

How to develop business without really trying

Ed Wesemann* takes a tongue-in-cheek look at what associates can do to generate business for their firms.

Every year some firm asks me to speak to their incoming class of associates on how they should begin their business-development efforts. For years I've pitched the standard techniques of personal marketing and, even as I was speaking, I could see the seeds of the arguments they would spill back at me as their careers were already starting to germinate – the top five reasons why associates can't develop business:

- 'I didn't go to law school to become a salesman.'
- 'The firm values billable hours and I can't bill hours and develop business.'
- 'I have a [insert one] new spouse/young child/sick mother and my time outside the office is taken.'
- 'I'm an introvert by nature.'
- 'I don't plan to become a partner.'

So this year I decided to take a different approach. Instead of the marketing-department party line, I would tell them the truth. I now repeat for you what I told this year's class of bright-eyed and extraordinarily well-paid associates.

There are three strategies attorneys in a large law firm can employ to generate business. The first is **The Active Sales Mode**. This includes all the normal law-firm marketing advice: constantly be on the look-out for business-development opportunities, become active in civic organisations and trade groups, write articles, give speeches, join country clubs and hob-nob with people who can give you business. (I confess I don't personally know any associate for whom this has actually worked but, with perseverance, who knows what might happen?)

Strategy two is to **Hitch Your Wagon to a Star**. Find a partner who has a big book of business and ingratiate yourself – a partner a couple of years from retirement or who smokes heavily would be ideal. Then go about impressing that partner's clients with your legal mind and service ethic (most clients don't know torts from toothpaste, so you're better off with service). Wow them: deliver documents to their house at nine on a Sunday night, send them clippings from

their industry's trade magazines, remember their children's names and ask about them in every conversation. The more aggressive associate might consider suggesting to the partner's secretary that the client's phone calls be forwarded to him or her if the partner isn't available. Pretty soon the client starts calling the associate directly. The partner's happy because the billing numbers are still showing up in her column and she doesn't have to bother with actually talking to the client.

The third possible strategy is to **Build Your Brand**. This involves deciding early on 'what you want to be famous for'. Pick an area of law or an industry and become an expert in it. Unfortunately, it takes years of study and experience to become an expert in an area of law but with a little time on the internet you can pretty well bring yourself up to speed (i.e. know more about it than just about any of the partners) on most industries. Then use every opportunity to broadcast your expertise within your firm by dropping industry jargon in conversations, submitting requests to attend industry conferences and sending unsolicited firm-wide emails alerting everyone to some seemingly important piece of breaking industry news. Pretty soon you're the firm expert on that industry.

Now, while you ponder these alternative strategies, let me suggest the top ten things associates can do to develop business without really trying:

1. **Catalog your experience.** Once a quarter or so, take a half hour and go through your time records. Develop categories for clients you've worked for, what kind of matter it was and the types of services you performed. It'll knock the socks off of the partner in charge of associates when you go in for your evaluation.
2. **Understand your client's business.** Every time you get an assignment, even if it's just drafting a form document, spend 10 minutes understanding the client's business by going to their

web page, looking them up a stock guide or reading some of their advertising. Clients want and respect attorneys who understand their business.

3. **Take the Dale Carnegie course.** Just trust me on this. There are valuable skills that they don't teach in law school. The firm will probably pay for it and if they won't, it's worth the investment.
4. **Read the front page of the business section of your newspaper every day.** The practice of law in most large firms involves the facilitation of business. To do this effectively, you have to know what's going on in the business world.
5. **Get a life.** I once went to lunch with an associate and all he could talk about was the deal he was working on. He couldn't talk about sports, current events, movies, literature – nothing. The practice of law is a personal-service business that requires you to be a person, not just a lawyer.
6. **Keep in touch with your network.** Find a reason to stay in touch with the people you met in school. Even the dolt you helped through contracts will eventually rise up the evolutionary ladder and land a position where they can be of assistance.
7. **Figure out what's hot and what's not.** Look down the road and figure out whether the area of practice

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* Ed Wesemann is a principal of US consultancy practice Edge International and will be one of the speakers at the 2004 World Masters of Law Firm Management conference in Sydney on 6 August. The conference, will focus on practice group leadership, partner compensation and strategic planning. For more details on the World Masters or to book a place visit www.lawcouncil.asn.au/lps, or contact the Section Administrator, Gerard O'Neill, on (02) 6246 3722.

New ATO processes

A new streamlined process for members of the legal profession in dealing with the Australian Taxation Office (ATO) was recently announced.

