to offer to you some perspectives that again are going to be very different as to how to go about and start to think and act like a natural rainmaker.

And so with that, I'm going to ask Paris and Rick, and Paris, why don't you please start, to do a little further introduction about yourself but to focus so that our audience can put your comments in context as to the size of your firm, what your business development efforts look like, focusing again on those kinds of issues and facts that are going to help everyone put your comments in context.

Paris Gunther:

Okay, thank you. I'm the head of Marketing and Client Development for Wilson Elser. Wilson Elser is primarily a litigation firm. We're national. We have a national footprint, 20 offices across the country. Probably half of our clients are non-U.S. based clients. We represent their interest in the United States. We do a combination of direct representation and insurance defense. We have somewhere between 715, 800 lawyers.

When I joined the firm about four-and-a-half years ago, I was their first professional marketing person, so I sort of started from scratch. I started with websites, started with getting them away from using brochures and more toward developing specific targeted communication pieces.

So my background is almost exclusively large law firm, large national, so that's what I do.

Gabriel Miller: So Paris – this is Gabe – if you could – I'm sorry because I think it might be important – do you maintain a practice in addition to your work you're doing now or are you solely focused on business development?

Paris Gunther: Solely focused on business development.

Gabriel Miller: Okay. Rick, how about you?

Richard Capozza: Hi, Rick Capozza. I'm with the law firm of Hiscock & Barclay. It's approximately 210 attorneys with a Northeast regional footprint, so as compared to Paris' firm, we're a regional firm. I call us a general service with some niche areas of expertise in energy, IP, litigation, and some other areas.

As the moderator introduced me, I'm the firm's marketing partner for the last 10 years and I'm also the firm's Business Development and Client Services partner. I am also a practice group leader out of eight practice groups at the firm, so I'm a practicing attorney and I've been practicing for 17 years.

And I understand the stresses and the pressure that are put on associates because I was in your seat at one point and now I am managing associates and have to help develop and train them, not just from a legal skills perspective, but also from the business development perspective.

Gabriel Miller: Great, thank you. Let's start off, Rick and Paris, with the most basic. What are we talking about when we talk about rainmaking? Is there a way, kind of a label or a description that we can make sure we're all starting off with the same idea of what we're discussing?

Richard Capozza: Well, this is Rick. I guess I'll start. In its simplest form, it's developing new business and expanding business from existing clients. I don't like to put a definition on the overall term because there are many ways of rainmaking or developing business.

Paris Gunther: I would agree with that description.

Gabriel Miller: One of the things, when we were preparing for this call that both of you focused on, was the idea that, again, as you said, there are a lot of different ways and tactics that you can get there. But at the end of the day, the one thing that ties everything together is this idea of relationships and that everything you do needs to be done in the context of relationships.

And maybe the first place to start that I know from again, when we prepared for this call, was the idea of you can't even start to begin to understand what a practical and effective rainmaking strategy might be before you start to do a "know thyself." How would you describe that? What would you offer as suggestions for these folks to do in terms of that inventory, that self-assessment?

Paris, why don't you start, or Rick?

Paris Gunther: I think it's important to understand that rainmaking isn't a discreet activity that you're going to engage in at a certain point in your career and stop. Rainmaking is really going to be part of your overall professional career. The earlier you start, the more successful you will probably be in the long run.

So as a result, I think it's important to begin to look at yourself and what you're comfortable with because this is something that you're going to sign up and be involved in in the long term.

So for example, if you are someone who is extroverted and you find it very comfortable – if you speak to people in elevators and when you ride across the country in a plane, do you talk to the person next to you? If you do, there are some very obvious things you can do to leverage that to help enhance your client development.

If, however, you're somebody who actually feels more comfortable sitting in front of a computer and typing and you don't really feel that comfortable interacting with people you don't know well, I think it's important to understand that, accept that, and take that little strength and find a way to apply those strengths to your client development.

Gabriel Miller: Okay, so one of the things we've heard so far is this idea, as you said, of know your own personality. But what about the idea, Rick, about where you are in your career? I hear Paris saying it doesn't matter where you are in your career. You can be in your first year

or your fourth as an associate. Rainmaking has got to be something you're thinking about. But how would it differ depending on where you are in your career?

Richard Capozza: Right, I did hear Paris say in so many terms that it's evolutionary. This is a dynamic process that develops over time.

Initially, as you're doing a self-assessment, let me tell you what a firm or a partner is looking for in a junior associate and as it evolves over time. In the very early years, the most essential part is do great legal work, be responsive to your partners, and just show some initiative and mindset regarding business development and rainmaking.

As you mature over time, obviously what a firm is going to look for, or what a partner is going to look for, is that the associate is maturing and is developing in terms of responsibility, visibility profile with their activities.

I want to get back to a piece that Paris hit on. I found the greatest level of success personally when I devoted or directed my efforts to things that I enjoyed. Obviously, as an associate, there are going to be things you can't get around that is just drudgery. It's the administrative, it's the research, and it's the things that bore you. But if you try to look at your outside interests, your hobbies, your undergraduate degree, what you enjoy doing, if you can gravitate towards those things in terms of your business development and marketing efforts, I think you're going to have a higher degree of success in the long run and you're going to enjoy it, and I do think that's critically important here. I think when you try to force yourself or people force people to do things they don't enjoy, I think the chance of success is diminished and then it becomes a chore and not something that you'll enjoy.

So in terms of self-assessment, try to figure out what you like to do and if it fits into what the firm is doing, what type of areas of law they are practicing in, and just try to find out where you can match those up.

Paris Gunther: If I could leverage off from something you just said, Rick. In addition to that kind of focus early on in your career with the partners, you are often also doing interfacing with clients. And even though some of the clients you may be interfacing with may be lower-level people within the organization, doing a very good job, going the extra mile for them very often can translate as both you evolving your career and they do. Some of these people may,

over time, become a critical element in terms of your overall client strategy.

Gabriel Miller: I think that's right, Paris and Rick, but I want to pull you back for a second because we will focus on the issue of know your clients and know your firm. And again, one of the things we promised these folks, if we do our job right, is to give them some very practical tactical advice. And I know again, Rick and Paris, in talking to you, that you have some specific suggestions as to what type of things these folks do in order to come up with that self-inventory. Again, when you talk about personal interest, give them some examples. Literally, I guess what I envisioned as you educated me about it was that they sit down at some point, take a piece of paper, and start to try to list some of these things. What are the things they should be listing as they try to understand what that self-inventory entails?

Richard Capozza: I open the floor to you, Paris.

Paris Gunther: Well, among other things, where did you go to school? What communities are you uniquely associated with? Do you belong to a church? What do your parents do for a living? Who are your neighbors? Just trying to get a sense of those kinds of networks.

One of the things that may not be so apparent is early on. You probably know more people than you will as you move further and further into your career.

So part of it is trying to figure out where your potential connections are and figuring out how you stay connected.

Again, as was stated earlier, it's a delicate balancing act and you're going to have billable hour requirements for a lot of your career especially early on.

So trying to come up with a sense of where you're connected, who you can connect with, and how you can connect in a time-efficient way.

Gabriel Miller: Rick, would you add anything to that?

Richard Capozza: Yeah, I think, Paris, you and I, when we were doing the planning, might have had a little bit of a disagreement here. I think you need to, in today's legal industry – it's definitely a business now – you can look at your local charities and community organizations and I do think that's an important part. But to really be successful, I think

you need to look at your practice, you need to look at your profession, what your professional expertise is, and then try to take an inventory of the organizations that are available to you – trade associations, business organizations that are of interest to you and that are aligned with your practice.

