

Rainmaker Q&A: Snell & Wilmer's MC Sungaila

Law360, New York (September 11, 2013, 3:31 PM ET) -- Mary-Christine (M.C.) Sungaila is an appellate partner in Snell & Wilmer's Orange County/Los Angeles office. She has consistently briefed and argued cutting-edge appeals that raise core business issues — in 2013, for example, she has two merits cases pending before the California Supreme Court — and has helped secure important rights for women and girls, nationally and internationally. Twice named as a “Notable Appellate Practitioner” by Chambers USA (one of only six individually ranked appellate lawyers in California), she is described by clients in one Chambers listing as a “gifted appellate lawyer who consistently delivers bottom line results.”

In 2012 alone, Sungaila contributed to a range of influential cases in California and across the nation, helping to preserve the attorney client privilege, extend the assumption of the risk doctrine, limit the reach of class actions and securities laws, and prevent compelled speech under the First Amendment. She has received widespread recognition for her work, including being named one of 40 "Women Leaders in the Law" in California by The Recorder, and one of California's Top Women Lawyers by the Los Angeles and San Francisco Daily Journals. She chairs the Amicus Curiae and Appellate Practice Committees of the International Association of Defense Counsel, and holds appointed positions to corresponding committees of the ABA.

Q: How did you become a rainmaker?

A: The short answer is I became a rainmaker because I had to: when I came to Snell & Wilmer three years ago, my mandate was to develop the appellate practice group, which you can only do by getting more clients and expanding the firm's work for institutional clients. I am glad I became one, and would not have it any other way. In some ways, though, I have always had the makings of a rainmaker. One of my former law partners used to say I could make friends and gain clients standing in line at the grocery store — and in fact, I did once come back from a car repair visit with a new client I met on the return shuttle from the car dealer.

I divide my business development time into three areas: (1) reputation development (contributing to leading appellate treatises, writing articles, guest blogging, law school teaching, speaking on panels five to seven times a year, and significant pro bono cases), (2) relationship development (e.g., bar and civic leadership, regular phone calls and contact with clients), and (3) new matter development (nurturing relationships with referral sources and potential new clients). This is probably fairly similar to most rainmakers. But along the way, I keep in mind the traits which distinguish me. I am a big picture thinker

who, as one of my clients says, “thinks five or six moves ahead” and well beyond the particular case, much like a general counsel.

I am also empathetic, and pay attention to what would be helpful to the client, instead of what in my background or experience might impress them. When I meet with a potential client about a case, I prepare ferociously, as though the case were already mine, and engage in a substantive conversation about the case, applying my knowledge to their problems at the outset. I also consider what our firm can collectively offer that is different. For example, we hold annual intimate roundtable seminars for our in-house counsel clients and future clients at which we review the current and pending Supreme Court cases nationally and at the state level, and provide one-page executive summaries of the cases compiled by our employment, IP, business and appellate lawyers. The presentation is at once academically sophisticated and practical, with an eye toward in-house counsel’s need to be kept up to date in an efficient manner.

Q: How do you stay a rainmaker?

A: Through hard work. Once a client decides to work with you, you and your team need to deliver high quality work product and a great customer experience. Meanwhile, you need to continue to develop the relationship with the client, as well as with new potential clients or referral sources. As an appellate lawyer, the source of my business may be trial lawyers as well as the CEO or general counsel of a company. Indeed, some of my repeat clients are some of the country’s best trial lawyers, who recognize the value of our teaming up early in a case. One of the biggest growth areas for my practice has been consulting on key issues across multiple cases or on singular key cases before trial even starts.

Business development for me includes a lot of pro bono and community service, including board leadership for nonprofits I care about, as well as bar and thought leadership on the international, national and local level. Many co-counsel and client relationships have been born in those settings, and nurtured through followup phone calls, lunches, mutual assistance and referrals. For the reputation-building part of business development, I write and speak several times a year, including teaching a law school class and contributing to appellate treatises. A commitment to rainmaking and practice development is not for the faint of heart.

Q: What advice would you give to an aspiring rainmaker?

A: Three things: (1) Be yourself, (2) Work your plan, and (3) Persist but be nimble.

First, be yourself: making rain is about developing relationships of trust and value. The best way to do that is to be authentic and genuinely interested in others. You do not have to golf or go to sports events if you do not enjoy them. I have a passion for supporting other women, and organize annual lunches for women lawyers, which blossom into referral networks.

Second, have a plan: Business development does not just happen. You need to determine the kinds of clients you want to work with, which clients have a need for your practice, and develop relationships with them. It takes seven to nine meaningful touches — touches that are meaningful and helpful to the potential client, not you — to develop a new client.

Finally, be persistent but nimble. While persistence is important, you also need to know when to switch tactics or even reassess your dream client base. I reassess my plan each month, based on the input I receive from my “touches” with potential clients. For example, if a potential client already has appellate

counsel they are happy with, or has little need for an appellate lawyer right now, that is valuable information (however disappointing it might be) which helps you prioritize your contacts with them. But you only discover that information by talking with and listening to folks during your “seven to nine touches.” The point of each contact should be furthering the relationship, not landing a particular case. The cases will come if you develop relationships.

Q: Tell us a tale of landing a big client.

A: This falls more into the category of expanding a current client, but it exemplifies how I work. I once had an appeal that, frankly, was not wise for a client to pursue to a final decision. When I got the file, no one had told the client this. Soon after reviewing the case, I called the client and told him, “I would be happy to take this appeal to the mat for you, but I would like to point out some potential downsides to doing that.” I laid it out for him, including the alternative of proactively searching for a case with less troublesome facts to appeal. We worked out a strategic approach to the entire line of cases. I now handle multiple appeals and trial consulting assignments for that client. That all started because I said, “I am not sure this case is the best one for you to pursue” — in other words, I said that I cared more about the client than billable hours on any individual case.

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