



A Guide to Business Development for Women Lawyers

January 2013

The Law Society of Upper Canada | Barreau du Haut-Canada

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Introduction

Who this guide is for

The Law Society of Upper Canada's Justicia Project is a precedent-setting project designed to promote the retention and advancement of women lawyers in private practice. In this context, the Justicia Project has identified business development as an area that is critical to the advancement of women in the law. This guide is intended to be a practical resource for women and law firms. In it we have compiled numerous business development strategies designed specifically for the needs of lawyers. We have consulted the existing literature, drawn upon interviews with women who have excelled in the area of business development, and used our own experience to create what we hope will be a useful and relevant resource.

This guide is intended for women who want to improve their business development skills. It is also a resource for lawyers who mentor women and for law firms who want to understand how to better support and retain women lawyers. The strategies outlined are designed to be implemented in firms of varying sizes.

The importance of business development for women lawyers

The ability to market oneself is an essential skill for any lawyer. It is not enough to be intelligent and hardworking; in order to be successful, lawyers must also create a personal brand and learn how to generate client business. Law firms cannot exist without clients, and firms reward those lawyers who generate business for the firm. The competitive nature of the legal market today means that it is increasingly important for all lawyers to focus on business development at every stage of their careers.

Most lawyers and many law firms understand the reality that it takes more than being a great lawyer to be successful. Yet, many firms still underemphasize the importance of honing business development skills from an early stage in your career. The result is that associates who never learned how to develop client business struggle when they become partners and are suddenly responsible for generating work. In *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset*, Jennifer Overhaus describes observing a phenomenon in which the billable hours of new partners decrease dramatically soon after they make partner. Unfortunately some lawyers never recover from this dip and end up leaving the firm after only a couple years as a partner.¹

¹ Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London, England: ProvechZiel Ltd, 2009) at 9.

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It is important for all lawyers, even the newest associates, to engage in business development activities. As an associate, beginning to develop a client base will help speed advancement within the firm. The transition from associate to partner will be smoother for those who have already begun to build up a book of business. Most law firms expect partners to maintain a book of business sizeable enough to generate work for themselves and others.

Throughout the project, Member firms canvassed their clients to understand what is most critical to them in their selection of external counsel. Overwhelmingly, clients emphasize the importance of getting to know individual lawyers. Positive character traits (such as intellectual horsepower, approach, organizational skills, responsiveness etc.) and a lawyer's knowledge of an industry or area of law were highlighted as important selection criteria. In other words, beyond the impression clients may have of a particular firm, they are still heavily influenced by the personal engagement and affiliations they have with individual lawyers. Clients may gravitate towards a firm for their broad market reputation but they will select and retain specific lawyers based on more subjective criteria.

While firm-led marketing programs may provide a foundation to business development, every lawyer who hopes to build a profitable and sustainable business practice should become active and visible in the market in their own right. The personal efforts you make to define, develop and grow your practice throughout your career will be important to long term success.

Business development can be a source of great personal and professional rewards. Having a client base means having more freedom to manage your own practice.² You will be able to control your own workflow since you will not depend on others for work allocation. Additionally, rainmaking power can give you leverage to negotiate for the things you want, be it a committee seat or a change to the firm's policies.³ It also brings financial rewards. All of these advantages contribute to greater career satisfaction.

What is business development?

At its most basic, business development is about creating and nurturing relationships. It requires creating a personal brand and a marketing plan in order to build up a professional network. A business development strategy is a long-term strategic approach that enables you to make connections and develop authentic relationships with current and prospective clients so that you can ask for business in the right ways at the right times.

Tracy LaLonde, a partner at Akina Corporation, explains that business development grows out of two key concepts: (1) developing authentic relationships (2) so that you can solve people's

² Theda C Snyder, *Women Rainmakers' Best Marketing Tips 2nd edition* (American Bar Association, 2010) at v.

³ Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 67.

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problems.⁴ Business development is about more than pitching your services to potential clients. In fact, aggressive pitching can be counterproductive if the authentic relationship is not yet in place. Similarly, Overhaus explains that strong professional relationships are built up gradually, and they can develop in any number of ways.⁵

Ultimately, no one is going to hand you the clients you need to build up your practice; however, with planning and determination, anyone can succeed at business development. The most successful rainmakers have no greater talent for “sales” than anyone else, but they are proficient at connecting with people, and they understand how to turn relationships into business.⁶ Selling yourself successfully does not depend on charisma or on having a certain personality type, but it may require that you develop some new skills in addition to the technical legal ability that you have already worked so hard at perfecting.

Anyone can acquire the skills to be successful at business development. Even if you dislike networking and self-promotion, you can still market yourself in ways that suit your personality. The business development strategy that you pursue should fit with your values and reflect who you are. Choose business development activities that play to your strengths. For instance, if you dislike making small-talk at formal networking events, but are comfortable behind a podium, you might decide to make public speaking a core element of your marketing plan.

Each lawyer will have her own business development strategy that is uniquely suited to her strengths and personality-type. The focus of your business development efforts will also depend on what stage you are at in your career. At the junior level, business development is about internal networking, skills development and establishing a reputation for good work and dependability that will lead to repeat work referrals. It is also about maintaining relationships with your external business and professional networks and building relationships with client representatives at your level. At the mid-level, it is about focusing on a clear target market and keeping existing relationships going.⁷

Why women succeed at business development

Business development is neither masculine nor feminine. Successful business development requires behaviours that are stereotypically male as well as behaviours that are typically seen as female. “Strong business developers naturally combine the ‘feminine’ behaviors of being empathetic and asking open-ended questions with the ‘masculine’ behaviors of confidence and

⁴ Tracy Lalonde, “Coaching Your Lawyers in Business Development” *ALI-ABA Live Video Webcast* (January 24, 2012).

⁵ *Supra* note 1 at 123.

⁶ *Ibid.* at 193.

⁷ *Supra* note 4.

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self-promotion.”⁸ Women are often thought to be skilled at interpersonal relationships. Additionally, women tend to be perceived as more trustworthy than men, and trust is essential to obtaining client business. As a woman, it may be easier for you to establish that relationship of trust with clients.

Some women decide to emphasize their gender as part of their personal brand. Even without marketing yourself as a “woman lawyer,” you can still use your gender to your advantage in more subtle ways. *Women Rainmakers’ Best Marketing Tips* includes the following bit of advice: “[M]any women – though not overtly – remind clients of the advantages of their gender. These might include putting the other side off guard or just being a good listener.”⁹

Your gender may even be an advantage that helps you stand out as unique in a sea of male lawyers. Increasingly, the in-house counsel and businesspersons who make up law firms’ client base are women. Women clients may prefer to take their business to firms that promote women lawyers. If your gender helps you get your foot in the door, take the opportunity and use it to your advantage. For instance, you may be invited to attend a sales pitch because your firm wants to include a woman on the team. If this is the case, it may be a mutually beneficial arrangement both for you and your firm. Once you are on the team, you can show them that they were wise to include you by demonstrating your superior legal, problem solving and relationship building skills.

I certainly had my share of doors closed, and there were events that happened among men over the course of my career that I was excluded from. But I think as many doors as were closed were opened; that on balance, I definitely benefited from being a woman. It's all a question of how you frame something. You can say, "Everything is not going my way because I am a woman", or you can say: "This is my spin on it. This is why I'm different."

Barbara Legate, Personal Injury Lawyer, Legate & Associates – London, ON

⁸ K Brady, “Marketing and Client Development Activities” *Law Practice Today* (February 2009) online: <<http://apps.americanbar.org/lpm/lpt/articles/mkt04091.shtml>>.

⁹ *Supra* note 2 at 22.

Business Development Challenges for Women

While women can possess unique advantages for business development, they may also encounter some common challenges. Some of the most common difficulties women face in obtaining client business are addressed in this section.

Self-promotion

Some women feel uncomfortable talking to others about their skills and achievements. Women may be socialized from a young age to project modesty rather than confidence. Some women may believe that their achievements are not impressive enough to be worth talking about. Imposter syndrome, the belief that you do not deserve the successes you have achieved, affects both men and women, but it is thought to be especially common among successful female professionals.

The “ask”

If the thought of calling someone to ask for work makes your heart pound, you are not alone. Many successful rainmakers agree that asking for business is one of the hardest parts of a lawyer’s job.¹⁰ Even so, asking for work is crucial. You may have an impressive network and be highly proficient at developing relationships, but it won’t serve you well if you never ask for business. The “ask” is how you convert your network of contacts into clients. People will never know that you want their business unless you tell them.

Time

All lawyers are busy people, and women are often the busiest of all. After juggling the needs of the clients and all the other demands on their time, many women realize that they have limited time left over for business development.

Sacrificing business development in order to have enough time for other activities would be a mistake, however. Busy lawyers must carefully evaluate how they spend their time in order to avoid low-value work and focus instead on the activities that will lead to the highest returns. Business development is high-value work and should be prioritized accordingly.

Converting personal relationships into professional relationships

Some women may have a large network of personal friends, but they do not make use of those friends as professional contacts, either because they do not know how to, or they do not feel

¹⁰ *Supra* note 2 at 115.

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comfortable doing so. In general, women are less likely than men to see their friends as potential clients or referral sources.

Traditional networking

For many people, the archetypical client development activity is still men on the golf course or at a baseball game. Women may avoid business development because they do not feel at ease in these traditionally male environments. Women are also more likely to believe that by engaging in traditional networking they are “using” people.