And I do agree with Paris that, as a graduate of law school and an incoming associate, at that point in your life, you have college and law school classmates that you graduated with that you can keep in touch with. And if you look at that from just a pure number standpoint, that is an important Rolodex to keep updated and robust as you move forward in your career.

But I take a little bit different tact, that you need to try to look at more the professional industry type of organizations.

And then I think Paris touched on this, if you're not a strong public speaker, don't offer to give speeches, at least early on, until you develop that skill. If you're a strong writer, you can gravitate towards writing. If you like to do charitable work or you like to do volunteer work, then sweat equity is always a great avenue into developing relationships and getting business, so we can discuss that a little bit later.

Gabriel Miller:

I want to add one, again, what I hope is a practical suggestion here. And again, I didn't spend my whole life in-house and so I have some sense of what it means to go out there and try to develop business, and I've got the benefit of watching my own sales organizations and how they operate outside the legal community. And I can't stress enough the importance of whatever form you decide to do it, whether it's literally using Microsoft Outlook, and entering everyone's name you meet and whatever personal information you can take down from them. And I literally put down things like the name of the wife, the kids, what age they are, where they work, and then those things are searchable, or whether your firm supports something. And again, you need to work within the constraints of your firm something like LinkedIn.

But again, you're never going to know more people than you probably do. Well, I shouldn't say that. I don't know if I'd say you're never going to know more people. But what you will do is if you don't make an effort now to try to keep track of the folks that are part of your life – again, in terms of right from getting out of law school, maybe still from college, again, what does your uncle do for a living – all of those things, which I think normally human nature is that I don't want to mix my business and personal relationships.

But well, guess what? Most of us don't have the luxury of not doing that anymore. And the most pleasant relationships you have oftentimes do mix both business and personal, and especially when you're starting out. And again, in this kind of economic climate, you don't have again the luxury of not using every resource that might be available to you which might be where your parents work, or who your neighbor is down the street, or whatever it may be. And we're going to get to how do you use those relationships effectively because you can do yourself more harm than good if you don't take advantage of them in the right way.

But again, the punch line I'll leave you with here on this point before we move on to the next topic is that this is something you have to make a conscious effort to do in terms of keeping the information, tracking it, knowing who you spoke to, and why, and so that you can go back to them and try to find them when you need them.

The next topic, Paris and Rick, I want to move the two of you on is – we've talked about "know thyself." But I know one of the other things you stressed as we prepared for this was that you also need to work and "know thy firm." And how would you describe what it is you're trying to explain when you say that?

Richard Capozza: Well, I guess I'll take this one. Again, getting back to the development of an associate, in the early years, you're looking for initiative and a mindset. As the associate matures and develops in his or her practice, we're looking for a complement to – for example, in our firm, we have practice groups with practice areas and each practice area has a strategic plan. And then you need to develop, as an associate, your own personal business plan that is consistent and complements the strategic plan of the practice area.

So while you may have a tradable activity that is great that you enjoy, you have to make sure that what you are doing is consistent and complementary to the strategic direction of your firm, the strategic direction of your practice area, and your clients, and we'll get to clients later. But I do think that is absolutely critical.

And I think an important issue for associates is – I call it leverage. You're going to have to learn how to leverage your time. You're going to have to learn, so if what you are doing is outside of and does not complement what the firm is doing, not saying you shouldn't be doing it and it may be wonderful, but as you proceed down your career path, you need to find a way to leverage and maximize your time as against everything else you're competing with.

So you do need to know what your firm is doing and where it's going.

Gabriel Miller: And Paris, I'm going to ask you to comment on that as well. How do you again know your own firm in terms of making sure that your personal plan is consistent with the goals again of both your practice group and the firm as a whole?

Paris Gunther: Well, I think the obvious part of it is most firms have certain criteria. When I introduced myself, I said that we were primarily a litigation and a defense firm. If one of our associates had a contact that could bring in a great, large plaintiff litigation case, for example, in a class action, not for our firm. So I think you basically have to understand the nature of your firm's practice.

I think there are also differences depending upon the size and the scope of the firm. For example, I can tell you very candidly one of the challenges a lot of our associates face is because we're national and yet regional in nature, ideally, you want to be one of a few number of attorneys in any given room. And I think one of the challenges for a firm such as ours for younger associates is to find a place that others are not already occupying. And I think that's one of the reasons why a number of our people tend to go into.

For example, we have a non-equity partner in New Jersey whose brother developed MS and she decided to get involved with the MS Society because of her strong feelings of what her older brother was going through. She has translated that into an incredible book of business because there are an awful lot of people who she has gotten to know over the years who have risen within their own for-profit organizations that feel strongly and want to help her.

So I think it kind of does depend upon the nature of not only what your firm does but the size of your firm and how much untapped turf is readily available.

Gabriel Miller: Rick and Paris, I want to bring you back because we're starting to get into some of the tactics which we certainly want to spend some time on. That's again one of the goals here. But I want you again to really try to help these folks with some practical advice. It's one thing to say to them, "Make sure that what you're doing is consistent with both your practice group and with the firm's goals," and you're right. If you work in a big insurance defense firm, it's kind of easy to know that you better not bring in the plaintiff on the other side if you have any common sense.

But literally, if you're a second or third year or first year associate or whatever it may be – you're a young associate – do you ask to meet with your practice group leader? Do you ask to meet with your chief marketing or business development folks and say, "I'm trying to coming up with my personal marketing plan? How do I make sure it's consistent with what your goals are?" What do these folks do?

Richard Capozza: Well, Gabe, it's easy in our firm because of the way we structured it, that the associates actually are required to put together a business plan that's reviewed and approved by the practice group leader and the practice area chairs that they work within. So they definitely have that opportunity. If you don't have that opportunity in your firm, if that structure does not exist, then obviously, I highly encourage you to do that.

The other program we've developed here at Hiscock & Barclay is we've actually created a shadowing program where associates get billable hour credit for shadowing partners and other senior attorneys, not just on client billable hour related matters, but also client pitches and business development meetings so they can see how it operates.

So we've done these things, encourage and help develop and train associates.

I need to hit one other issue in terms of practical advice, and I think Paris is alluding to it, but not all business is good business. And this is going to differ depending on the size of your firm because what I'm about to say will not apply to smaller firms or sole practitioners that have a general practice. But I think this would apply to both Paris' firm and mine, that as a junior associate, the people you're most likely to get work from are your friends and family, your colleagues that are just graduating or just graduated from law school. And they may not be able to give you much. And what they are going to give you might be a residential real estate closing or a small litigation matter or a will or a trust document. And I'm not saying we would turn those away, but if it's a larger firm – this is a tactic now and I'm getting ahead of ourselves – I would refer that out to maybe a smaller shop or you've got a trusted friend that just graduated where they're not going to compete with you or take your business away because it's in an area that the firm doesn't handle. But I think you need to understand that all business is not equal and that it's not all going to be viewed as positive to your partners.

And notwithstanding obviously the strategic inconsistency with an insurance defense file and a plaintiff's action is pretty clear, but as I talk to associates, sometimes you have to understand that just because you get file doesn't mean it's great. You might have to refer that out and really be patient and work with your contacts to say, "Hey, look, I can't handle this. My firm does not do this type of work, but in the future, don't forget me for your intellectual property when you get to that point."

Paris Gunther: Yeah, I would say in our firm, younger associates are expected to do rainmaking but not necessarily in the full definition of what that entails. I think we look to our young associates to be more involved with client services. We don't really expect that they're going to bring new business in at that point. The rainmaking activities that we really expect our younger associates to be doing, in a tactical sense, it relates to helping to cement and firm up relationships with existing clients. Most of the activities are really strategic in nature and that is you're not going to necessarily be engaging in an activity where you're going to see a return in the next 18 to 24 months. It's much longer term. As you begin to mature and your contacts begin to mature in whatever organization they find themselves in, that's really when you're going to get your payback.

