

Moving On Up: Reaching the Next Rung on the Law Firm Ladder

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I've been glancing at the rear-view mirror of my career, reflecting on what worked for me (and what didn't) after nearly three decades in the law. I summarized some of my "hindsight" lessons in "What They Didn't Teach You In Law School,"¹ and readers encouraged me to follow up with suggestions for more senior practitioners.

With more than a million lawyers in the US, it's hard to stand out professionally. While junior associates typically await assignments from partners and strive to complete them well and on time, for more seasoned professionals, simply doing excellent work is not a reliable formula for success in a highly competitive environment. Eventually, every private practitioner must attract and maintain profitable clients, leverage work so that junior lawyers and non-legal staff can be recruited and compensated, and contribute to building the firm's "brand" to ensure its longevity and reputation. The timing of these responsibilities varies from firm to firm, but attorneys may be preliminarily evaluated on their *perceived* ability to achieve these goals as part of a partnership's discussion about their career advancement. As a result, it's never too early to think about what talents, traits and behaviors characterize lawyers on the way up the law firm ladder. A surprising number of these are hidden in plain sight.

There are no "one-size-fits-all" techniques for advancing in law firms because individual lawyers (and clients, and law firms) run the gamut of personality types and professional approaches. Moreover, what works for one person may not work for another. However, a handful of general principles inform an approach to practice used by many successful practitioners.

First and foremost, lawyers must remember that law practice is a *service* profession. Clients need generous amounts of care, communication and contact. Second, a lawyer's colleagues (including her competitors) can be invaluable sources of information and referrals. Third, experienced attorneys have much to gain by mentoring their less experienced counterparts. Finally, true professional success and career satisfaction for attorneys often requires contributing to educational, professional, non-profit and *pro bono* causes, and individual involvement with communities outside the office.

¹ "What They Didn't Teach You in Law School," by Andrea Lee Negroni, *Washington Lawyer*, Vol. 25, No. 4, December 2010, p. 33.

Early in a private lawyer's career, the killer hours, deadlines, work-life balance issues and even office politics may leave little time and energy for service-centricity, professional collegiality and interaction, mentoring, or promotion of worthy causes. When the clouds part and lawyers can see the forest instead of the trees, however, acting on these principles in tangible ways can foster upward mobility in the firm. With these thoughts in mind, below are 13 suggestions for moving into the second stage of a private practitioner's career.

1. **From a client's perspective, the magic words are: How can I help you?** Clients don't hear these words often enough. Lawyers are trained to talk, and unfortunately, sometimes do too much of the talking. A person who is talking isn't listening. When a client or prospective client calls a lawyer, it's because they have something to say and their message probably includes a problem. Appreciation of this fact makes the "how can I help?" response automatic. Moreover, hearing those words is reassuring to a client, even before the lawyer analyzes the problem and starts to dole out advice. Complex problems take time and skill to solve, but the task of reassuring your client that you're there to help should start immediately.
2. **Out of sight is out of mind.** Reach out to clients regularly, whether or not you have current matters pending. Ongoing work involving periodic retainers is nice, but in reality, much legal work consists of one-off assignments or sporadic representation. This is partly due to high hourly rates and increasingly sophisticated in-house law departments, but *out-of-sight-out-of-mind* may also be at play. Clients may remember problems and legal solutions longer than they remember the particular lawyers involved in reaching those solutions. Marketing experts say it can take nearly a dozen personal contacts before a person makes a distinct enough impression on someone else to be remembered *at all*.

Blogs suggest that only a small minority of salespeople make more than three contacts before giving up on sales attempts, but that nearly all sales are made after more than five contacts. Apparently most salespeople give up before they've given themselves a chance to succeed. While lawyers aren't salespeople, we can still appreciate the lesson that frequent, or at least regular contact provides opportunities for clients remember who you are which itself increases the likelihood they will send business your way.

Don't expect most contacts to have immediate "payback" in the form of new work, though. Regular phone calls (not just emails) are an effective way to reinforce client perceptions that you are thinking of them and that your

relationship is a two-way street. One call a year is infrequent enough to be pointless, but a monthly call is reasonable. If you're in the same city, combining a call with a lunch or dinner invitation, or an invitation to a social event creates opportunities for the kind of one-on-one face time that can eventually lead to an expanded business network.

Outreach efforts shouldn't be limited to clients and prospective clients. Keep lines of communication open and buzzing with experts with whom you have cases or interests in common, such as accountants, expert witnesses, consultants, and headhunters, because the wider your active network, the more likely it is people will think of you when an appropriate need arises. It's a truism that people prefer to help people they know than engage with strangers. Moreover, in some circumstances, legal engagements materialize overnight, especially when clients are in crisis-response mode; these situations usually result in calls to known professionals, as there may not be enough time to identify and engage unknown lawyers.