A further challenge is that traditional networking activities normally take place on evenings or weekends, times when women may have family obligations.

Less access to male power brokers

At a junior level, women may assume that it is not worthwhile to engage in business development activities if they do not have access to influential people. They may feel uncomfortable networking with more senior lawyers, many of whom are men.

For women who are more senior, the issue is somewhat different. Overhaus recounts how, throughout her career, she worked to develop a network of female supporters, only to have many of them leave the profession by the time she became a senior partner.¹¹ The reality is that women must network and develop relationships with both men and women in order to have access to influential people.

¹¹ *Supra* note 1 at 337.

Elements of Business Development Success

Self-promotion

Getting the recognition that you deserve requires making sure that the right people hear about your achievements. Catalyst research has found that women who did more to make their achievements known advanced more, were more satisfied with their careers, and had greater compensation growth.¹² Don't assume that high-quality work will speak for itself. In order to win clients and generate business, it is important to talk to people about your successes.

Many women are uncomfortable with self-promotion. They tend to attribute their success to other people rather than taking the credit they deserve, or they avoid taking credit for fear of being seen as showing off. However, with well-developed interpersonal skills, it is possible to talk about one's achievements without alienating others.

TIPS FOR EFFECTIVE SELF-PROMOTION

Write down your achievements. By identifying and recording your achievements you will be able to easily convey the information that you want known about yourself. See Appendix 1 for a 12-question self-evaluation that you can use to map out your skills and achievements. Developed by communication consultant Peggy Klaus, the questionnaire is also available online at www.bragbetter.com.¹³

Take advantage of informal opportunities to talk about your accomplishments. When a client asks you what is new, be prepared with a response. During meetings, highlight your accomplishments in subtle ways, always making sure to pay attention to your audience and be respectful of your listener's time.

Never downplay your successes. If someone gives you a compliment, thank them. Don't minimize your achievements by saying, "Oh, it was no big deal. I had a lot of help."

Promote others and give compliments. People will likely return the favour. Consider teaming up with a colleague and agreeing to support each other by making sure that the right people hear about each other's professional successes.¹⁴ However, don't rely entirely on other people to promote you. Klaus

¹² Christine Silva & Nancy Carter, "Women Don't Go After the Big Jobs with Gusto: True or False?" *Harvard Business Review* (13 October 2011) online:

<http://blogs.hbr.org/cs/2011/10/women_dont_go_after_the_big_jo.html>.

¹³ Peggy Klaus, *Brag! The Art of Tooting Your Own Horn Without Blowing It* (New York: Warner Books Inc, 2003) at 22.

¹⁴ Susan Van Dyke, "Women lawyers, business development and hockey" Canadian Bar Association Practice Link (July 2010) online: <http://www.cba.org/CBA/practicelink/careerbuilders_advancement/women.aspx>.

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cautions that while it is worthwhile to advocate for other people, you must also be an advocate for yourself.¹⁵

Get a sponsor. A sponsor is a senior individual who uses his or her clout to champion your advancement. You can attract the attention of potential sponsors by doing excellent work, then ask them to help you make sure that the right people hear about your accomplishments.

Are there people out there who are cheering for you? Get them to tell others they think you are terrific – it is more powerful to hear it from a third party. It's really powerful to hear it from somebody else.

Ellen Bessner, Partner, Cassels Brock & Blackwell LLP – Toronto office

Developing a personal brand

Patent your trademark. What is your trademark? Your trademark is your name. What is your name? Your name is really your reputation and your reputation in this profession, to my way of thinking, is everything. It starts with your reputation, it finishes with your reputation and everything else comes in between. What does your reputation entail? I suppose it entails understanding who you are: your strengths and weaknesses, what you do, how you do it, where you do it, and equally as important, why you do it. If you have a pretty clear understanding of all of those concepts, your principles become relatively clear because it's those principles that are ultimately going to define you.

Mary M.S. Fox, Founding Partner, Ducharme Fox LLP – Windsor, ON

Establishing a personal brand is an important part of self-promotion. A brand is what differentiates you from other men and women who offer the same services you do.¹⁶ You already have a personal brand – your brand is defined by the qualities that people think of when they think of you. Be strategic about developing your brand so that your brand sends the message that you want to convey.

STEPS FOR DEVELOPING A PERSONAL BRAND

Determine what your brand is currently. Conduct a self-analysis, and ask yourself how others might see you.¹⁷

¹⁵ *Supra* note 13 at 11.

¹⁶ Ajay K Sirsi, *Marketing: A Roadmap to Success* (Toronto: Pearson Education Canada, 2010) at 88.

¹⁷ *Supra* note 2 at 22.

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Decide what your ideal brand would be. How do you want your clients or colleagues to describe you to others? Start by answering the following questions for yourself¹⁸

Who are you?

What is your skill?

What do you promise to deliver?

How will you add value?

What is your experience and record?

Create an individual brand message. Sometimes called an “elevator speech” your brand message is a short statement that encapsulates who you are and what you do. It should incorporate your strengths, talents, and skills. It should not sound like a recitation of your resume.¹⁹

Best practice: career coaching

Career coaching is an emerging best practice in law firms. Organizations committed to retaining and advancing women are putting in place coaching and career-pathing programs for new partners and promising associates. Coaching can be especially helpful for women who may self-deselect when they do not observe many women in top positions at their organization. A career coach can help women lawyers develop their individual brand and improve their self-promotion skills.

Consider engaging a coach to assist you to become more focused in your business development activities. We're all type-A lawyers and we all think we're good at everything we do, because that's just how we've been brought up – to be confident in what we do. But some things we're not designed to do. We don't necessarily have the skill set. So consider bringing in some third party to assist you. I have recently engaged a coach to become more focused in my efforts.

Corina Weigl, Partner, Fasken Martineau DuMoulin LLP – Toronto, ON

SUGGESTED READING

Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London UK: ProvechZiel Ltd, 2009).

¹⁸ *Supra* note 1 at 205.

¹⁹ Ritu Bhasin, “Impactful Business Development – How to Capture, Communicate and Build Your Professional Brand” Women’s Law Association of Ontario Hanging out Your Shingle Series (21 February 2012).

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Peggy Klaus, *Brag! The Art of Tooting Your Own Horn Without Blowing It* (New York: Warner Books Inc: 2003).

Carol Wilson, *Best Practice in Performance Coaching: A Handbook for Leaders, Coaches, HR Professionals and Organizations* (2007).

Marketing

All lawyers should know some basic marketing principles and develop a simple marketing plan. This section will show you how.

CREATING A MARKETING PLAN

Having a marketing plan keeps you focused and it gives you an opportunity every year to do two things. You look back on the past year and consider what goals you met and what goals perhaps you didn't meet, and it gives you the opportunity to create new goals for the next year, take away the things that didn't work and add new things. It's something that you can review and revise throughout the year. This type of focus is really quite important because we all have a lot of demands on our time.

Cheryl Hodder, QC, Partner, McInnes Cooper - Halifax, NS

A marketing plan sets out your goals and outlines the marketing activities you will use to achieve those goals. Entrepreneurs with a written marketing plan have been proven to be more financially successful than those without such a plan.²⁰ You should draft a basic marketing plan for yourself, even if you will be the only person to look at it. The format will be determined by your practice area and by whether or not other people will rely on your marketing plan. If you need to develop a formal plan, there are tools available for purchase.²¹

Marketing plan goals should be tailored to your practice area, your personal strengths, and the stage you are at in your career. You may find it useful to organize your goals into short, medium, and long-term goals. In thinking of appropriate marketing goals, it may be helpful to first come up with a long-term vision for your law practice.²² Goals should be both specific and verifiable, meaning it is possible to determine when they have been attained.²³ When creating

²⁰ *Supra* note 2 at 1.

²¹ One US-focused marketing planning tool specifically designed for lawyers is *The Profitable Law Office Handbook: Attorney's Guide to Successful Business Planning*, available for purchase at <<http://www.lawbiz.com>>; see also "Individual Marketing Action Plan" in *The Women Lawyer's Rainmaking Game: How to Build a Successful Law Practice* (West Legalworks, 2007) c 2 at 12.

²² Sara Holtz, *Bringin' In the Rain* (Granite Bay, CA: Client Focus, 2008) at 11-12.

²³ *Supra* note 2 at 1.

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the plan, you should consider what inputs are required to achieve your goals. The following are examples of possible marketing goals that are both specific and verifiable:

Get 5 new clients by the end of the year

Increasing billings by 15% this year over last year

Get one high-profile litigation file in the next 3 years

Cultivate 2 new referral sources over the next 6 months

Another useful marketing planning tool for lawyers is the Marketing Roadmap,²⁴ developed by the Akina consulting corporation. The Marketing Roadmap sets out your existing network, and lists your marketing activities. See Appendix 2 for this tool.

Finally, remember to revise your marketing plan from time to time. Update your marketing plan at least once a year, if not more frequently.

While I do have a written marketing plan, I use it more as a guide than as a strict plan. Every year I assess at the end of the year: What have I achieved? What have I not achieved? And what do I want to achieve next year? Usually my plan is not just one year at a time. I have a short, medium, and long term plan. Some of the things that I can't do now, I look forward to doing in retirement. So that would be what I would call my very long term plan. I don't think that a plan is only for one year or five years. It's as short or long as feels comfortable. It's got to be a plan that can be changed and that you're always thinking about it. It's not a plan that is written in stone. It's got to be pliable. You may have a plan to, for example, get a certain type of work, and then it's not enough just to go and get that certain type of work, there's a lot of research involved. You need to determine first, for example, if that type of work is the type of work that is out there. A marketing plan is not just setting goals. Also doing research and figuring out what can be achieved and how long will it take, how much effort it will take.