Gabriel Miller: But Paris, we heard Rick and it sounds like the associates in his firm have the luxury of a very structured program where they're getting the feedback whether they like it or not as to whether their business plans, their personal marketing plans are consistent.

Regardless of whether that's true in your firm or not, I'm assuming that there are plenty of firms out there in which associates don't have that luxury. How do you think someone in your position in a different firm, if it didn't have that structure ready, would react if an associate came in? What's the right way for an associate to pitch them? Is it even appropriate to say, "I'd like to sit down with you and talk to you about my personal marketing plan?"

Paris Gunther: Quite candidly, I think in a lot of organizations, they would not get the attention. I can tell you within our organization, I do some CLEs and I do some group work but I don't have the staff or the time to work with all the associates one-on-one. Much of that is relegated to mentoring programs and the group that you're in and things like that.

But every now and then, there is an associate who finds his way to me. And from my perspective, that's also self-selecting because

somebody who is smart enough to get on my radar, to get me to give them 10 to 15 minutes is someone who's probably going to be successful in getting other people to do that.

Richard Capozza: I echo that and I think I said earlier what we're looking for at this point in time with junior associates is initiative and a mindset. And I would say while we have a formal program – I don't think what Paris is saying is inconsistent – we don't have a lot of resources to spend on associates necessarily, but that formal process does get them in the program and there is some follow-up too that's required.

So the takeaway for associates is show initiative, make sure that you don't leave it to chance or luck that somehow you're going to get picked up here.

Gabriel Miller: Okay. Well, so the punch line that I'm hearing from the two of you on this issue is that the burden is really going to be on the associate. And if they're going to get some attention, they better be well prepared and again because the resources are limited within their firms, and that it's going to be up to them to a large degree to understand their firm well enough and their practice group. And I stress both because this is one of the things, Rick, that I think both you and Paris were great at educating me on that I didn't know so much as a client that it seems obvious in hindsight, that you have to be consistent with both.

And in this kind of economy, I'm assuming that your marketing budgets are stretched like everyone else's. We've talked about the idea that there's a theme here that everything is a matter of balance. What about resources – what are you seeing out there in terms of money available to associates for rainmaking efforts? What about that balance of billable versus non-billable hours?

Richard Capozza: It's reduced. The available resources for marketing in certain areas and especially for associates have been reduced. But we've sent a message to the associates and the rest of our attorneys that we expect that if you can't go to a certain seminar or conference, you're going to find low-cost or no-cost ways of developing business and that could be writing articles. Again, we're getting into tactics. But there are ways to keep yourselves productively occupied as it relates business development and rainmaking that supports your own business plan but also the firm's.

And Gabe, I might be taking a step back here to our last topic, but I think part of this is what can an associate do when resources are

constrained, when you have a lot of billable hours, when the demands on an associate are multiple.

By way of example – I think Paris hit on this – we have client service teams at Hiscock & Barclay for our major clients. Volunteer – we're always looking for a volunteer to help organize and advance the client service teams' objectives. That doesn't cost anything. There's going to be some time involved but I can assure that the time that you invest in that service team is going to be recognized by the partners involved, and eventually, it'll expose you to the client itself. So it doesn't cost any money per se for an associate to volunteer for something like that.

Paris Gunther: Our firm has an Intranet and that's something that is inward facing that carries information. And we post news on there on a regular basis. And I am always amazed because most of the news that's carried on there comes through the marketing department and they're about some sort of significant thing that's happened, either it's a win or someone speaking at something or whatever. And I'm always amazed at how underutilized the associates treat that. It seems to me that very often they're afraid that it's self-aggrandizement. And I think if done properly, it need not be that way at all. If you think in terms of branding of anything, part of it is name recognition. And so I would say that there are within all organizations opportunities to get your name out there in a positive way. And those associates that are leaning forward and thinking strategically will do that. And there's no cost associated with that at all and it's not even going to take that much time to write up something like that. So I agree with Rick.

Gabe Miller: And that makes great sense. And so what I take away from what you both shared here is that whether we're talking about the current economics and what resources are available in terms of supporting rainmaking opportunities or whether it's that balance of billable hours versus time spent, it's all part of that overall theme, which is that you need to know your own firm and you need to know that your efforts are consistent with that. If billable hours are more important than business development in your firm at this stage in your career, then again, given the length of time we all understand it takes to develop business, you better be acting in a consistent way with the priorities of your firm.

So we've covered so far the idea of "know thyself" and "know thy firm."

Richard Capozza: Hey, Gabe, before we move on, maybe one takeaway which I want to stress to the associates is that lack of financial resources, dollars, should not eliminate the opportunity for the associates to be engaged in some sort of meaningful marketing and business development.

Paris Gunther: And I support Rick on that especially with the new technology. I'm not at all convinced that dollars are really necessary for most of what the associates should be doing.

Gabriel Miller: And as a client, I'm going to agree, and when we get to tactics, we're going to talk about what works and what doesn't work. And I think sometimes dollars are not very well spent especially some of the bigger dollars, and again, we'll get to some of the specifics.

Richard Capozza: Yeah, and the other thing on the balance of billable hours against marketing, I think that's not an easy one to address and there are so many different complexities and variable factors that we could spend an entire session on this. But as we get into tactics and everything else, I like to look at leverage – how can you leverage time so you can do multiple things and achieve the goals that you want with that time?

Gabriel Miller: Right. The next topic that I want to move the two of you on is "know thy client," and it's interesting because it's clearly a key component to how you both feel about business development for associates because I couldn't keep you from talking about it in the first two seconds.

So when you're talking about know your current and your prospective clients, again, help us understand what that means and how these associates go about doing that.

Paris, do you want to jump in first?

Paris Gunther: Sure. I'm almost choking on that term because I think that makes it very impersonal. I think that the people that you are working with, who we label as your clients, are people that you need to have relationships with. You need to have some sense of whether they're phone call or email oriented. You need to have some sense of who they are, what kinds of things they value, be it how long of a report do they want you to write or do they want just bullet points, that sort of thing. And I think that same sense of how you get to know people in your personal life, if you begin to get to know your clients that way, I think that the opportunities will become more

obvious to you in terms of what you can do to provide additional value to your clients.

Richard Capozza: I agree with Paris and I think there are actually two different issues here. When you say, "know your client," well, one is know the person and what their personal interests are and a little bit about them, but also know the company. And this will apply to both the personal issue and the company or industry issue and it's across the board and I've seen it multiple times with my own attorneys and partners over the last 17 years. Lawyers love to talk about themselves and they love to talk about their firm. And I think that sometimes that's a security blanket because you may be insecure about it and it's just easier to be talking and not listening. And you're missing a huge opportunity with learning about the person and about the company. And let me just give you two examples.

It's sort of an art and you need to learn how to do it over time. But I don't think there's a lunch, dinner, or business meeting where I don't walk away knowing some very personal information about the client or the prospect – where they live, how many children, what their interests are. And it's not overt, it's not direct, but it's sort of like, well, "Hey, Jill, where do you live?" "Well, I live in Boston." "Oh, that's great. How'd you end up in Boston?" "Well, my husband got a job at IBM and I got the job as a general counsel at this" – and it's a very fluid, dynamic, non-structured conversation where you have to be thinking about it. You have to be aware and then you have to remember that. And I'll give you a specific example of a recent experience I had.