3. **Go public.** Competition for legal work is intense. American lawyers compete not only with their counterparts in other firms, but with offshore attorneys working through outsourcing arrangements in places as far-flung as India and the Philippines, and even with the developers of legal technologies who are automating some of the litigation functions involved in high-stakes cases. It's a buyer's market for many types of legal services.

Despite the competition, most clients still choose their lawyers based on perceived expertise and skills. Clients sometimes must justify their choice of counsel, however. Even clients who are confident they're using the most skilled lawyers may have to demonstrate the lawyer's expertise to their bosses, general counsels, or board members. The easier it is to find and prove a lawyer's skill and knowledge, the easier it is for your client to justify having chosen you. Even assuming identical skill and success levels, a lawyer with an excellent public profile is a safer and lower-risk selection for most clients than a virtual unknown.

Publishing articles within your specialty area, giving speeches, webinars and podcasts are all effective methods for disseminating specialized knowledge. It's an advantage to publish or present multiple times on the same subject, rather than sporadically publishing or speaking on a wide variety of topics. Multiple papers on the same subject by the same author achieve a higher ranking among results in online searches, for example. Seeing a lawyer's name associated with several articles on the same subject enhances the perception of the author's subject matter expertise. Once you've published,

spoken and podcasted, circulate your work in as many places as possible, for example, by posting them on your professional profiles (on sites such as LinkedIn and JD Supra), your firm's website, and in other media, such as your law school's alumni magazine or website.

Consider having colleagues or clients nominate you for professional accolades, such as "Top Lawyers," "SuperLawyers," "Best Lawyers in America," and Chambers. Martindale-Hubbell also has peer ratings for lawyers which reflect the opinions of other lawyers, gathered by questionnaires and interviews. Those who admire you may be enthusiastic about nominating you if you let them know you're interested. These designations can add credibility to a lawyer's reputation and create a durable record of your accomplishments which is permanently accessible worldwide through the internet.

Go public with your personal expertise as well as your professional knowledge -- clients need to know that all lawyers aren't interchangeable, and an interesting or unusual hobby or special skill can help you stand out. There's no reason your online profile can't reveal you're a marathoner, thespian, author of children's books, oenophile, jazz musician, horse breeder, or speaker of multiple languages. Shared interests help cement relationships, so make your interests known.

4. **Seek out other experts.** Many lawyers avoid their competitors, either because they don't want to reveal how or what they're doing, or perhaps fearing the poaching of clients. Some even balk at public speaking or making professional presentations claiming they don't want to educate the competition. Keeping your expertise *too* close to the vest can be counterproductive, however. Those with the best insights may be your competitors in other firms. Mingle in their midst and you'll probably learn who represents whom, and how others are handling their case loads. Even subject matter experts can learn from others, and it's not always immediately apparent when learning is going on – listening to other experts may trigger novel thoughts about subjects you think you've already mastered.

Ethical conflicts invariably arise in the selection and retention of attorneys, and being known and respected by your competitors is an important first step to gaining referrals from other lawyers. Finally, firms that have deep expertise and busy practices tend to be those that grow fastest to accommodate new business, which means they're the ones hiring. They can't recruit you if they don't know you're out there.

5. **Don't gripe about your workload.** You're busy. We know. Lawyers are notoriously vocal about how busy they are. Every day I hear a variation on the same theme: "I'm slammed," "working flat out," "I'm crazy busy," "I have no more bandwidth." Think about how this message sounds to prospective clients. It gives the impression the lawyer has no time or energy for new work. Who wants to hire an overworked lawyer or one who's running on empty?

Clients need to know that their matters are not only important to their lawyers, but that their lawyers have enough time and energy to deal with them energetically, enthusiastically, and effectively. No client wants to be wedged in to an overstretched schedule, nor do clients want to feel double-booked, or that their business will be promptly delegated to less experienced junior associates. Constant drumbeating about how busy you are can actually backfire and scare potential clients to your competition.

6. **Team up to keep up with more junior lawyers.** An irony of modern law practice is that senior lawyers have more knowledge and experience, but junior lawyers have a better handle on technology applications and social media. A middle-aged partner might make an in-depth conference presentation but not know how to tweet it, and may not think about putting a QR code or a foreign language translation on the back of her professional card. Creating mentoring relationships with more junior lawyers creates win-win opportunities all around. The senior attorney shares his knowledge with his juniors, and includes his less experienced counterparts in client meetings, business lunches and business development events, and the junior lawyers can reciprocate with help on social media use, new iPad apps, insight into what young lawyers are thinking, and so forth.

