Introduction

“Business development is no longer an option in the legal world; it is essential for career survival.”

—Susan Baldwin
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Rainmakers Make Headlines

The front page headline of the February 8, 2011, Wall Street Journal proclaimed, “Pay Gap Widens at Big Law Firms as Partners Chase Star Attorneys.”

Some of the biggest law firms are paying outsize salaries to star attorneys, in some cases 10 times what they give other partners. . . . Now some top rainmaker partners at firms in New York, Los Angeles, Washington and Chicago earn $10 million or more a year, compared with $640,000 for the average partner at a U.S. firm, said Jeffrey Lowe, a managing partner at the legal recruiting firm Major, Lindsey & Africa.

The article goes on to say
Star partners are routinely earning eight to 10 times the amount given to other partners. . . . Widening pay spreads are a response to the way companies assign work. Clients generally care more about which lawyer, and not which firm, will be handling their affairs, driving up the value of those lawyers who command loyal client followings. . . . “We hire lawyers more than firms,” said Matthew Biben, the general counsel of Next Jump Inc., an e-commerce company in New York. “I’ll pay certain top lawyers $2,500 or $5,000 per hour to solve a problem,” said Mr. Biben, who was previously the deputy general counsel of Bank of New York Mellon Corp.¹

Rainmakers are the “superstars” of law firms, according to the WSJ blog of the same story.² Why? Because they increase law firm revenue. *The Associate as Rainmaker* teaches you what to do to become a rainmaker in specific steps for growing law firm revenue. This book is your business development coach when you don’t have one, and compliments your coach when you do.

Every great law firm chairman, managing partner, chief marketing officer, marketing director, business development manager, client services director, client relations manager, and professional development director knows the value of one-to-one business development coaching, mentoring, and training. *The Associate as Rainmaker* supports that awareness and the economic reality that you cannot always be with a business development coach, but you can always have a book (or e-book) at your side to provide you with instant guidance and tangible, specific actions that will help you fulfill your goal of becoming a valued contributor to the firm’s business.

The Wall Street Journal reported in May 2009 that, “law firms have become increasingly aware that training lawyers
in marketing and business development is a key way to drive business.”

The article goes on to say:

While many firms are looking outside to hire coaches, others are ramping up internal efforts. At Boston-based Nixon Peabody . . . [the] chief marketing officer says there has been a distinct shift in how resources are allocated, with more emphasis on coaching individual lawyers. “A year ago the department was more focused on marketing in the traditional sense of brand creation. We have shifted resources toward one-on-one relationship building.”

Today, we know this Wall Street Journal article highlighted a transformation in thinking by most law firms and indicated an ongoing trend. It used to be that the senior partner was the rainmaker and brought in a continuous stream of new business. Law firm size and the economic climate now require that nearly every lawyer in a firm, including the associate, is expected to bring in new business. Among the many challenges being faced in order to be successful, the associate must add one more at, or near, the top of the list: to be a rainmaker.

Being a rainmaker is essential for job security and promotion. A key metric for every attorney is how much new business that attorney brought in during the last month, quarter, and year since association with the firm. To keep your job, get ahead, and become partner you have to increase the firm’s net revenues. In the past few years, even AmLaw 100 firms have been going out of business; this means that everyone in the firm is expected to bring in clients, and also that there are fewer positions available for associates. Rainmaking will set you apart from the pack.
On October 29, 2008, the lead story on abovethelaw.com was, “Thelen Launches Dissolution Vote, Nixon Peabody Launches Offers.” Thelen Reid Brown Raysman & Steiner, which then numbered about 500 attorneys, was going under.4

“Was it a surprise today?,” continued the article on Thelen, “No. Was it a surprise overall? Yes,” a San Francisco associate said. “I mean, two years ago we were in a strong position.” Thelen issued a press release on Tuesday afternoon saying there was no single reason for the collapse. “The decision to dissolve the firm was precipitated by several economic factors, including recessionary pressures and numerous partner departures over the past year, both of which have negatively impacted firm revenues,” the release said. [Some] partners don’t know where they will end up. . . . In recent days, that had been capped with word that rainmaking energy partner Ellen Bastier [emphasis added] was on the cusp of joining Reed Smith. . . . In a worsening economy, [Richard] Gary noted, fear will spread that more firms nationwide will face such dire straits. “No partner in a San Francisco law firm will look at what happened to Heller and Thelen and not think, ‘Will my firm be next?’” he said.