I was at a major client's headquarters in Atlanta. We met with the HR lawyer and she invited us into her office and she had ceramic art pieces all over her office. And she said, "I'm a ceramist and I do art work." "Well, I'm on the board of a museum in Upstate New York that's got one of the largest ceramic collections of U.S. pieces in the country." So I sent her a catalog and she sent me a thank you note to say that, "I can't believe out of the busy day in the schedule that you have that you remembered." And it wasn't hard for me to do that because I'm interested in art, she's interested in art, and it was an easy thing to do. But I wouldn't have done it had I not asked the question when I'm sitting there in her office saying, "Where did you get this art work?"

So those are just simple things that people sometimes, when they're going into a business meeting with a client or a prospect, forget that the goal is to get to know the person and to move the

relationship forward, not just to say, "Here's my firm and here's the great things we can do for you."

Gabriel Miller: As the client here, I'm hearing a couple of things that I think are absolutely critical that I want this audience to take away because they definitely resonate for me.

And the first is – Paris broke this down into two things – one is know how your client likes to work – everything from how they like to communicate. Is it email? Is it telephone? Is it long memos or bullet points? Is it a client that requires you give them a budget up front or not? And again, this is a theme you'll hear throughout everything we're saying. Everything begins with doing good work but doing good work includes how you deliver that work. And that, to me, is one of the absolute critical components about what makes for strong relationships I've got with certain outside counsel that make me loyal to them, that make me want to work with them in terms of limiting the number of firms I work with. It makes it difficult for other firms to break in because you get into this rhythm and this sufficiency of having the folks on the other side understand how you work.

And then on the other side, this personal part, I think Rick again makes a critical point, and that is that you can't force this. If you walk in there on the first day and I don't know you and you start just grilling me about my personal life, it's going to feel intrusive. On the other hand, if it's natural, just part of having a conversation, if you notice something in my office like a picture or, again, as Rick pointed out, the art work in someone's office, whatever it may be, and that you kind of listen more than talk and take it in, that again is critical but you have to know when and how to use that.

And we're going to get to how you can abuse that personal information and make yourself again actually harm the relationship rather than help it.

But it is critical to try to gather that because at the right time, that stuff makes a big difference. And I'll give you an example, Rick and Paris and our audience, that really worked for me.

One of my outside counsel was in my office and noticed I had this gigantic pile of CDs in my office and a pretty varied music collection. But one of the things he didn't see in there was any opera because I thought I hated opera. And I didn't hesitate to tell him that at the time not realizing that he had been a professional opera singer prior to becoming a lawyer. And so this is a guy I've

worked with for a couple of years now and we spent a significant amount of time and money with his firm. And he was kind enough to say to me, "Will you at least listen to some opera if I send you a couple of CDs to try?" And it was kind of fun. It was totally outside of our kind of normal business relationship. I thought it was interesting. I appreciated it. It didn't cost him a lot of money to send me a couple of CDs. And I admit I still didn't like it after I was done listening but it was a great way for him at an appropriate time, after we already had a relationship, to again comment and insert himself somewhat into my personal life in a way that wasn't intrusive but was nice and welcoming.

Now both Paris and Rick, you had mentioned the fact that you have to kind of understand yourself and your clients in terms of personal information, but what about this idea of kind of doing your research and understanding your clients' business and industry? Rick, you had mentioned that a little bit. Again, what kind of specific practical advice can we offer here?

Richard Capozza: It's going to be what mistakes to avoid because going back to, I think, a typical – I don't want to call it the effective attorney – but you like to talk about the firm and yourself and I think the biggest mistake going into a meeting with a client or a prospect is not knowing their industry and not being very well versed in it and not knowing what is going on in the company. And I'm getting into a little bit of tactical information. But make sure you absolutely understand what is going on in that client's industry and you can ask relevant, intelligent questions that the client will understand that you know, that you cared enough to look into things. I'll give you an example.

We had a meeting with another major Fortune 500 company and they just laid off 7,000 employees. We said, "Boy, it must be really rough for you at this point in time to be dealing with that." And it was, that's how we started the discussion because we're going down there to get more work but we're acknowledging the fact that this guy is under water with some really difficult issues he's dealing with at this point in time given the economy. So he immediately recognized we're up to speed on what's going on in his world so we can then go to the next level.

Gabriel Miller: Rick, let me stop you there for a second. You jumped ahead a little bit, which is, how did you know that? How did you know that they laid off 7,000 employees?

Richard Capozza: We had our Information Resources do a LexisNexis search. We got the most recent news articles and Wall Street Journal articles on what's going on in their industry and what's going on with that client and understood what the impact was on the general counsel before we went in there. So it is a tactic.

And one other thing I'd like to add so I don't forget it – the other mistake to avoid is don't bring the entire brochure with all the profiles of every attorney and every practice in your firm because that's another mistake I see that people come in and they want to talk. They think they know what you, as the client, and as Gabe is the client wants to hear about. And I'm not sure how you can do that without sitting there and listening and saying, "Okay, their needs are X, Y, and Z," rather than you going in and talking about A through Z and all the services that you think the client might need. I think that's a critical error or mistake that I see very often.

Gabriel Miller: And I'm absolutely going to comment on that, but before I do, I want to give Paris a chance. Again, what type of practical advice can you offer these folks in terms of how do they get to understand their clients and prospective clients' business and industry?

Paris Gunther: Well, I think part of it is you just have to get around on the other side of the table. If you think about it, if you walk into my office and you start talking about yourself, you haven't bothered to get any sense of what's going on in my world and whatever, you're insulting me.

I don't think this is rocket science. I think this is kind of a very basic relationship oriented issue. Clients want to be dealing with people they feel comfortable with. That's part of why you want to bring the personal nature to it.

But also, if you walk into my office and you haven't bothered to do your homework on it, what else aren't you going to bother to do? You're going to look sloppy. You're going to look like somebody who I'm not sure I can trust with my legal matter.

So I think part of it is the overall positioning of yourself vis-à-vis your client and we're talking about various components of it. But I think the big picture is having that person experience you as someone they're going to feel comfortable representing them.

I think that if you come in and you already have your whole big brochure and you're going to talk about yourself and whatever, that's a real turnoff.

I think listening, as was stated earlier, is critical. And I think that part of the key is remembering that the potential value you bring to the table is almost unlimited. If you can make your client's life a little bit easier, you brought value to the table. That's part of getting back to whether they want long memos or they want bullet points, whether it's easier for them to communicate via the phone or whatever. But if you look for opportunities to help your client look good and be more successful in their job, you're adding value.

Gabriel Miller: Absolutely, and again, as a client, I want to give you a couple of examples of what things definitely have not worked because given the amount of money I've spent over the years, I've heard every bad business development pitch you can imagine.

I've got a 14- and a 16-year-old and they're more adept on the computer than I am, so I apologize in advance if some of this stuff may seem painfully obvious to you but I'd rather say it and make sure you guys hear it rather than assume it.

And so some of the things we talked about in preparing for this call was – and I think Rick and Paris mentioned some of these – it's everything from go read the annual report of that client or prospective client. Look at their website. Look at their press releases. Do a LexisNexis search. Set up something like Google Alerts so that you're getting regular news feeds on the industries you're in.

Because I think from the associates that I've talked to, again, it's understandable, they are so overwhelmed with trying to keep up with the current case law in their areas of expertise that they're trying to build that it's easy to not find time to try to understand the business side of the businesses they're providing legal services to. And nothing makes a lawyer more attracted to a client than someone who understands their business, not just the legal issues, but a business, because again, as a client, it's easy for me to find people who can technically do the work. That's never been the issue for me. I usually have too many good choices.

The folks who really add value, the folks I want to work with are the ones who understand my industry and my particular business. And so that might mean finding that extra time, and again, I know we're all stressed for it, to read not only your equivalent of your state, and for me, it's *Massachusetts Lawyers Weekly*, to see what cases came out, but it might be reading *Energy News Today* if your practice group is one that focuses on the energy industry, or

whatever the equivalent may be, but trying to keep up to date on what's going on in the business side of your client's life.