I've had many instances in which I benefitted from interacting with younger lawyers. For example, I'm often approached for advice on money transmitter laws by clients with online financial businesses. Recently, I was asked for money transmitter advice by developers of online games in which the goal is to earn "in-game" currency and objects which can be bought and sold by the players. Fortunately, I've worked closely with a much younger lawyer who is very adept at these games; he showed me not only how they work, but convinced me they're fun. Now I have an amusing activity for subway commutes and can give more informed advice to the client.

7. **Don't wait for the phone to ring.** Some lawyers distribute their cards like candy at meetings, conferences and social events. While the exchange of business and professional cards may be a customary and polite gesture in

some cultures (Japan, for example), here it can seem pushy or annoying to thrust a professional card into someone's hands without provocation. A lawyer should always have a card handy, but lawyers often don't, especially as introduction opportunities may occur in unexpected places, like your child's soccer match or a yard sale. Train yourself to memorize phone numbers and you can always follow through with an interesting introduction even if you can't produce a card. It's easier than you think -- a phone number is only 10 digits; if you've passed the bar you've memorized more than that. Then, actually use the number (re-read #2 above) to keep in touch.

8. **Cross intellectual borders.** Don't limit your professional involvement to what you already know. Some subject matter experts become narrowly focused as they develop and refine their practice areas, sometimes to the point of ignoring other areas of law, even if they're related. It's a good idea to attend meetings on subject matters outside your own and to read widely in the law, because, as they say, one thing leads to another.

My practice centered on residential mortgage loan regulation in the early 1980s, but the mortgage business migrated from bricks-and-mortar loan offices to the internet in the 1990s, and segments of the business moved from US-based offices to offshore locations after 2000. My clients started asking about web-based loan origination programs, and eventually, about the regulations applicable to internet lead-generation programs. Online lead generation led to questions about online privacy, which then morphed into issues of data protection, electronic signatures, and even payment systems for online gaming. Offshore mortgage and financial services regulation led to research into various aspects of outsourcing.

I couldn't have predicted how the mortgage industry would evolve at the start of my career but I eventually realized that technology and Thomas Friedman's "flat world"² were transforming financial services. I should have spent more time learning technology and technology law once I'd developed expertise in mortgage law. Mid-career lawyers need to think long and hard about where their clients' businesses are headed and prepare themselves to address a wide range of their issues.

9. **Reciprocity matters.** Be a resource. Lawyers have countless opportunities to give clients more than just legal advice. Reading between the lines of a client's questions and concerns can provide opportunities to educate and

² "The World is Flat: A Brief History of the Twenty-First Century," by Thomas L. Friedman (2005, Farrar, Straus & Giroux).

inform the client. For example, if a client has a regulatory headache from a particular source, he will be interested not only in having the problem sorted out, but in any useful information about the people, the agency, or the policies involved. A client involved in a search for an executive or an in-house lawyer will appreciate qualified candidate referrals. Unexpected unavailability or absences of key in-house lawyers can be an opportunity for a law firm lawyer to fill in on-site and meet new members of the client's organization and learn about the company's culture and how it operates.

Clients want and need referrals for all kinds of services involving all manner of professionals, such as accountants, advertising agencies, temp agencies, webmasters, technology managers, bankers, investors, and even event planners. If you see the client's business as a whole, and are available to pitch in to help the enterprise beyond the legal issues involved, the client will see you as a valuable resource and a loyal ally. Grateful clients have been known to thank their lawyers with additional work, board memberships, by hiring their children for internships, and in other tangible and intangible ways.

10. **Show the love.** An article in a prestigious business journal described the results of a poll of customers about whether they planned to use a service provider (or use the provider again, in the case of existing customers) following a gift-giving experiment. As I recall, the customers were separated into three groups – one group received no gift from the service providers, one received an inexpensive gift and one received an expensive gift. The gift recipients reported a much higher likelihood of hiring the provider than the group that received no gift, but the difference between the recipients of the expensive and inexpensive gifts was minimal. In other words, the mere fact of receiving a gift made the recipients more likely to use the provider again, but the value of the gift didn't matter much.

Clients spend a lot on legal bills and they like being thanked for their patronage. Law firms traditionally buy lavish holiday cards, many of which are pre-printed with individual attorney signatures, but few of which make a lasting impression. In fact, stacks of cards can be vaguely burdensome, piling up like confetti when business colleagues may be facing year-end deadlines. A Starbucks card or a gift certificate to the local theater or symphony (or an iTunes card for the younger client) is more likely to stand out and give pleasure to the recipient and it surely won't be thrown in the trash.