Ellen Bessner, Partner, Cassels Brock & Blackwell LLP – Toronto, ON

Set out a plan, and check your plan out with someone who's senior. Of course, you can't leave it to the very last thing that you do on December 31st!

²⁴ Adapted from Tracy Lalonde, “Coaching Your Lawyers in Business Development” ALI-ABA Live Video Webcast (January 24, 2012).

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If your plan means going out for lunch with contacts, finding speaking engagements or joining a board of directors, make it happen. And always, always - follow up with your contacts - that's critical.

Laurie Pawlitz, Partner, Torkin Manes LLP & Immediate Past Treasurer, the Law Society of Upper Canada - Toronto, ON

Decide on your practice areas. Consider how to reach that target market. Consider what opportunities there might be for you in those practice areas. And then seek out organizations in your community and join them. If your ear is to the ground, you are going to be more aware of various opportunities that are potentially there for you in the community.

Deborah A. Humphreys, Weiler Maloney Nelson - Thunder Bay, ON

Every year I sit down at the beginning of the year and identify certain prospects, usually companies - either because I know of someone there or because I have something special that I know I can offer them - and I make a list of people with whom I want to make contact. I then follow through with that plan. I'm a corporate/commercial lawyer, and I have close relationships with members of our IP group. We are at the same level and we refer clients to each other. I will bring in our IP person or litigation person to do work for my client and they do the same with me. We end up doing a lot of business development together. We complement each other that way.

Samantha Alfonzo, Associate, Gowling Lafleur Henderson LLP - Hamilton, ON

WHOM TO MARKET TO

I focus first and foremost on my existing relationship and clients. And that's where I develop work from. There's been lots of evidence, law firm evidence, those that studied how business development is done, that shows that your existing client base is your best source of new work. And I have found that to be the case over and over again, myself personally.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Steward Storie LLP - Toronto, ON

Some groups will be more receptive to your marketing efforts than others. People who already know you and know the quality of your work are much more likely to hire you or send you a

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referral than are people with whom you have no existing professional relationship. For this reason, Sara Holtz suggests marketing to the following four groups, listed in order of priority:²⁵

Existing clients

Existing referral sources

Possible internal referral sources

Strangers

CHOOSING A TARGET MARKET

Your time is valuable, so it is important to focus your marketing efforts on a targeted group of people. The practice of choosing a target market is called segmentation.²⁶ Everyone has different needs; however you cannot solve everyone's legal problems. Segmenting your potential client base will enable you to employ a focused and efficient marketing strategy by concentrating on potential clients who all have similar legal needs.

If unsure how to choose a target market, start by answering the following questions:

What type of legal work do you want to do, or do you do?

What is your ideal client? Think about the following factors: size, geographic location, type of legal work, specific industry focus, individual or institutional clients, and specific ethnic communities.²⁷

Who do you like to work with? If your target clients are people who you enjoy spending time with, then marketing activities will be more enjoyable.²⁸

Once you have chosen one or two target markets, fill in the chart at Appendix 3 and keep it with your marketing plan.²⁹

I think part of the business developing strategy has to be making sure you know, or have a pretty good idea before you start, whether where you're working can support what you want to do. When I started, I decided I would only do management labour and employment law, with the full understanding that if I didn't get enough business in the first couple of years, I would expand to different areas. I made a conscious

²⁵ *Supra* note 22 at 18.

²⁶ *Supra* note 16 at 52.

²⁷ *Supra* note 22 at 10.

²⁸ Silvia L Coulter, *The Woman Lawyer's Rainmaking Game: How to Build a Successful Law Practice* (West Legalworks, 2007) at 2-22.

²⁹ Adapted from Tracy Lalonde, "Coaching Your Lawyers in Business Development" *ALI-ABA Live Video Webcast* (January 24, 2012).

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decision to be very focused. Clearly, if I didn't have enough work, I would have expanded the scope of my practice.

Mandy Fricot, Lawyer, Fricot Law – Thunder Bay, ON

Set goals that are actually attainable. Reach out to those prospects with whom you have a connection (i.e., geographic, industry expertise, legal expertise, etc.). Sometimes we want to do work for a prospective client for which we have nothing special to offer, which tends to be a waste of time. Focus on where you can add value. Do lots of research, listen to their needs, and spend some time thinking about how it is that you could help them. Become a solution for them.

Samantha Alfonzo, Associate, Gowling Lafleur Henderson LLP – Hamilton, ON

It was an architect friend early in my career (he later became my husband), who said, "You know, you really need to target the industry if you're going to build a practice in a particular area. You need to advertise in the trade publications." I've never forgotten that advice. It has proved to be so true. In terms of the best strategy, you've got to focus on your sector and your referral sources and find a way to speak to them. And trade publications or speaking to the trade in one city or another is the way to do it - not generic advertising.

Janice Payne, Partner, Nelligan O'Brien Payne – Ottawa, ON

RESEARCHING YOUR TARGET MARKET

The next step after deciding on a target market is to learn as much as you can about your client base. Once you have a solid understanding of the needs of your client base, you will be able to offer appropriate services.

Try to answer the following questions about your clients:³⁰

Who are your clients and potential clients?

Where do they work?

What associations do your clients belong to? What are they reading?

³⁰ *Supra* note 16 at 28.

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What is important to them?

What are their problems and concerns?

Market research can be done informally.³¹ Take every opportunity to talk to your clients about their problems and concerns. Periodically ask your clients how business is going. Follow the news and subscribe to industry publications. Attend industry events or trade shows.

One of the advantages of targeting clients from a particular industry is that you can become an expert on your client's business. This is an effective business development strategy. The most successful women rainmakers report that they have a good understanding of their clients' business.³²

Pick organizations that intersect with what you do. I was involved with an [industry-related association]. One of the things I did was I identified the fact that the [association] really didn't have product that made it attractive. They were constantly fundraising, and I thought, for what purpose? I looked at the organization and figured out what it needed. And what it needed was a magazine that could provide something of value to [its constituent] community. I undertook to fund its publication because they were always worried about that. And in exchange for that, I have a banner on the bottom of the front of the publication, and I have a permanent position on the back page, and I also have another article that belongs essentially to my firm called "Ask a Lawyer". That magazine has been made worthwhile. And it sits in doctors' offices and in other similar locations; it is a win-win for the organization and for me.

Barbara Legate, Personal Injury Lawyer, Legate & Associates LLP – London, ON

MARKETING TO REFERRAL SOURCES

Relationships with the people who regularly refer work to you must be cultivated and developed, just like your client relationships. Anyone can be a referral source, not just other lawyers. The following groups of people are likely referrals sources:³³

Satisfied clients

People who have referred clients to you in the past

Former colleagues

³¹ *Ibid.* at 29.

³² Catherine Alman MacDonagh and Marcie L. Borgal Shunk, "Women Rainmakers: Keys to Business Development Success" (December 2007) CBA PracticeLink, online: <http://www.cba.org/cba/practicelink/leadership_marketing/women_rainmakers.aspx>.

³³ *Supra* note 22 at 23.

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People with whom you have a strong professional relationship

Law firms that do not compete directly with you

Any law firm that cannot act in a matter due to a conflict of interest, or that is simply too busy to take on more work

Make a practice of always letting clients know that you appreciate referrals. Satisfied clients are usually happy to refer more business to their lawyer. Whenever someone refers business to you, send them a personal note to thank them.

It helps to be specific when you request referrals. Describe what kind of referrals you want, and tell the other person what you would like them to do.³⁴ The referral source is more likely to follow through if you ask them to do something specific, such as introducing you to someone.

MAKING TIME TO MARKET

To be really effective over a career, I believe business development has to become part of what you do every day. And it doesn't have to be a separate part of what you do every day. So let me explain what I mean. Every chance you have to speak with an existing client or a potential client, or even a contact in the legal world, to me, is an opportunity to develop business. It's an opportunity to listen, first and foremost, and then see if there are ways you can help. And then offer up those ways to help. It's more of a mindset than a setting aside of time and doing something different than what you're doing when you're servicing clients.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Stewart Storie LLP - Toronto, ON

Making time for marketing is one of the most common business development challenges reported by lawyers.³⁵ The following are a few steps you can take in order to maximize your marketing efficiency and make the most of your valuable time.

Know which clients are most likely to give you work. A “high-potential” client is someone who is likely to need your services, open to hiring you, and fits the profile of your ideal client.³⁶ Spend most of your marketing time on these people.

Spend less time on low-value activities. On average, each additional hour per week spent on business development activities results in an additional \$30,000 in origination

³⁴ *Ibid.* at 81.

³⁵ *Supra* note 28 at 2-21.

³⁶ *Supra* note 22 at 24.

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revenue.³⁷ Recognize the value of business development and prioritize it over other activities if necessary.

Look for ways to turn what you are already doing into marketing activities.³⁸ When you read the daily newspaper, look for articles that might be of interest to others and forward them with a brief note. When you attend meetings sit next to someone who you would like to know better and engage them in conversation.