So I promised you some examples and you've already heard Rick and Paris talk about brochures because they've heard me complain this. I cannot tell you that from some of the most senior partners in major law firms who have been successful rainmakers, how many of them have come into my office looking for business and all they do is hand me their brochure, shake my hand firmly and look me in the eye, tell me they understand they're in the service business, and then proceed to tell me, "We have 13 offices in 11 states, we've got 270 lawyers, we're a general practice firm, and we understand that we treat every client the same," which is a lie because you can't treat every client the same unless you're an idiot. Not every client is created equal. As clients, we understand that. And so then they sit down as if they've just earned the right to my business.

And so we can't stress enough, as the presenters here, again how important it is to both listen, ask good questions, and understand what are the needs of that prospective client that you're trying to help because the pitch that I hear most often that I just described to you is an incredible turnoff. Starting off from the minute they hand me the brochure, I know things are not going to go well.

Paris Gunther: Can I ask you a question because I have a theory actually.

Gabriel Miller: Okay.

Paris Gunther: I think, just as an aside, marketing is relatively new to this industry and it's kind of immature and it's my firm belief that brochures are symptomatic of that. What do you with the brochure they give you?

Gabriel Miller: I try to be kind and not throw it away while they're standing there, but it gets tossed.

Paris Gunther: Yep.

Gabriel Miller: It absolutely gets tossed. I will give you an example of a marketing piece that I do think is effective, and again, whether your own marketing department creates it or you come prepared to talk about it. But if you know, because again, you've either read about it or know because that's why you're sitting in front of me, that you're there to pitch me on providing a new employee stock option plan, the most important thing I want to know as a potential client is that people smarter and brighter than me have already paid you to do

this before. And so the most effective marketing pieces I've gotten are not again the glossy brochures but was a one page that literally showed the list of folks they had done this for, they had done this exact type of work before. And that, to me, was the best sales piece I've gotten so far.

And so I think again, a focused brochure where you can have pieces that are relevant to what I'm interested in, yeah, that can be useful, but the general purpose brochure that talks about your firm again does you actually more harm than good.

Richard Capozza: Gabe, I know this is sort of tactical, but I always send a follow-up after the meeting based on the discussion that I had with the client or the prospect to say, "Based on our discussion, I am sending you the following information regarding these areas that we discussed and with the relevant profiles of those attorneys within those groups." So it's directly on point and in line with the conversation, the meeting we had. It's going to be useful for the in-house counsel or general counsel to look at.

And so the point is follow up with a tailored brochure that's specific to the discussion that you had with the client.

Gabriel Miller: And that again would be useful to me. That would have an impact.

Now keeping an eye on the clock here because we still have a lot we want to try and get through, we've talked a lot about this as a relationship business, which is absolutely true. And you'll hear the cliché that, "In-house counsel hire lawyers, not law firms." And there's a lot of truth to that. But it is a relationship typically with more than one lawyer and it is a relationship that's broader than just the individual lawyer, but it does start there, and that is the most critical component.

And so we've mentioned a little bit about trying to remember the folks you went to college with. And in preparation for this call, I know the three of us joked that sometimes it's hard to imagine your drunken college friends, the idiots that you grew up with, are somehow someday actually being in a position where they might be able to bring you business. But that's the truth. And I think it's important again, when we talk about the type of relationships you want to start tracking, not to forget that sometimes and not to lose track with some of those folks. And trust me, they'll be equally surprised if you actually make something of yourself as an associate within your law firm because they thought you were an idiot as well.

Richard Capozza: Well, Gabe, I think that also ties into what Paris said earlier and this takes sometimes years to develop so you can't give up. It could take five to seven years for a relationship to actually develop into something that is substantial. And we've got two or three clients here that we always use as examples where we started the relationship back in 1999/2000 and just kept over time not to hard press it, just develop the relationship on both a legal and personal relationship. And in the last couple of years, those relationships have blossomed. Those are our prime examples.

So the point is you're going to meet people and know people now that at some point in time are going to rise to a level in their respective organizations where they're now the general counsel or assistant general counsel, or what have you, that have the ability to make decisions on legal work.

So this is again an evolutionary process but you have to be patient. It's not always going to be a meeting and then the files are going to be delivered to you. So I think that's an important point to stress.

Gabriel Miller: Let me jump in here for a second and give you an example of how not to use a relationship. And this has happened to me I can't tell you how many times over the years. We've talked about not being shy about using your neighbor down the street, your uncle, your old college buddy, whatever it may be to try to get an introduction and meet with a potential client to start to build a relationship.

There are bad ways to do that. Here's one of them, and again, it probably has happened 20 times to me over the last 20 years, at least, in fact, and that is you won't have a connection with me as a general counsel. Your connection might be to the CFO or the CEO or whoever some senior executive is in the company. Maybe your kids play on the same soccer team. Maybe they're just neighbors with you. And you go to him or her and you say to them – and you approach it somewhat hat in hand because you're uncomfortable with the idea and because you haven't done your homework as to what you've got to offer and all you're relying on is imposing on a personal relationship. And you say to them, "Do you think you might be able to introduce me to your general counsel? I'd love a chance to pitch him or her for some business."

If you approach that valuable relationship that you might have that way, here's what happens. My CEO or CFO comes to me and they say – and they pass it along exactly the way you just pitched it to them, meaning not from a position of strength, not from someone

offering some value, but from someone who has imposed on a personal relationship and probably made them uncomfortable. And they'll say to me, "Would you do me a favor?" This guy lives down the street from me or he's friends with my wife or my husband or my kids play soccer together. "You'd like a chance to meet with him. Do you think you might be willing to meet with him?" Now I'm of course going to say yes because it's my CEO, it's my boss, or another senior executive in my company.

But the message to me has been really clear. Do enough not to embarrass me but I feel no obligation or desire even to do any work, and in fact, this person made me uncomfortable.

So treat them nice enough so that I'm not embarrassed if we end up having drinks at the neighborhood barbecue. But unless this guy wows you, don't worry about it.

As opposed to, again, slowly building a relationship with that person, getting to know what it is that their company might need, and then pitching them on saying, "Hey, maybe you didn't notice but we've got the best employment practice in the area. And I know that you guys just laid off a bunch of people. If there's anything we can ever do to help, we've got some experts on how to do a reduction in force that are known throughout the country. We work with everyone from – list the three biggest clients that you can say without breaching confidentiality." And ask for an introduction that way, but again, always thinking about how to do it from a position of strength and with a position that you've done your homework and you know something about it.

Richard Capozza: So Gabe, just to put this into context, you are not saying that you should not approach a CEO, but if you do that approach, make sure it's carefully vetted, carefully planned, and that when you do make the ask, you're going to be presenting something of value to the general counsel as not viewed as just an arm twister from your CEO.

Gabriel Miller: Oh, no, that's exactly right.

Richard Capozza: Okay.

Gabriel Miller: Yeah, let me be very clear here. You've got that personal relationship because of your neighbor or your uncle or whoever it may be. We're telling you that you can't afford to be shy about trying to use those relationships as opposed to starting a cold call and build something with someone that you don't have a personal

relationship or any connection to already. I'm just saying don't waste that relationship by not doing your homework, not preparing, and not using it wisely.

Paris Gunther: Gabe, if I might.

Gabriel Miller: Sure.