Take note: in the much longer article excerpted above, out of 500 Thelen attorneys, not one practice area attorney was mentioned by name except for the “rainmaking energy partner Ellen Bastier.” Rainmakers have the advantage of knowing their skills are not firm-centric, but are portable and, if the unthinkable should ever happen to the current firm, those rainmaker skills would be highly valued by any number of other firms. Rainmakers know they are building a brand—their brand—as well as the foundation for recognition and job security.
How do you learn to be a rainmaker, a skill never taught in law school, while at the same time dealing with all the other stressors you face as an associate: long demanding hours, multiple bosses, adjusting to being an attorney, and working in a new environment with its multilayered cultural nuances? The Associate as Rainmaker is the product of over 20 years of business development consulting, coaching, training, cognitive science, and neuroscience research. This book is for soon-to-be rainmakers and rainmakers who want to improve their skills. This is not the rah-rah sales book used by our grandparents, or the four-ways-to-ask-for-the-order sales book used by our parents. This is 21st century neuroscience, which opens new doors and allows us to generate business development with increased precision, greater ease, and with a lot more enjoyment. You will learn some simple, straightforward steps to take toward securing new business agreements without having to engage in the hard sell. In fact, in many cases, the skills in this book will help you engender so much rapport, trust, and credibility that prospective clients will ask you to provide them with an engagement memo.

Readers will benefit from recent brain research verifying the brain’s neuroplasticity—the ability to change and create fresh new connections—adapted by the author to provide three quick techniques to get you into your “zone.” Your zone is a focused state of resourcefulness, which improves productivity and activates the full power of your inherent skills. The Building Your Business Brain section of this book will provide you with neuroscience tools to access your zone. You will take advantage of neuroscience research that allows you to enter into resourceful and peak performance enhancing states of mind. This book will show you how to employ a few neurosynaptic shortcuts that will help make booking new business easier, even habitual.
Notes


8. KANDEL ET AL., supra note 5.

9. Dana Tomasino, *The Psychophysiological Basis of Creativity and Intuition: Accessing “The Zone” of Entrepreneurship*, 4 INT. J. ENTREPRENEURSHIP & SMALL BUSINESS 528 (2007), http://www.heartmath.org/templates/ihm/downloads/pdf/research/publications/tomasino-psychophysiological-basis-of-intuition.pdf. Psychophysiological coherence is similarly associated with beneficial psychological correlates, including reduced perception of stress, sustained positive affect, and a high degree of mental clarity and emotional stability. In contrast to dissociative states such as relaxation, the coherence mode promotes a calm, balanced, yet alert and responsive psychological state that is conducive to everyday functioning, including problem-solving, decision-making, and the performance of tasks requiring mental acuity, focus, and creativity. Rollin McCraty & Dana Tomasino, *Emotional Stress, Positive Emotions, and Psychophysiological Coherence* in B.B. Arnetz & R. Ekman (eds.), *Stress in Health and Disease* 360–383 (2006). Controlled studies have shown that maintaining a state of psychophysiological coherence is associated with significant improvements in cognitive performance, including both long-term and short-term memory, as well as reaction time on a task requiring focused attention and accurate discrimination. Executives and business professionals trained to activate and sustain coherence frequently report marked changes in their psy-
chological state, work effectiveness, and in the way they process information. Typical experiences (from the reports of thousands of individuals trained in coherence-building methods) include a notable reduction in extraneous internal mental dialogue, an increased sense of emotional balance, and clarity. Tomasino, supra.

10. Joseph LeDoux, *Synaptic Self: How Our Brains Become Who We Are* (2002). “If a thought is a pattern of neural activity in a network,” explains LeDoux, “not only can it cause another network to be active, it can also cause another network to change, to be plastic.” This is known as neuroplasticity. “With thoughts empowered this way,” notes LeDoux, “we can begin to see how the way we think about ourselves can have powerful influences on the way we are, and who we become.” This is reminiscent of something Solomon said nearly three thousand years ago: “As a person thinks in his heart, so is he” (*Proverbs* 23:7). See http://www.vision.org/visionmedia/article.aspx?id=299.

11. Michael A. Colicos, *Pictures Reveal How Nerve Cells Form Connections To Store Short-And Long-Term Memories In Brain*, CELL, Nov. 30, 2001. Scientists at the University of California, San Diego have produced dramatic images of brain cells forming temporary and permanent connections in response to various stimuli, illustrating for the first time the structural changes between neurons in the brain that, many scientists have long believed, take place when we store short-term and long-term memories. In a paper published in the November 30 issue of the journal *CELL*, researchers from UCSD’s Divisions of Biology and Physical Sciences describe their achievement as a “Holy Grail” for neuroscientists who have long sought concrete evidence for how nerve connections in the brain are changed temporarily and permanently by our experiences. ‘The long-term memories stored in our brain last our entire lives, so everybody had assumed that there must be lasting structural changes between neurons in the brain,’ says Michael A. Colicos, a postdoctoral fellow at UCSD

12. *Visualizing Formation Of A New Synapse*, *Science Daily* (June 25, 2009), http://www.sciencedaily.com/releases/2009/06/090617154407.htm. The neurons in our brains have the capacity to create new axons and new dendrites that can reach out to form new connections (new synapses) with other neurons in the brain. The actual process of this new synaptic material being created and forming new connections has now been seen by using powerful microscopes.