Market to people you like. If your target market is composed of people who you like and enjoy spending time with, then marketing can be enjoyable instead of being another burden on your limited time.

I tried to schedule as much as I could during the day. I had to make pretty clear rules for myself about lines and barriers and things that I wouldn't miss, so that I was free to do the kind of business development that needed to be done. It was a constant juggling act, and I don't think I'm going to stand here and say that I have that magic solution for young women coming along. But I think that you have to be smart about it, and you also have to be kind to yourself. And you have to be kind to your family, and recognize that they need you. And if you don't balance off family and work, something is going to snap. You don't want that to happen. It's a moment to moment, day to day choice that you make.

Barbara Legate, Personal Injury Lawyer, Legate & Associates LLP - London, ON

Incorporate business development into your personal activities.

I encourage all of the lawyers in my office to volunteer for something that is important to her personally. The more people you know, the more people will know you. You simply have to be a part of the community. I think we owe it to the community, because lawyers have special talents, organizational and others, that many community groups can take advantage of. One, for example, in my case was my school council. If you're a lawyer, the group invariably makes you the chair; I didn't know this at the time I became chair, but there were 1,000 report cards going out with my name on them. So that was an unexpected result. And I know that others are involved in hockey or soccer, whatever, and you meet scads of people through those organizations. So I think that, although it's a part of marketing, and it isn't exactly direct, I think it's an important part.

³⁷ *Supra* note 32.

³⁸ *Supra* note 22 at 85.

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Barbara Legate, Personal Injury Lawyer, Legate & Associates LLP – London, ON

Schedule time for business development. If you say you will get to business development when you have time, it is never going to happen. If you find that you are simply not making time for business development, block off a regular time in your calendar each week for business development activities and stick to it.

Decide for yourself why you want to market. If you are just doing it because your firm wants you to, or because you have heard it is something all lawyers should do, you are unlikely to be motivated to make the time for marketing. Know your own reasons for wanting to market, whether it is money, security, influence or something else.³⁹

SUGGESTED READING

Sara Holtz, *Bringin' In the Rain: A Woman Lawyer's Guide to Business Development* (Granite Bay, CA: ClientFocus, 2008).

Ajay K Sirsi, *Marketing: A Roadmap to Success* (Toronto: Pearson Education Canada, 2010).

Effective Ways to Approach Business Development

Many lawyers engage in writing and speaking to build their profiles and generate business. Another common business development strategy is to increase your visibility in the media.

Think about what you like to do and tailor your business development strategy to make the most of your strengths. By choosing activities that play to your strengths, it is possible to succeed at business development without going too far outside of your comfort zone. Try to go outside of your comfort zone by only 10%, so that you are challenging yourself and developing new skills.⁴⁰

WRITING AND PUBLISHING

Writing is a good way to raise your profile and become known as an expert in your field. Writing may also lead to invitations to speak at conferences and events. Writing is time consuming, however, and getting published can be difficult. Therefore, it is important to be strategic in order to ensure you get the most out of your efforts.

I think that writing articles about my areas of practice does a number of things. One thing is that my peers, and in particular those who I oppose, I think respect me more when they look at me both as someone who goes to trial and someone who is thoughtful about the work I do and prepared

³⁹ *Ibid.* at 94.

⁴⁰ *Ibid.* at 4.

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to put my thoughts out there. I think that there is another real benefit from doing writing and speaking and continuing legal education programs - it's a great opportunity to hone your skills as a speaker and a presenter and someone who learns to put forward an argument with authority.

Barbara Legate, Personal Injury Lawyer, Legate & Associates LLP - London, ON

Young lawyers should be writing, and also strategically figuring out: What areas - plural - of law really interest me? I think they should pick two areas, but it's hard. Pick two areas. Learn them very, very well, and start to write. Write and write and write. It doesn't have to be in fancy publications, and doesn't have to be a 20 page undertaking. It's better to write two pages than nothing at all. And do them frequently. Consider your audience and write in a manner that resonates with them.

Ellen Bessner, Partner, Cassels Brock & Blackwell LLP - Toronto, ON

TIPS FOR WRITING AND PUBLISHING

Choose your topic carefully. Write about something pertaining to an area in which you want to do legal work.⁴¹

Save time by converting work you have already done. Repurpose a legal brief or memoranda into an article. Often you can publish the same piece with minor changes in more than one place.

Make sure your work is seen by the right audience. Legal magazine or journals are a good place to publish if you are writing for other lawyers, but not if you are hoping to reach potential clients.

If unsure what to write about, write a descriptive piece about new developments in your field of law. Descriptive articles are easier to write than analytical articles, and if you can be the first one to talk about a recent change in the law, you are more likely to get broad readership.⁴²

Be timely. When writing about current developments in the law, don't delay. Publish it as quickly as you can.

When you get published, let people know. Send the article to anyone who might be interested, and include a link to your article on your firm's website.

Have a good picture. Include a nice professional headshot with your publications so that you become recognizable.

⁴¹ *Supra* note 2 at 81.

⁴² *Supra* note 2 at 82.

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Leverage off of things you have already done. And what I mean by that is, if you've written a piece for organization x, see how you can leverage it so that you can use it 2, 3, 4, however many more times in your marketing, so that you're not having to continually recreate things for your business development. That should be part of your business development strategy. So if I've written a paper, for instance for a conference, I will typically look at that to see if I can extract pieces for my blog. Are there aspects of a paper that would be relevant to members of different financial institutions? Can I extract part of a paper to create bulletins?

Corina Weigl, Partner, Fasken Martineau DuMoulin LLP – Toronto, ON

Some young lawyers feel they really want to write a long paper. That's all they know how to do. I say to them: "Well the problem is, if you don't get it done in the next six months, you may never do it." And they're so busy. My advice is, if they are committed to writing a long paper: "Do it. Do that long paper. And after you finish it, break it down into pieces, so that you can use effectively that piece that you worked so hard on in 15 different ways." For example, give presentations, speak at conferences on the issues you researched and wrote about. I've written a book, but I wrote I don't know how many articles before that book, and how many articles after the book. I also give presentations on those issues.

Ellen Bessner, Partner, Cassels Brock & Blackwell LLP – Toronto, ON

PUBLIC SPEAKING

Writing and speaking frequently go together. Many of the challenges associated with publishing are also true of public speaking. Like writing, preparing a speech is time-consuming and does not always generate new business right away.

Because public speaking came easily to me, I spent a lot of time early on, speaking to community groups. They are easy places to get speaking engagements and lay people are appreciative audiences. That strategy worked best for me, given the nature of my practice and my skill set. And of course, the more you do it, the better you get at it. I did that for my third or fourth year on, throughout my practice.

Laurie Pawlitz, Partner, Torkin Manes LLP & Immediate Past Treasurer, the Law Society of Upper Canada – Toronto, ON

TIPS FOR PUBLIC SPEAKING

Weigh the costs and benefits of speaking. Before you agree to a speaking engagement, consider how long it will take to prepare, and whether the payoff will be worth it. Consider who the audience will be and how much exposure you will get beyond the live audience.⁴³

Write your own introduction. In your introduction, tell the audience how you help people with problems like theirs.⁴⁴

Invite clients and prospects.

Create a holdback, such as an article or a checklist. Offer to send it to anyone who requests it after your presentation.

Spend time talking to people one-on-one both before and after your presentation.

Re-use your speech. Deliver the same speech at different events, or repurpose it as an article, blog post, podcast or client alert.

The best advice I've received in terms of speaking skills is: Don't try to be someone you're not. Be yourself and you'll be more credible. You'll make better connections with people than if you're pretending. You don't need to be somebody you're not. And it doesn't mean you don't prepare. Of course you prepare. It doesn't mean you're not polished. It doesn't mean you don't work hard – that's critical. But you don't need to speak like somebody else. You don't need to present like somebody else. Just be yourself and you'll be far more persuasive and credible.

Janice Payne, Partner, Nelligan O'Brien Payne – Ottawa, ON

OTHER WAYS TO RAISE YOUR PROFILE

Being quoted in the newspaper can be an effective way to raise your profile. Consider working with your firm's communication department to notify the industry or legal media about your publications or speaking engagements. Remember to consult your firm's media policy before agreeing to talk to a reporter.

Another effective way to increase your visibility is to be profiled in the legal media. Several publications, such as L'expert, Precedent, US News, and Chambers Global regularly publish profiles of leading lawyers in various areas.

⁴³ *Supra* note 22 at 114.

⁴⁴ *Supra* note 2 at 83.

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Finally, in many practice areas you can become certified as a specialist by the Law Society of Upper Canada. Once you are certified, you can identify yourself as a specialist in all of your marketing materials. For more information about the Certified Specialist program, visit: <http://rc.lsuc.on.ca/jsp/csp/index.jsp>.

Online Marketing and Social Media

There are many reasons for lawyers to embrace online marketing. The internet provides effective tools that can enable you to market and showcase your skills to potential clients. In some practice areas, it is almost a necessity to have an online presence. In-house lawyers of all ages report using social media,⁴⁵ and one survey found that 51.4% of in-house counsel are less likely to hire an outside lawyer who does not have an online presence.⁴⁶

Online marketing tools are especially useful for women lawyers because they provide new ways for women to engage in business development while balancing work and family obligations. They also offer opportunities for women to stay engaged while away on leave and to on-ramp back into practice when they return. In one example, the authors of *Social Media for Lawyers: The Next Frontier* began blogging as a way to build up their law practices after spending time raising children. For both women, their blogs brought them recognition as experts in their fields and led to further business development opportunities.⁴⁷

As of the last year, I have been an active participant in writing a regular blog called "All About Estates." A number of us are involved in the blog, bringing a multidisciplinary approach to writing that blog. And I'm seeing LinkedIn become more and more prevalent. It's a new world out there in terms of marketing and I don't think you can ignore social media anymore.