Paris Gunther: It seems to me that we're really talking about bookends. On the one hand, earlier in this call, we were talking about how you start with a professional relationship and you try to migrate it toward becoming more personal. And what we're really talking about at this point in time is starting with a personal relationship and how do you begin to migrate that toward becoming a professional. And I think that the steps are very similar, that you have to actually be engaged, you have to have some interest, and you do your homework and you find kind of an opening and you look for that way of slowly but surely beginning to present.

But I think the other thing, especially when you're coming in through a personal line, is sometimes it's not a bad idea to give something away for free. And I'm not talking about the kitchen sink, but I think in some ways, providing some initial value or insight is not an inappropriate way to begin to make that shift into a more professional relationship.

Gabriel Miller: No, I think that's a great point. I want you to hold that thought because it's one of the ones we're going to talk about next in terms of tactics. And again, as a client, Paris, let's make sure that we both talk about what type of free work has been effective because I certainly have some experience with that as well.

Let's jump to tactics and one of the first ones that we had on our list to talk about was pro bono activities. Rick, do you want to jump in first to talk about this?

Richard Capozza: Yeah, this is the leverage issue that I was talking about earlier. How do you do everything? How do you meet all the demands that we're talking about? The associates have to do billable hours and we're talking about marketing. And our firm has a pro bono policy and a program which we give billable hour credit for up to a certain amount so they think it's attracted to associates.

But I was at a general counsel roundtable and one of the general counsel's at a Fortune 50 company said, "One of the great ways to

get my attention or one of my in-house counsel's attention is get involved in the pro bono activities that we're involved in. Volunteer for the American Heart Association Heart Walk where we're sponsoring team or get involved in" – we're talking about what is charitable pro bono. You've got an in-house counsel at one of your major clients that is on the Prisoners' Rights Assigned Counsel Board. What can you identify that your client is involved in and just volunteer for that because the sweat equity and the participation and your volunteering is just high profile, high visibility.

And I'm going to sum this up. You're really busy but I can assure you on Gabe's side of the table they're just as busy and in-house counsel are incredibly stressed just as private practitioners are and they only have a limited amount of time. So if you're coming to them on their charitable board or their pro bono charity or matter and you're offering to take some of the labor off of their shoulders, I can assure you it's a great way of developing business without having to ask for it.

Paris Gunther: And I think it's also important to remember that in this kind of activity, you're really looking for positions where you can demonstrate leadership and provide leadership and provide value. Sometimes that takes a number of years. You kind of get in the queue, and first, you're doing lower level things, and slowly but surely, you're rising up in the organization, and that's really where you will probably get more visibility, at least in our firm's experience, than you are with your local bar. And so if you're going to do some volunteer work, you probably are better off doing it in that arena.

Richard Capozza: And I also think you need to screen and carefully select what you're going to get involved in. We went back to know your firm, know yourself, know your client, and I do think that whatever you're going to be doing, those three things have to be aligned, and oftentimes they're not. I know of examples where – and I'm not saying it's an associate – but an attorney would be involved in a particular organization or charity or pro bono matter that just is strategically incompatible with the firm or with the practice. So you do need to be thinking about that and making sure you're screening and picking the right opportunities.

Gabriel Miller: And the last comment I'll add to this here is, again, be sincere about it. If someone joins something that I'm working on as part of my pro bono and it's clear that the only reason they're doing it is because I'm there and that they don't have any interest in it, again, you can do more harm than good by joining it that way.

And I think this is to Paris' point – you have to add value and you have to be patient in terms of what pro bono things that you do.

I think there's a lot of, again, good charitable work. As Rick said, it's one way you can connect on a personal level to the people you work with but you have to do it right.

What about industry and trade events? We've talked about the importance of understanding your clients and prospective client industries. How do you decide what to involve yourself in?

Richard Capozza: I think Paris hit on this earlier. What we try to encourage, not just our associates, but our attorneys to do is gravitate towards those industries and trade associations or events that you're not going to see a lot of the local competition – or your competition, I should say.

So for our firm, as a regional firm, the local events for business and trade associations, they're pretty well populated with some of our competition so we tend to gravitate towards real hardcore industry events and try to attend those at the state or national level where you tend not to see your competition.

Now Paris, I know you and I had a discussion that you may have the reverse experience because you've got a different profile than our firm.

But we try to pinpoint those organizations that are aligned with our practices and we're not going to be bumping up against our competition.

Paris Gunther: Yeah, one of the things that we found is because we're a national firm and we're in all the regions, that we were bumping up against pretty significant attorney to potential client ratios in the national meetings.

And so I would say in the last several years, we've been encouraging our attorneys to look closer to home, look for local chapters of organizations where they can become more involved, roll up their sleeves, and be working side-by-side and actually getting to know more people in the industry than they could by going to an international conference that maybe lasts three days and you have about three minutes face time with most people because there's almost a line forming behind them with people trying to get their attention.

The other thing is that very often those organizations have newsletters, some sort of publication, and websites and they're very often looking for content. So by looking for opportunities to perhaps write something that would be of interest to the membership, it's another way of getting visibility.

Richard Capozza: And Gabe, another thing that we've tried to encourage people to look at are the technical chapters of some industry-related organizations where it's going to be populated primarily by non-attorney professionals. So you're not going to be bumping up against the high attorney to prospect ratio that Paris referred to. So you may end up being the only attorney. And it could be a local, it could be a regional event, but you have to be a little bit more selective and you have to do some research to find out what those opportunities are.

Paris Gunther: Also, we encourage our attorneys to think in terms of any kind of unique population they're a member of. So for example, most industries will have either diversity or minority sections, women's sections, things like that, and that also can provide a unique opportunity for them to develop relationships.

Gabriel Miller: Great points. Now I think actually both Paris and Rick, you had mentioned this idea of providing kind of free work to your current and prospective clients, as a client near and dear to my heart. Why don't we talk about that for a second? What kind of examples can we give these folks?

Richard Capozza: It's easy – CLE, free training. I'm sure, especially in the mid to large firms, everyone's got probably CLE certified to provide CLE programming to their clients or to other organizations. And I can tell you that our clients truly appreciate as a value-added benefit in-house CLE training. And it doesn't have to be two or three hours. It could be a one-hour program that you're presenting. And this is something we encourage everybody to get involved in. So I think it's pretty simple. I think it's one of the best value-added things you can provide to a client in today's market.

Paris Gunther: Well, the other thing with CLE programs, it doesn't have to necessarily be from the bottom custom. Our firm keeps track of presentations that are made by partners across the country in the various practice areas. And so to take something off the shelf and make some minor modifications and to tailor it to a particular client or potential client is really not nearly the investment of time and energy that it might appear on the face.

Gabriel Miller: So that type of training is geared toward obviously the in-house counsel and trying again to ease the burden and cost of them trying to go out and getting their own CLE requirements done. I think that's a great idea. My two state bars are one of the few remaining bars that don't require mandatory CLE.

But when I was thinking free advice, I want to give another example to the folks in our audience, and that is that I had a law firm come and pitch me. I was working as a general counsel of a media company. And we were perfectly happy with the folks we were working with and didn't have a lot of interest in considering new counsel until they came in, and again, were smart enough to be able to help me focus on an issue that I had been struggling with, and that was educating both myself and our editors on some basics of media law – fair use and copyright and that sort of thing that I didn't have a good background in. And their offer was, "We'll come in and we'll do a free seminar for your editors as to fair use and copyright issues." And I looked like a hero, plus getting my own education. And sure enough, it had the result that they intended, which was when it came time and we had questions that we needed answered, those two or three hours that they spent presenting to our editorial staff and to my in-house counsel staff – as you can guess where this is going – they ended up as our kind of our specialty media counsel. And we use them as opposed to our general outside counsel who also had a media practice but who would have never made that offer to help us with specific questions when they came up. They had gotten face time with the clients, had a chance to build rapport, show their area of expertise. And again, this was not anything they really had to prepare for, at least not a lot of extra work on their part because this was their day-to-day work that they had done.