As an in-house counsel 25 years ago, I treasured the pocket-sized Tiffany leather address book that one firm sent me every year, even though it cost only \$25 back in the day and I could have afforded to buy it for myself. Why shouldn't a law firm send a \$100 bottle of wine or an exotic fruit basket to a client that provided \$250,000 worth of business that year? Clients don't select lawyers on the basis of gifts, but if a lawyer is going to make a thank-you gesture, he might as well choose one that stand outs and is sure to be welcome.

Intangibles make nice gifts too. Just as your clients and colleagues may nominate you for awards and honors, you can find opportunities to do the same for them. It can be a real career-booster for a corporate counsel to be honored as "Corporate Lawyer of the Year," or have his or her law department nominated as Best Legal Department. Magazines, newspapers and trade associations focusing on particular industries often offer honorary designations that your clients would be delighted to receive. Out of modesty, they may not ask you – or even be aware of some of these awards – but you can seek out these opportunities and ask if you might put their names forward.

11. **Maximize personal contact.** Despite the high-tech environment that characterizes modern law firms, dispensing legal advice remains a personal undertaking and most clients want to establish a level of trust with their lawyers. The American Bar Association recently published a survey on how individuals select attorneys for personal services,³ and not surprisingly, referrals through friends, family members and colleagues overwhelmingly lead online searches and other advertising as a way to find a lawyer. "Trusted sources dominate the ways in which people would find a lawyer if they needed one for a personal legal matter."⁴ In fact, people with higher household incomes were more likely to ask a friend or family member for a referral than to turn to a lawyer they already knew.⁵ The conclusion speaks for itself: "The finding that a high majority of people would turn to trusted sources over impersonal sources suggests that practitioners in general should apply their energies and resources to better customer service, on-going contact with prior clients and a higher public profile."⁶

³ "Perspectives on Finding Personal Legal Services, The Results of a Public Opinion Poll," American Bar Association, Standing Committee on the Delivery of Legal Services, February 2011 (hereafter, "Perspectives on Finding Personal Legal Services").

⁴ "Perspectives on Finding Personal Legal Services," p. 8.

⁵ "Perspectives on Finding Personal Legal Services," p. 9.

⁶ "Perspectives on Finding Personal Legal Services," p. 11.

There are many ways to increase face time with clients. The easiest is to go where the clients are – attend business conferences that your clients attend, invite them to meals and in-office conferences if you're in the same city, or arrange meetings with them when you're in their cities. Filter your client list geographically in advance of travel, making appointments to meet clients in cities you visit. Even on vacation, think about opportunities to meet with clients and prospects. While some lawyers might see client meetings as a bother on vacation, off duty you're likely to be more relaxed than in the office, so client get-togethers can actually be pleasant. There's less pressure at a poolside lunch than an hour in a conference room, and an informal setting can help set the tone for bonding between lawyer and client.

12. **Do unto others.** Your clients, colleagues and others in your professional network have interests, causes and commitments outside their law offices. They may write novels, run marathons, raise funds for political campaigns, or volunteer at hospitals or museums. Inevitably, they will come to you for support. Say yes. Buy their books, contribute to their fundraising efforts, attend their charitable events, and book a table at their benefits. During the summer, if you have the need and the budget, hire their children for internships. You don't have to break the bank to show support for someone else's worthy causes. Recently, a lawyer in another firm asked his friends, including me, to kick in \$25 or \$50 so his son can fund a movie he's making about the attempt of a 77-year old Chilean to build a backcountry ski operation in the Andes, financed by his modest life-savings. I wish I had more opportunities to earn goodwill from successful colleagues for a mere \$25 or \$50, and I'll probably get a couple of free passes to the movie too!

Supporting activities that are important to the people who are important to you demonstrate your commitment to others and offer an easy way to reciprocate for the benefits they've sent your way. Moreover, they give you an opportunity to support worthy causes you might otherwise have overlooked. Finally, when you support someone else's causes, they're much more likely to support yours.

13. **Take the long view.** The transition from junior to senior lawyer requires refocusing one's vision from the trees to the forest. Junior lawyers focus on pleasing (or at least not offending) the senior lawyers in their firms, billing enough hours, and competently handling their assignments. Mid-level lawyers concentrate on developing an in-demand expertise and ensuring that the universe of prospective clients and competitors is aware of that expertise. Mid-level lawyers desiring to continue to climb the law firm ladder, however, must start thinking like owners of their firms, taking a variety of

steps to create, reinforce and acknowledge client relationships. Senior level lawyers, in addition to applying their hard-won expertise to client problems, must create satisfying work environments, take personal responsibility for the quality of their work and that of others, and foster the professional collegiality that leads to long-lived law firms with loyal clienteles.

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