Corina Weigl, Partner, Fasken Martineau DuMoulin LLP - Toronto, ON

WHY USE ONLINE MARKETING?

Online marketing tools are not ends in and of themselves. They are tools that you can use to achieve your business development goals.⁴⁸ Just like any other business development tool, online tools should be approached strategically, with a particular purpose in mind. Below is a list of some of the few possible goals that can be achieved using online resources.

⁴⁵ Loeb & Loeb and Amos Content Group, “Achieve Measurable Lead Generation, Increased Brand Awareness and Business Development Through Social Media” 2012 Legal Marketing Association Annual Conference (16 March 2012).

⁴⁶ BTI’s How Clients Hire: The Role of Legal Directories and Online Lawyer Profiles (BTI Consulting Group, 2011) at 26.

⁴⁷ Carolyn Elefant & Nicole Black, *Social Media for Lawyers: The Next Frontier* (American Bar Association, 2010) at xvii.

⁴⁸ *Ibid.* at xxii.

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Generate new clients

Stay in touch with existing clients

Conduct research on your clients and competitors

Expand your network of referral sources

Raise your profile in the legal and business community

SOCIAL NETWORKING

Social networking sites are websites that allow users to create online profiles, share content, and connect with other users. The two most important social networking tools for lawyers are LinkedIn and Facebook.

LinkedIn (<http://www.linkedin.com>) is designed specifically for professional networking. It has the largest user base of any business-focused social networking service.⁴⁹ Conference organizers regularly use LinkedIn to get ideas for potential speakers, and it has become common for employers to consult the LinkedIn profiles of job applicants. Potential clients might want to consult your LinkedIn profile prior to meeting you for the first time.

LinkedIn users can create an individual profile that functions as an online curriculum vitae. Your profile should include information about what kind of work you do, as well as your past work experience and education. You can also connect with other users and share information with your contacts. Marketing consultant Amy Knapp has created a “LinkedIn Strategy Worksheet” to help lawyers get the most out of their LinkedIn accounts.⁵⁰ She suggests considering the following questions:

In what specific area of law do you want to be the go-to professional?

What are the titles of people with whom you would like to connect? Who among your existing contacts falls into this category?

Where is the greatest market opportunity in the next 12 to 18 months?

Which other colleagues or professionals are doing business with your target group?

If a potential client were to search for a lawyer using Google, what might he or she type in the search bar?

The full worksheet is available online at <http://www.knappmarketing.com/linkedinworksheet>.

⁴⁹ Adrian Dayton & Amy Knapp, *LinkedIn and Blogs for Lawyers: Building High Value Relationships in a Digital Age* (West LegalEdcenter, 2012) at 1.

⁵⁰ *Ibid.* at 20.

I use LinkedIn. I am from Venezuela originally, so I speak Spanish. A big part of my marketing initiative in the past few years has been to reach out to businesses in the Latin American countries doing business in Canada. I work with our Mining Group and have been travelling quite a bit to Latin America this year and doing a lot of business development activities with law firms there, e.g., meeting with clients and attending conferences. I find that LinkedIn has been very helpful in this regard. I am able to identify who knows whom in a particular country or region.

Samantha Alfonzo, Associate, Gowling Lafleur Henderson LLP – Hamilton, ON

In contrast to LinkedIn, Facebook (<http://facebook.com>) has more of an emphasis on personal than professional networking; however, Facebook can still be a useful resource for lawyers. Facebook provides an easy way to stay in touch with a large group of friends and acquaintances. You can use Facebook to reconnect with former classmates or colleagues that you may have lost touch with over the years. It can also help you remember your contacts' birthdays and milestone events, such as weddings or births. Some lawyers are able to use Facebook to generate business. In a recent issue of *Law Practice Magazine*, Michele RJ Allinotte writes that she uses Facebook for business purposes and that it brings in new clients and leads.⁵¹

BLOGS AND TWITTER

I just started using Twitter. I have about 75 people following me. I also do webinars, videos, BNN, all of that. I put that on Twitter. So if I'm on BNN, they're reading it on Twitter. I use my profile. It's very important to update your profile every time you do something. That profile must be updated.

Ellen Bessner, Partner, Cassels Brock & Blackwell LLP – Toronto, ON

Legal blogs have become an important source for up to date legal news and analysis, and legal bloggers occupy an important place in the profession. Prominent legal bloggers are often asked to contribute to print journals and invited to speak at conferences. If you enjoy writing, blogging can be an effective way to establish your reputation as a leader in your chosen practice area. However blogging requires a significant time commitment. In order to be successful, a blog should publish new content at least once a week.

⁵¹ Michele RJ Allinotte "Finding Friends (and clients) on Facebook" *American Bar Association Law Practice Magazine* (January-February 2012).

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If you decide to start your own blog, first determine what you want to write about. Most successful legal blogs are focused on a specific area of the law. The world of legal blogs is crowded, and “the narrower your niche is the more you can stand out.”⁵² The authors of *LinkedIn and Blogs for Lawyers* offer some suggestions to help generate ideas for blog posts:⁵³

What challenges are your potential client’s facing?

What interesting articles have you read lately, and what can you add?

How do other industries deal with the same challenges that your clients are facing?

What kinds of questions have you received lately from readers or clients?

What interests you about your practice area?

What mistakes have you made and what did you learn?

What are some current trends in your industry?

In addition to blogging, lawyers can also consider using Twitter. Twitter enables users to post short statements, called “tweets”, of no more than 140 characters. Users can also “follow” other users. This format necessitates a form of communication that is very streamlined and direct. Twitter is an effective tool for distributing information to a wide audience, and it is also a useful tool for research as it is possible to track a particular subject and to keep up to date on new developments⁵⁴

Blogging and tweeting frequently go together. Tweeting is more instantaneous than blogging. While your blog posts can live online forever for future clients to read, your tweets will probably only be read by people who are already following you. You can use Twitter to announce when you publish new content on your blog, or you can use it to send out short announcements that do not merit a lengthy post.

WEBSITES

I have a website and the website is important because I think it does reflect who you are. When you’re doing work, for example, cross-border, or you’re doing work with larger firms, clients and lawyers invariably go to your website to find out a little bit about you. So it should be representative of who you are and what you see yourself as being. Our

⁵² Jayne Navarre and David Freeman, “Branding Yourself Online: Tips for Spinning Your Story with Blogs and Other Social Media” *Law Practice Magazine* (January-February 2009).

⁵³ *Supra* note 49 at 83.

⁵⁴ Daniel Schwartz, “I Tweet. Therefore, I Am.” *Law Practice Magazine: The Social Media Issue* (January-February 2012)

website certainly has been helpful - not as a marketing tool, people don't go around googling criminal lawyers and get your website - that's not how you're going to develop your business. It is an important marketing tool in the sense of making yourself known and defining yourself to large clients and to larger firms.

Marie Henein, Lawyer, Henein and Associates - Toronto, ON

The world of online marketing has reached a point where every law firm should have a website. For many people, Google has replaced the phone book, without a website, you lose the opportunity for clients to find you.⁵⁵ Even if all of your clients come from referrals, it is still important to have an online presence. Potential clients commonly get more than one name from a referral source and visit the lawyers' respective websites before deciding who to contact.⁵⁶

If you do not yet have a website, you can hire a web designer to create a simple one for you for a few hundred dollars. The following are a few things to keep in mind when considering setting up a website.

Think about your website through the eyes of your clients. Avoid legal jargon. Clients want to know how you help people with problems like theirs, so put that information in a prominent place.⁵⁷

Write an effective biography. A good bio should address who you are and how you got to where you are, whom you act for, and what you do.⁵⁸ It is important that individual law firm bios be updated at regular intervals.

Include your picture. It is common practice for lawyers to include a professional headshot with their online biography.

Include your contact information. Visitors to your website should be able to quickly find out where your office is located and how to get in touch with you.

BEST PRACTICES

It should go without saying that your use of technology must comply with the Rules of Professional Conduct as well as your firm's social media policy. In addition, the following are a few best practices for social media:

⁵⁵ Pat Yevics "Adding New Tools to Your Marketing Toolbox" *ABA General Practice, Solo & Small Firm Division Technology eReport* (June 2010).

⁵⁶ Anne Bothwell, "Web Sites as Branding Tools: Quick tips for Creating a Positive Experience for Prospects" *Law Practice Magazine* (January-February 2009).

⁵⁷ Allison C Shields "What Makes a Good Lawyer Biography?" (6 June 2012) online: Slaw <<http://www.slaw.ca>>.

⁵⁸ Ibid.

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The biggest concern with social media for most lawyers is confidentiality. You must protect client confidentiality when blogging, just as you would if you were writing an article to be published in print media. The best practice is to not write about your clients at all, even with identifying information removed, unless you have the client's consent.

All the rules regarding lawyer advertising also apply to online activity. For instance, in Ontario lawyers cannot refer to themselves as specialists unless they are certified as a specialist in the relevant area by the Law Society of Upper Canada. Ensure that your LinkedIn profile does not state that you are an "expert" or "specialist" unless you are so certified.