Now what was interesting about it was the person who brought them in was the corporate partner. But he understood that he didn't have a lot to pitch. We were very satisfied with our corporate counsel and that his way in the door was to look at kind of where his firm's strengths were and how could they earn some business from us in terms of what our needs were that maybe our current outside counsel weren't already providing.

And so that idea of free training, there are a lot of different ways you can get there.

I'll give you another example as well, which was you can go completely outside of the work that – again, depending on who the client is – your firm would normally be pitching them for.

I had a general practice firm that I had a relationship with one of the partners. We had gone to law school together. And he kept pitching me for business and we weren't interested. There was no way we were going to do work together. And finally, at my suggestion, not his, but it worked out great for his firm, I said, "Look, our employee base is relatively young. We've got a lot of newly married folks, a lot of them with just having kids. I bet you – I know you guys have a trust and estate department. Would you be willing to come in and do a free lunchtime seminar on basic wills and kind of estate planning and durable power of attorney and healthcare proxies, kind of the basics? Because I guarantee you that most of these folks don't have a will yet. And will you offer them a discounted rate if they come to your firm for that work?" And they did.

And it turned out that again, they didn't get business from us on the corporate side. But what they did was they started to get a lot of personal business that fed their trust and estate department because the people love – again, I look like a hero which is a great way to build a relationship with your in-house counsel and make them look good – and they got a chance to build these relationships and get access to potential clients through me.

What about ABA committees and those kinds of legal industry groups that are out there? What about any value for associates in terms of participating in those?

Richard Capozza: Yeah, I think it's an underutilized and undervalued resource. If you can go to any committee or subcommittee, the ABA or your local or your state bar association, generally speaking, you could get the members or the chair of each of those committees and they'll also provide who they work for.

For example, in my area of law, the environmental arena, you go to the ABA Natural Resources & Environmental Energy section and you can see a list of all the committee chairs, and I would say maybe half their industry in-house counsel, assistant general counsels or general counsels at major companies that are chairing or co-chairing these committees. What a great way to get yourself in front of a prospective client or a client, and again, take some of the load or burden off of their shoulders and get to develop and know the relationship. And again, it's not forced because hopefully you're selecting and targeting a committee or subcommittee that's directly in line with your area of practice. So it should be natural. It should not be forced. And again, I think that in today's day and

age, if you can help ease an in-house counsel's burden, it's a great way of developing or starting the relationship.

Paris Gunther: I think it's also a way of differentiating them from one another. I think serving on ABA committees and things like that, even your state bar committees, is a way of getting some credentials behind you, that you're not a jack of all trades, that, in fact, this is a particular area that's of interest to you, it's sufficiently of interest to you, that you have committed time and energy to it.

Richard Capozza: And you're also leveraging the American Bar Association and the State Bar Association's marketing and publications to get your name out there.

Paris Gunther: Exactly, yep.

Gabriel Miller: What about some of the classics here? Again, I know that some of this stuff has gone away at least under the current economic environment, but it'll be back. Everything from lunches and dinners to ball games to supporting charity events, whatever, how do your firms use those?

Richard Capozza: Yeah, Gabe, I think that yes, acknowledge, in this current economic environment, that marketing and business development dollars are being restricted or cut back.

Let's get into the dinners and the charity events and the sporting events. I think that's later in the associate's career path, and not to say that you can't do it as a junior associate or mid-level associate, but you have to have the resources.

But just from our perspective at Hiscock & Barclay, that's actually where we're devoting a lot of dollars, is not just necessarily the entertainment events but the direct client meetings and direct client development face-to-face because we think that's critically important at this juncture.

In terms of the associates though, this is sort of more towards nearing partnership and what you need to be doing, and that is really developing the social side as well as the professional side.

Gabriel Miller: So what you're saying is that they're too low down on the food chain of access to any of these goodies?

Richard Capozza: No, I think in a resource-constrained environment, it's a little bit more competitive than it used to be.

Gabriel Miller: Fair enough. How about you, Paris?

Paris Gunther: I think it's important to understand why you do it. I think it's important that you remember that there are firms that merely rent business. I think that writing a big check, doing certain things in the short run but that's not really cementing your relationship in the long run. And I think that there are a lot of tools in the bag. And I think that sometimes it's the lazy person who thinks in terms of the best way to do it is to buy a table at a charity event or something like that. I don't think that's terribly creative. And I think sometimes the exposure could be greater, for example, by doing some volunteer work as opposed to writing a check.

Richard Capozza: And I think we need to just clarify that, Paris, and you're not saying not to do those because I do think it cements and solidifies your relationship so long as it's part of a more holistic approach and not the only thing you're doing.

Paris Gunther: Exactly. I'm saying that if that's what you're looking for to do, it needs to be part and parcel and not a stand-alone.

Richard Capozza: But Gabe, getting back to the charitable events and the associates being low on the totem pole, I will say this, we still are contributing to charities, we are still taking tables at events. And I think, especially at my firm, it's a cheap way for an associate to get involved in interpersonal skill relationship building, meeting clients, getting out there. And oftentimes – and I hate to admit this – we throw seats or tickets away because we can't get people to fill them. We don't mandate that associates or anybody attend the functions.

But I guess what I'm trying to encourage associates is to try to look at that as an opportunity for you to get involved and to start to develop the relationships and get in front of clients because again, as Paris was alluding to, it's not the only part of developing the client relationship. But I do think it's important that if you're at the event and there's a CEO or the general counsel, make sure you go up and say hello and let them know that you're from XYZ firm and you're there as a representative of the firm and I'm sure they will appreciate that.

From my perspective, I see it as sometimes an underutilized and wasted resource particular at our firm.

Paris Gunther: I think also it's important – I don't know how many times I've been to events and I see a cluster of our attorneys and I can't figure out what they're doing because they know one another and they shouldn't be hanging around with one another. Yes, if you're at an assigned table but that doesn't mean you have to stay there all evening.

If you are at an event that has opening seating, you shouldn't be hanging with the people you know from work. That's not your goal and objective. Your goal and objective is to go out and to potentially new and different people.

And I must confess both at Shearman and here at Wilson Elser, sometimes when we've had CLEs and we've invited clients in, I almost have to go up behind some of our attorneys and get them to break up and to go over and talk to the clients.

So I do think it's important – again, everything is about a relationship.

And I think that Rick's point in terms of opportunities like that being underutilized makes absolutely no sense to me, absolutely no sense.

Gabriel Miller: I want to move on and I'm going to start with this idea of social engagements to the category of what not to do. And I'll start with these things like ball games and dinners.

I'll tell you, as a client, that dinners and lunches especially are typically very unattractive to me because again, I have so little time. No offense, but if I've got a chance that I don't have to stay at work, I don't want to have dinner typically with my outside counsel unless they're from out of state and I normally don't get a chance to spend any time with them, and even then, I'd much prefer that they find a way to come see me during the business day, because if I'm not working, I want to go home or go see my friends.

And so I think those sort of things, again, are a lazy person's way out and are just kind of historically how things have been done and maybe were more appropriate when in-house counsel weren't as time-stressed as we are.

But again, in talking to my fellow general counsel, most of us don't look favorably on offers to go out to dinner or lunch.

I sometimes jokingly say, "Well, my affections can be bought," and it is great when someone gives me tickets to a concert or tickets to a ball game. But I'll tell you how that's been most effective, and again, part of this goes to knowing your client.