"From 1 July 2004 barristers and solicitors who represent their clients in matters with the Tax Office will have streamlined authority and proof of identity processes to ensure they receive uniform and timely access to their client's information," Mr Carmody said.

The new forms mean that legal practitioners must explain the meaning and extent of the authority to their clients.

The authority allows a client to give a legal practitioner authority to act. The authority may be limited or unlimited and for a limited or unlimited period. A client may withdraw his or her authority at any time by contacting the Tax Office.

Mr Carmody said the Tax Office takes consumer protection very seriously and is committed to ensuring that clients' privacy and personal taxpayer information is safeguarded.

According to Mr Carmody sensitive client information will only be discussed with individuals who have the proper authority to act on behalf of a client.

A proof of identity notice can be lodged by faxing it to the Tax Office. The Tax Office then records the authority information on its systems and notifies the legal practitioner when the information has been processed.

The standard notice forms for proof of identity authority (for both individual taxpayers and any other entity such as a company, partnership, or trust) and details about lodging them are available on the ATO's website: www.ato.gov.au ①

Congratulations to Lyn

Congratulations to Lyn Bennett who has been made a partner for Hunt and Hunt. The appointment is effective as of 1 July 2004.

Name dropping Meredith

Former AG's Department CEO Meredith Harrison (now residing in the USA) features in as Meredith Smith in (actress) Kate Fitzpatrick's appropriately named book *'Name Dropping'*.

Meredith is credited as a major influence in Kate's life, along with such people as (in no particular order) The Queen, Chief Justice Murray Gleeson, Tom Hughes QC, Patrick White, Sam Neill and Imran Khan.

Meredith has suggested that her portrait may be slightly exaggerated, particularly as Kate describes her now as 'a judge'.

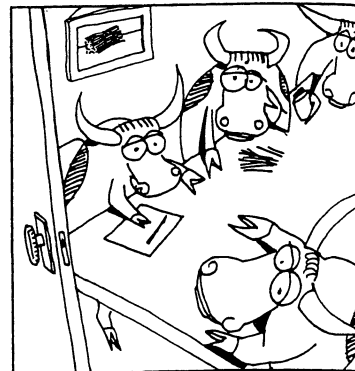
Stella awards under Media Watch

Justice David Ipp is the latest victim of the fictional Stella awards.

Speaking at a recent meeting of Australian and New Zealand anaesthetists, Justice Ipp said: "Each year there appears on the internet a list of the Stella Awards. The Stellas are named after Stella Liebeck who spilled coffee on herself while eating a hamburger. She sued McDonalds and successfully recovered a large sum of damages.

"Last year's winners of the Stellas included 19-year old Karl Truman of Los Angeles who won \$74,000 and medical expenses when his neighbour ran over his hand with a Honda Accord. Mr Truman apparently did not notice that there was someone at the wheel of the car when he was trying to steal the hubcaps."

The Muster Room



According to Justice Ipp: "There are ample cases in Australia that illustrate the same point".

In June 2002, the ABC's *Media Watch* exposed the Stella Awards as: "non-existent awards for non-existent cases as revealed by Overlawyered.com an outfit dedicated to exposing the real excesses of the American legal system. All these incidents... appear completely fictitious and unrelated to any actual persons with these names".

Media Watch initially exposed the Stella Awards in response to a speech Queensland Chief Justice Paul de Jersey made at a medical conference in Italy in 2002.

Since MW's original report a Stella Awards website has been established to report excessive litigation cases and expose phoney cases.

Justice Ipp's examples are both published in the bogus cases section on the website (www.stellaawards.com).

Justice Ipp told *Media Watch*: "I had no idea. It doesn't make any difference. It was an illustration of a point. There have been some strange cases." ①

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you're in is growing or declining. A sure test is your hourly rate. If it's less than your peers, find a way to finagle yourself into a high-rate area.

8. **Update your marketing bio quarterly.** Before you can sell yourself to clients, you have to sell yourself to your partners. When a partner puts together a presentation for a prospective client, you want him or her to have the most impressive resume of your experience possible.

9. **Communicate, communicate, communicate.** Don't just sit in your office grinding out work. Talk to your fellow associates, invite a partner you don't know to lunch and generally create a presence within the firm.

10. **Actively manage your career.** Your firm may help but it can't and won't do it for you. Understand your strengths and weaknesses. If you don't like the work you're doing, tell

someone. Set goals for yourself in every possible area. If you aren't getting sufficient feedback, go to the partner and ask specific questions.

If you do just these ten things, you'll be employing the best of all three marketing strategies and business development will never be a problem for you.

So that's what I told them. Will it do any good? Ask me in about eight years. ①