Read and follow your firm's social media policy. Your firm may have a policy that limits social media use. Check the policy before you start blogging or interacting with clients online. While it is not against the Rules of Professional Conduct in Ontario, it is not recommended to "friend" your clients on Facebook. Additionally, when communicating with clients, keep in mind that online forms of communication are not secure.

SUGGESTED READING

Adrian Dayton & Amy Knapp, *Linked in and Blogs for Lawyers: Building High Value Relationships in a Digital Age* (West LegalEdcenter, 2012).

Carolyn Elefant & Nicole Black, *Social Media for Lawyers: The Next Frontier* (American Bar Association, 2010).

Building Relationships

At its root, everything you do to develop your business is about building relationships. This section focuses on how to make connections with people and how to develop strong relationships. If you have a large and diverse network of contacts, opportunities and clients will naturally come your way. If you walk into a networking event hoping to land the perfect client, you are likely setting yourself up for disappointment. Your goal starting out should just be to meet new people and get to know them.

Manage your contacts actively, both directly and indirectly. What I mean by indirectly is mine your contacts. In other words, if you have a relationship with Susie Smith at some financial institution, ask her if she has contacts that might be relevant to you, and think about contacts of yours that might be relevant for her, so that you can bring other people together and expand your network. At the end of the day, the goal is to expand your network. That's where opportunities to acquire work come from.

Corina Weigl, Partner, Fasken Martineau DuMoulin LLP – Toronto, ON

I think the goal really should be to focus on relationship building. And I've always seen that as two sided, the business development/professional development for my contacts, but also getting to know them on a personal side. What is it that keeps them awake at night? What are their interests professionally? What can I do to help them with those stresses? And then getting to know them personally so I understand what personal stresses they may have, because at the end of the day, it's both their professional and personal stresses that you need to think about in terms of making what you do be about them as opposed to about you.

Corina Weigl, Partner, Fasken Martineau DuMoulin LLP – Toronto, ON

It's beyond relationship building. It's about them admiring me and admiring the work that I do. It's way beyond: "I like her." Sure, if I'm not a nice person...but it's not even about that with these particular women, and men too. It's really about: "I think she's unbelievable, and I want her to succeed." These are people that are really helpful to me. They genuinely want to see me succeed because they really believe that the advice I offer is best.

Ellen Bessner, Partner, Cassels Brock & Blackwell LLP – Toronto, ON

When you build professional relationships, it is no different than building a personal relationship. If you have a strong personal relationship, if you have a strong professional relationship, if you have a strong relationship with an organization or a group of people in the community, the rest just comes.

Mary M.S. Fox, Founding Partner, Ducharme Fox LLP – Windsor, ON

I say this to articling students and to young lawyers: Do not hesitate to call on people who you identify as representing someone from whom you might be able to benefit, someone from whom you might be able to learn. Regardless of how small, pick up the phone, send them an email. As a young lawyer, I went to senior lawyers and I said, "Here is what I'm struggling with. Here is what I'm thinking. Am I right out of it or am I on the right path?" Good lawyers took me under their wing. We discussed the problem and the option for solutions. I sent them flowers. I sent them fruit baskets. I took them out for lunch. I established relationships. I have not regretted taking those steps very early on. I did this with those lawyers respected in the community, someone who stood out head and shoulders above everyone else, in particular areas of

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practice. If I had a problem in a particular area and I thought I needed some direction, I wanted to come in with a solution. Am I on the right track? What else could I do? That's how I learned.

Mary M.S. Fox, Founding Partner, Ducharme Fox LLP – Windsor, ON

I think for young lawyers the connections they want to make are with senior lawyers. Ask them for work because they will give work eventually and, while it may appear initially as being small, that's how you develop your practice. Young lawyers should also develop relationships early on with your own peers because those are the people that you will grow up with and it becomes very clear that those are the people that you will be referring back and forth to.

Marie Henein, Lawyer, Henein and Associates – Toronto, ON

There are numerous ways to meet people and build your network. By using your strengths, it is possible to connect with potential clients and referral sources without going too far outside your comfort zone.

If you enjoythen try
Meeting new people	traditional networking, i.e. cocktail parties
Talking to people one-on-one	taking people out for lunch or coffee
Research and writing	publishing articles or blogging
Public speaking	Presenting at conferences or teaching

We each have our own voice and it's okay. We each need to find our own voice and what we're comfortable doing. And it's amazing what you can accomplish once you find that. At the beginning, a lot of times you're looking to see what other people are doing – which is good, because you can find role models. But sooner or later, you have to internalize it. And once I was able to internalize it, and do what I felt comfortable doing and learned to be comfortable with how I approach it in my own voice, then it just took off.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Stewart Storie LLP – Toronto, ON

I quickly found that wandering around, shaking hands and introducing myself to strangers at networking events wasn't making much impact. I wasn't developing close enough relationships that would result in any successful opportunity. I decided to take a different approach; that I would attend community events – as many as I could – but rather than general circulation and pleasantries, I would try to make an effort instead at each event to get to know one or two people very well. I found this worked for me, an approach that had me arriving alone and sitting down beside someone new for a lunch or dinner event, with an opportunity to talk directly, focus and learn a little bit more about them – not just about their business, but personally: Who are they? Are they married? Where did they grow up? Why were they there? This one on one personal approach helped me develop more comfortable and lasting professional relationships with people. I hoped to engage people who were either developing networks or had a strong network already. That way if you develop a closer relationship, the hope is that you will enjoy access to their group as well.

Tanya A. Leedale, Partner, O'Connor MacLeod Hanna LLP – Oakville, ON

Although it's not a characteristic of my practice now, when I was first starting to build my practice, I reached out to and developed a very good network with a few accountants and other professional service providers that were also women having similar interests and target client profile. Many in that group also started their careers at larger firms and had since moved to small firms or regional offices of larger firms. We made close connections, and together identified that many small businesses operated or managed by women enjoyed dealing with female accountants and lawyers. So we often collectively targeted that market. We liked this approach which might turn into one of those "...and she told two friends and so on and so on..." networks. So I did have some focus

initially on coordinating with other professional women to jointly approach or cross refer our respective clients or prospects, as well as planning together to attend events and introduce each other to connections we had made. That worked very well for me over the years and I still enjoy those early professional relationships.

Tanya Leedale, Partner, O'Connor MacLeod Hanna LLP - Oakville, ON

BUILDING YOUR INTERNAL NETWORK

A good place to start networking, especially for junior lawyers, is within your firm. The following are some ideas for ways to raise your internal profile:

Join committees and attend events

Take advantage of professional development opportunities offered by your employer, such as lunchtime lectures

Eat your lunch in the cafeteria or break room, or make plans to go out for lunch with colleagues

Your best clients when you start out are the lawyers that you are working with: other lawyers. Look at them with a new lens. Look at them like a client. If you can make a colleague's life simpler by doing excellent work on a timely basis, by being the one who is prepared help out at 5 o'clock on Friday afternoon on the long weekend, that lawyer will be back for more, and more. And that's how it starts.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Stewart Storie LLP - Toronto, ON

I found that in a small community you need to make sure you're well known with other lawyers so you get their referrals. In the first few years, that's where much of my work came from: other lawyers.

Mary Catherine Chambers, Partner, Buset & Partners LLP - Thunder Bay, ON

How we deal with each other as colleagues is so critically important. At the end of the day, our source of business comes not just from the community, the clients that we serve, but our colleagues. You do this long enough, the majority of business comes by way of referral.

Mary M.S. Fox, Founding Partner, Ducharme Fox LLP - Windsor, ON

As we become more experienced as lawyers, our friends and colleagues are also moving up in the ranks and so, it's really good when you're a young lawyer to be networking with other young professionals and other young people who are involved in business. You can continue to grow together and you can develop your businesses together. As you become more experienced, your friends tend to end up in positions of power. You might not appreciate that at the beginning, but I think that if you start making connections early on, those connections will just continue to pay off.

Heather Williams, Cavanagh LLP – Ottawa, ON

In the early days of practice, my business development strategy was to do the best work possible for the partners in the firm or the senior associates with whom I was working. I considered them to be my clients. By doing excellent work for the lawyers in my firm, I got exposure to clients which resulted in more work.

Cheryl Hodder, QC, Partner, McInnes Cooper – Halifax, NS

JOIN EXTERNAL ORGANIZATIONS

In addition to getting involved at work, begin to build up your profile in the legal community. Join organizations, and be an active member. Sign up for mailings and attend events. Find ways to get involved in the organization's operations by joining committees or offering to speak at events. Get to know the other members, but don't engage in obvious self-promotion to the other members. It will be seen as self-serving.

The following are some ideas for types of organizations to join:

Bar associations and other professional organizations

Organizations that your clients belong to, such as industry associations

Any organization that you have a genuine interest in

There are some old saws that are still very true: take care of the law and the law will take care of you; if you want to be good at something, surround yourself by people who are excellent. That led me to accept an offer to be on the Advocates' Society Board of Directors, which led to the Ontario Trial Lawyers' Association and the Medical Negligence Section and a number of other organizations. I found that taking leadership roles in those groups gave me a great deal of confidence in what I was doing.

It allowed me to confidently go out in the community and say, "I have something to offer here. I have something that you can benefit from."