I've had the luxury of working in a couple of privately held companies where I didn't have Sarbanes-Oxley type or corporate type rules that limited what we could accept. And so again, you better know what your clients can and can't do. But some of the most effective things I've had were where someone simply said, "Listen, we want to say thank you for all the business you've given us." And by the way, that's one of the most underutilized rainmaking tactics out there I would suggest to associates, which is simply being appreciative, outwardly explicitly appreciative for the work that you've gotten, and asking, "What are some other ways that we can help you?"

But I've had folks who have simply given me tickets that have allowed me to take my kids to a ball game or take a bunch of other people from work to a ball game, and that's been incredibly appreciative because again, I look like a hero either at home or at work, both of which I like, and have been able to spread that goodwill among a number of other people around the office. And so sometimes the attorney doesn't even go with us. And again, you have to know whether the company will allow you to do that or not, but something to keep in mind.

Richard Capozza: How about a counterpoint, Gabe?

Gabriel Miller: Sure.

Richard Capozza: Because I don't think it's dead and I think what you're hitting on is that it doesn't work for everybody, and I found that to be true, but I also think that the classic schmoozing is still alive and well even in this economic downturn. But I do think you have a very, very important point and it all goes back to know your client and know a little bit about them. And what you have identified is exactly what we do sometimes, and that is look, if we know that the in-house counsel's got two kids that are of a certain age, we're not going to invite the general counsel to come to the game. We'll invite the general counsel with his kids to come with our kids. So you know what I mean? So you're trying to accommodate exactly what you are outlining. You're busy – you want to spend time with your family. Or, if we do an event, we'll say, "Hey, do you have a friend or a couple of friends you would like to invite to this that might enjoy this as well?" And that's always appreciated. I think we have a

higher level of success of getting someone to do it because we're opening up beyond just a straight attorney-to-client relationship.

Gabriel Miller: Absolutely.

Richard Capozza: I guess we're saying the same thing. You just need to understand the context and the situation. I don't think it's dead though.

Paris Gunther: I think one area that struck me though in listening to both of you, very often our clients are coming in from another venue, and so if you have a client in town away from friends and family and whatever, I think that is one of the opportunities you have just to keep them company, to make certain that they're not having to eat dinner by themselves, to make certain that if they do have to stay over a weekend that you kind of help fill the time so that they're not at loose ends.

Gabriel Miller: Okay, I think those are again great points and go to the overall theme we've said again and again, which is know your target and what works for him or her.

We only have a minute or two here because I do want to leave some time for questions at the end, so literally, Paris and Rick, just a minute or two on some of the other what not to do or what to be careful about. And I know that again in our prep you guys had mentioned some of the dangers of some of the new technologies that are out there.

Richard Capozza: It's just common sense. Whatever you put on Facebook or MySpace, I assume that someone's going to be looking at it and judging you by it.

Paris Gunther: And assume that whatever you put out there will be out there indefinitely.

Gabriel Miller: Great points. And again, some of this stuff may seem so obvious, but I promise you again, as the client, it's not obvious. I've seen bad examples of this, and one of that is the classic dress for success. Even though your client may be business casual, the first time that a lawyer shows up to pitch me for business, I have to say that I've had both the business people and myself react negatively to that person not showing up in suit and tie or formal business attire, whatever that may mean.

Paris Gunther: And again, part of that goes to you do not want any aspect of how you present yourself to, in any way, conflict with putting forward an

impression on the part of the client or potential client that you are somebody that they should feel comfortable in trusting their legal matters to.

Gabriel Miller: Great. I have one last point and then we're going to open it up to questions for the final 10 minutes here that we've got, and that is that everything we've said, as I said, is the themes you need to keep in mind or that there's a balancing here, that you need to know your audience. And finally, you need to be constantly reevaluating what you're doing because your firm's going to change, your position within the firm's going to change, your targets may change where they are and the industries that they're in may be going through certain cycles. So your business plan has got to be something that is looked at as in need of constantly being reevaluated and refined.

So with that, I'd ask the operator if you could open it up to questions to our panel.

Operator: At this time, if you'd like to ask a question, press star, then the number one on your telephone keypad.

We'll pause for just a moment to compile the Q&A roster.

Again, if you would like to ask a question, press star, then the number one on your telephone keypad.

And there are no questions at this time.

Gabriel Miller: I find that hard to believe. Are you all just sitting there just – we couldn't have been that good that you have no questions to ask. So I guess, operator, if it's okay, while we've got again a couple of minutes left, I'm assuming they can still do that and you'll interrupt if we get a question?

Operator: Yes, sir.

Gabriel Miller: That'll be great, thank you.

Operator: You're welcome.

Gabriel Miller: Then let's finish up because I did cut you short on some of the things that we said that we think are kind of what not to do.

And actually, even before I get to that, I want to share with this audience how do general counsels and some of the targets you're

looking at go ahead and pick who they're going to work with. And I think – I know I shared this with Rick and Paris – it's not easy information to hear because despite all the hard work we're telling you to do, there's a bit of fortuitousness to how this happens.

I belong to a general counsel ListServ of a couple of hundred general counsels within just Massachusetts as well as some that are nationwide, and on a daily basis, we get requests from someone who will say, "Does someone know a lawyer who does the following work in Pennsylvania? I'm looking for someone who can handle a major collection action or a patent infringement suit or whatever it may be." But two or three times a day often we'll get those types of email requests across our ListServ. And within minutes, oftentimes within seconds, because it's always more fun to work on someone else's job than what you're supposed to be doing, we will get responses from our colleagues offering up suggestions of the people to work with.

And here again, I would suggest to you that you need to understand that dynamic which I'm seeing more and more happen. And with the relationships you have, talk to them about how they pick who they work with outside counsel. And if you're finding that that's one of the ways that they're deciding who to work with, again, one of the things I find that lawyers are notoriously bad at is just coming right out and acting like salespeople, which means again both thanking the client for work and asking for business. And again, as in-house counsel, we work with our sales teams all the time and so we're very comfortable with the idea of the sales process. And don't find it uncomfortable when someone says to us – again, approach correctly – with the idea of, "Boy, I'd love to do some work for you and here's what I can offer." And here's an opportunity where you need to understand this new dynamic that we're no longer opening up Martindale-Hubbell when we don't have local counsel in trying to find the largest firm in a particular state. It's all over the email at this point in these types of ListServes of how we get these recommendations. And oftentimes we do no more due diligence than if we get a good recommendation from someone that we trust.

So one of the issues that you need to think about as you develop yourself as a rainmaker is how do you stay top of mind with those long lists of contacts that you've got so that when these things get floated around the groups they're in – and that group may be a group of CEOs, a group of chief operating officers, a group of in-house counsel – and they're all asking for the same thing, how do you get them to think of you and be willing to take the moment to

respond and make a suggestion that you're the right person to do the work.

Paris and Rick, is there anything else that you'd like to add to that?

Paris Gunther: The other thing I think sometimes associates are uncomfortable with the concept of rainmaking because somehow it's not something they were necessarily taught in law school and somehow some people get a sense of sort of a used car salesmaness about it and et cetera. And I think that it can be beneficial to look at it from another perspective, and that is if you truly believe that you are capable of providing services that would be of benefit, that, in fact, you may be doing a favor to the people that you've developed relationships with, because, after all, you want to help them solve their problems. And if you look at it from that perspective and you approach it from that perspective, I think that you may find that you will be more comfortable having the conversations.

Gabriel Miller: Great. We are, I think, out of time. I want to thank everyone – thank you, Rick, thank you, Paris, and thanks to our audience. We really appreciate it, you listening to us. Hopefully, we've done what we set out to do, which is to provide you with some practical advice on how to start your rainmaking that's going to be part of the rest of your career. So thank you all very much again.

Operator: This concludes today's conference call. You may now disconnect.