Barbara Legate, Personal Injury Lawyer, Legate & Associates – London, ON

Both my former firm and my current firm have encouraged outside endeavours that build profile, even though the business development aspect of the endeavour is not perhaps immediately visible. But there are a number of ways to advance both your own 'star' and your firm's reputation. One of them is to be a name that many people know when they think of a particular area of law. The question that you should always ask yourself is 'What environment works best for me? Where am I most comfortable?' For me, serving on boards and working collaboratively in groups was a natural fit.

It's also important not to overlook lawyers' groups because of course, when you connect with other lawyers, you have a greater opportunity to meet lawyers who have clients with a variety of legal needs. For me, as a personal services lawyer, I found other lawyers a terrific referral source. At this point in my career, I get about 50% of my new clients through referrals from other lawyers.

Laurie Pawlitz, Partner, Torkin Manes LLP & Immediate Past Treasurer, the Law Society of Upper Canada – Toronto, ON

I started very early on, in terms of being involved in the OBA. I offered to write articles for the estates and trusts section, and eventually I took a position on the executive of that organization. I've taken on speaking engagements virtually since my 1st year of practice; at least 4 or 5 conferences a year. And all of that has just continued to lead to a development of profile and development of reputation. For me that was my biggest component of my business development in the early stages of my career.

Corina Weigl, Partner, Fasken Martineau LLP – Toronto, ON

When I started, I spoke at a number of the human resources professional programs that are regularly put on locally. I made sure that I attended all of the local law association functions because I fully expected that most of my work would come from referrals from other lawyers. We're a small bar, and if you go to 2 or 3 of the social functions a year you see a lot of people. And once they know what you're doing, then it's word of mouth.

Mandy Fricot, Lawyer, Fricot Law – Thunder Bay, ON

One of the senior partners of the firm where I worked for many years, Denis Power, who went on to become a Superior Court judge, told the young associates of the firm as we were trying to develop our practices, that he couldn't recommend anything more than "participation". I was just at an Advocates' Society dinner last week where one of the former Presidents of the Advocates' Society was quoting Woody Allen and saying that 80% of his success was just showing up. And I guess that's sort of what Justice Power was telling us - just get out there and get to know people, in whatever capacity each of us was comfortable doing that. My "showing up" involved attending a lot of continuing legal education programs and getting to know other lawyers in the community. I sat on a couple of volunteer boards of organizations and got to know people in other areas. And then gradually, I began to be asked to speak at continuing education programs and at client events – and I did a lot of that as well. I also did some writing. But most of all, I would say that because of some very good advice I got very early on, I was always very disinclined to just stay in my office and I got out there.

Heather Williams, Cavanagh LLP – Ottawa, ON

I always tell our younger lawyers, "Don't volunteer for a committee if you don't like the subject matter. Don't accept a seat on a board just because it's a seat on a board." You have to be passionate about the kinds of things that you're doing in the community. You have to be passionate about the type of legal work that you want to do - because when you do that it makes the work a little easier. People notice that. They notice your enthusiasm and dedication and that positive energy around the work.

Cheryl Hodder, QC, Partner, McInnes Cooper – Halifax, NS

TIPS FOR NETWORKING AT SOCIAL EVENTS

The following are some tips for traditional stand-up networking events:

Ask open-ended questions to prompt conversation. Some examples of conversation openers are: "What do you think of the event / the speaker / the venue?" "How are you enjoying the conference?" or "How did you first get involved in this organization?"⁵⁹

⁵⁹ *Supra* note 28 at 3-26.

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Be interested, not interesting.⁶⁰ The secret to being a great conversationalist is to figure out what interests the other person. Express genuine interest in what she or he has to say by listening actively. While straightforward in theory, doing this well takes practice.

Be positive. People like to be around positive people, so don't complain or express negativity when you are making a first impression.⁶¹

If you don't know anyone at the event, introduce yourself to someone. Eighty eight percent of people consider themselves to be shy in social situations.⁶² If you are nervous about approaching someone, remind yourself that the other person is probably shy too, and they will be relieved that you made the first move. Look for someone standing alone and be his or her "saviour".

Don't engage in aggressive self-promotion the first time you meet someone. The first step is to get to know the new contact. Using the hard sell too early is usually counterproductive.⁶³

Prepare some topics to talk about before you go. Read up on current events to get ideas for conversation topics. Look at the most commonly read news source in your region so that you will have a common frame of reference with the other attendees.

Attend with a colleague. But make sure that you both understand that you are going to support each other in meeting other people. Don't spend the entire event talking to the colleagues that you came with.

Ask someone to introduce you. Pair up with someone more senior, or someone who is simply good at networking, and ask them to introduce you to their contacts.

If someone seems like a good connection, plan a definitive next step. Try some variation of the following: "I'd be interested to talk more about the challenges you are facing in x industry. Could we continue this conversation over lunch sometime in the next month?" Then collect the person's card and follow up with them.⁶⁴

⁶⁰ *Supra* note 1 at 126.

⁶¹ *Ibid.* at 343.

⁶² Susan Roane, *What Do I Say Next?: Talking Your Way to Business and Social Success* (New York: Warner Books Inc: 1997) at 237.

⁶³ *Supra* note 1 at 353.

⁶⁴ *Supra* note 4

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For more tips on making small talk, see *How to Work a Room* by Susan Roane.

I usually target somebody to talk to. People often feel like they need to come back with lots and lots of contacts. I think you're far better off if you strike up a good conversation with one or two people to learn something about them. And you don't have to come back with a piece of business. You just have to come back with a new colleague, or a contact. It doesn't even have to be a friend. For me, that's success.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Stewart Storie LLP - Toronto, ON

A critical skill to learn is the art of entering a room of strangers and introducing yourself. It's actually really quite simple: you just walk up to someone and say 'I don't think we've met, my name is Laurie'. They will introduce themselves. If you develop a stock set of questions, you can have a wonderful conversation with them. The usual questions are 'What kind of work do you do', 'Where do you work', and "What brought you to this event?' These are obvious 'openers'. Then find out what you might have in common, get their business card and give them yours. But don't forget to move around the room! It also never ceases to amaze me when someone arrives at a business development event with a friend and they spend all evening speaking to each other.

Of course, the purpose of the event is not to talk to the people you already know! Your goal is to meet other people and "work the room".

It's easiest to begin the process of networking by trying to connect with people who are your peers. Find out about them. Find out where there might be opportunities to refer work to each other. If there is no obvious referral connection with you, think of whether they might benefit from meeting someone you know, and help those people connect. The best contacts in the early years of practice are those at your 'age and stage'. You'll tend to refer work to each other because the level of complexity of the work you do and the needs of your clients will be similar.

Always think of every reception or cocktail party as an opportunity. Making good use of a cocktail party is a learned skill, and a necessary one. It's one of the most useful business development skills you can cultivate.

Laurie Pawlitza, Partner, Torkin Manes LLP & Immediate Past Treasurer, Law Society of Upper Canada - Toronto, ON

Go to that cocktail reception with a view to speaking to one person whom you've not met before. Ask them what's going on in their business life - What issues are they dealing with? What are the trends in their

industry? Make them feel at ease and then the next steps usually fall into place. You don't necessarily get a referral from the people you speak with at a cocktail party, but if you're there being authentic and open and asking all kinds of interesting questions making others feel comfortable, eventually it comes around to work.

Cheryl Hodder, QC, Partner, McInnes Cooper - Halifax, NS

FOLLOW-UP WITH YOUR NEW CONTACTS

In most cases a new connection will not become an important business contact after the first meeting, or even the first several meetings. Experts say that it takes an average of seven contacts before a sale is made.⁶⁵ Chances are that someone you meet for the first time won't have any legal work to give you right away, but if you keep in touch with a prospect over months or years, eventually some opportunity for work will arise.⁶⁶ Therefore making plans to follow-up with the people you meet should be an integral part of any networking activity.

Below is a list of ideas for keeping a new relationship going:

Send a thank you note after a first meeting

Send articles of interest with a personal note

Make plans to meet for lunch or coffee or drinks

Send information about your firm

Send your organization's newsletter

Invite the contact to an event hosted by your organization

Send holiday cards

Introduce the contact to someone you think they should know

Call to ask for advice about an area of their expertise

So you're at an event, you meet someone, you talk about a business issue. Go back to your office and find an article that may be of interest to them and send it to them. Or, before you leave them at the event, if it's appropriate, try to book a meeting over coffee to discuss something specific. Having a definitive next step is important in moving the relationship along to an eventual referral.

⁶⁵ *Supra* note 22 at 54.

⁶⁶ *Supra* note 28 at 1-10.

Cheryl Hodder, QC, Partner, McInnes Cooper – Halifax, NS

USE YOUR PERSONAL NETWORK

Most women already have a large group of personal contacts who could be potential referral sources, or even clients. Yet many women resist networking with their friends out of concern that they might be taking advantage of the friendship. Sara Holtz recommends changing your mindset. If the friend is a businessperson she or he will understand the need for people to market their services.⁶⁷ Asking a friend for business does not mean that you do not value the friendship or that you don't respect the boundaries between friendship and business. If you don't feel comfortable working with your friend yourself, consider referring him or her to a colleague.⁶⁸

SUGGESTED READING

Theda C. Snyder, *Women Rainmakers' Best Marketing Tips*, 2nd ed (American Bar Association, 2003).

Rainmaking

The ultimate goal of all of your business development efforts is to generate client business. The majority of time during the sales process should be spent on relationship building and preparation, but at some point it will be necessary to actually ask for work. This section addresses the question of when and how to make the pitch, and how to overcome objections.

ATTRIBUTES OF SUCCESSFUL RAINMAKERS

In a law firm, a rainmaker is a partner who is able to maintain a book of business large enough to generate work for the firm. Some women may think that they cannot be a rainmaker because they do not see themselves as the type of smooth-talking, back-slapping male partner typically associated with the role. However, this stereotype does not accurately describe what it takes to be a rainmaker. The ability to generate business does not depend upon having a talent for sales, or being connected to a "good old boys" network. Most rainmakers don't see themselves as "selling" at all. Instead they see themselves as helping people find appropriate solutions to their legal problems.

There is no single personality type necessary for being a rainmaker, but there are certain qualities that are associated with higher originations. All of these are attributes that can be improved with practice. Furthermore, these qualities are many of the same qualities associated with being a successful lawyer.

⁶⁷ *Supra* note 22 at 77.

⁶⁸ Deborah Epstein Henry, "Business Development Beyond Rubber Chicken Dinners," online: Women's Online Resource Centre <<http://fc.lsuc.on.ca/jsp/worc/index.jsp>>.

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Rainmakers are

Knowledgeable about their clients' business – one study found that women lawyers who said they understood many aspects of their clients business reported 100% higher originations than those who did not;⁶⁹

Good listeners – they give clients focused attention, and make them feel valued and understood;⁷⁰

Empathetic – they are able to shift perspective to understand how their clients see the world;⁷¹

Confident – they are comfortable promoting themselves because they believe that the services they are offering will help achieve the client's goals;

Effective negotiators – studies show that rainmakers score higher than service partners on measures of “ego drive,” which is the ability to persuade others for the sake of persuading;⁷²

Resilient – they do not dwell on rejection, but instead move on to the next opportunity;⁷³

Customer service-oriented – they genuinely like people and want to help;⁷⁴

Leaders – women in leadership positions report higher originations than those who are not leaders.⁷⁵

DECIDING WHEN TO PITCH

Successful rainmakers do not think of selling, or “pitching”, as an isolated event, but rather as the outcome of a multi-step process that involves building relationships and gaining knowledge to understand the prospect’s needs.

The best time to make a pitch is when the prospect has a problem or opportunity that you can help with.⁷⁶ It would not be unusual for months or years to pass before such a problem or opportunity arises.

⁶⁹ *Supra* note 37.

⁷⁰ Ed Poll, “How Women Lawyers Can Make Rainmaking Work” American Bar Association Law Practice Magazine (August 2010).

⁷¹ *Supra* note 28 at 10-5.

⁷² *Ibid.* at 10-3.

⁷³ *Supra* note 37.

⁷⁴ Kathleen Brady, “Marketing and Client Development Activities” American Bar Association Law Practice Today (February 2009).

⁷⁵ *Supra* note 37.

⁷⁶ *Supra* note 4

Business Development for Women Lawyers

In some practice areas you may be invited to respond to a Request for Proposal (RFP). If you are invited to respond to a RFP, you should always do so. Even if you don't believe you are likely to be hired, submitting an RFP can be a way to get your foot in the door and could lead to more opportunities later on.⁷⁷ Be aware that most firms have a protocol for responding to RFPs, so if you do receive an invitation, forward it to the appropriate person in your firm.

MAKING THE PITCH

Asking for work is one of the hardest parts of most lawyers' jobs. Everyone faces rejection from time to time, and while it never feels good, women can be more likely than men to take it personally. If this is a problem for you, practice separating yourself as a person from the services you offer. Just because someone does not need your legal services does not mean they do not like you as a person.⁷⁸ The more times you ask for work, the easier it becomes.

When the time comes to make a "sales pitch" prepare for it as thoroughly as if you were preparing a case on behalf of a client. There is no single way to ask for business. Some people are comfortable making a direct ask by saying, "I'd like to do your work." Other people ask more indirectly. Observe how others do it and experiment with different techniques until you find a way that feels genuine for you.

The other way to get business is to give business. If someone needs something - they need some kind of legal service - then you make a personal call. And that personal call will often result in some feeling of gratitude, and that results in a quid pro quo. So it's not a direct ask. It's a bit more of an indirect one, but I've found what goes around comes around.

Barbara Legate, Personal Injury Lawyer, Legate & Associates LLP – London, ON

Something that took me a while to learn, though, about this whole asking for business thing is just to be yourself. Once I learned to just be myself and be the way I would be outside of the work environment in terms of asking for something, it got a lot easier. I think you really need to find your voice. So, unless it suits your personality, I wouldn't force yourself to be like the big rainmaker down the hall.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Stewart Storie LLP – Toronto, ON

⁷⁷ *Supra* note 28 at 6-7.

⁷⁸ *Supra* note 22 at 133.

In a situation where it might be intimidating, one thing I try to do is to keep the ask small. Something that's not threatening. Something that won't require the person to make a huge decision, or maybe even run this all the way up their flagpole internally. Just one assignment. One opinion. One particular area maybe that they know that I know. I'll say, "There's no need for you to move all your business. I would be happy to just take on this one matter for you." In the hopes that once they see my work, they will want me to do more.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Stewart Storie LLP – Toronto office

It's just one of those things where, the more you do it, the more comfortable and successful that you will be. And quite frankly, you have to get over that fear factor of: what could happen? Because really, the worst case scenario answer is, "No, I don't need you at this time".

Deborah A. Humphreys, Partner, Weiler Maloney Nelson – Thunder Bay, ON

For me, it's not a question of asking what they can give to me; it's a question of what I can do for them. Can I do something to make them look better in their position? Can I do something to reduce their legal expense so that they look better internally? Can I impart knowledge to them to make them better at what they do? Can I connect them with somebody else to expand their network? Really the focus should be on what you can do for them, because that will generate the goodwill for them to think about you when they have opportunities.

Corina Weigl, Partner, Fasken Martineau DuMoulin LLP – Toronto, ON

I think that how you ask for work can be different depending on different circumstances. So, you may not want to say, and I do sometimes, "How do I get your work?" Other times, I might say, "Is there an opportunity to work together?", which is the same thing, but a more pleasant way of saying it. Or: "Who are the other lawyers that you use and is there room for us?"

Ellen Bessner, Partner, Cassels Brock & Blackwell LLP – Toronto, ON

I have not, in the 34 years that I've practiced, outright asked anybody for business. What I've done is introduce myself: "Here's who I am. Here's

what I do. Who are you? What do you do? I'm wondering whether we will be able to help each other at some point."

Mary M.S. Fox, Founding Partner, Ducharme Fox LLP – Windsor, ON

In the early stages of your practice when you are planning to approach prospects, consider approaching people or businesses that are likely less sophisticated and with less complicated legal requirements until you develop experience and confidence in your abilities and eventually it will be much easier and more natural to network with larger, more sophisticated client prospects.

Tanya A. Leedale, Partner, O'Connor MacLeod Hanna LLP – Oakville, ON

I think it's an issue of, "What is your comfort zone? And how are you comfortable marketing yourself?" I certainly ensure that when I am in a setting where I know there are management people, they understand what I do, and when they ask me, I explain what my expertise is. If I had to go and ask for business, I would make sure that I found a way to do it that I was comfortable with and that suited my personality.

Mandy Fricot, Lawyer, Fricot Law – Thunder Bay, ON

I think the reality is that if you don't ask the client for work, you're not going to get into the conversation – into the details of the conversation that will enable the client to decide whether it might actually want to send you work. And I'm certainly not going to be asking for work from a client by trying to suggest that the client should not be using another law firm. I think that that makes lawyers look bad. I think that being willing to speak highly of your colleagues in other firms and your competitors actually shows that you have confidence.

Heather Williams, Cavanagh LLP – Ottawa, ON

Don't be pushy. Just let people know what you can offer and then, when you're given the opportunity, come through. People get turned off if you are pushy. I find that if you let them know what it is that you can offer and let it go, they will come to you when they need you. I have received calls 10 months after making an initial contact and they'll say, "Oh, I remember you said X. It helped me out, can we now..."

Samantha Alfonzo, Associate, Gowling Lafleur Henderson LLP – Hamilton, ON

TIPS FOR SUCCESSFUL PITCHING

Figure out who makes the decisions regarding hiring outside counsel. This is the person that you should make your pitch to.

Ask questions to assess the prospect's needs with respect to the specific legal issue. Spend no more than 20 percent of the time talking and listen the rest of the time.⁷⁹ Ask the prospect about their goals, the challenges they face, and their expectations. Refer the article at Appendix 4, "20 Questions You Should Ask Current and Prospective Clients" for ideas for what to ask.⁸⁰

Describe the benefit that you can provide. Explain the features of the services that you or your firm can provide and how it addresses the prospect's identified needs.⁸¹

Be enthusiastic. Show that you care about what the client is doing and express your desire to help.⁸²

Sell the whole firm. Even if a prospective client does not need your services at this time, he or she might need a different kind of legal assistance. Be prepared to refer them to other practice areas at your firm.

OVERCOMING OBJECTIONS

If a prospect turns you down, your work is not done yet. Ask open-ended questions to determine the source of the objection, and use your negotiation skills to try to address their concerns. Negotiate to overcome objections, just as you would if you were advocating on behalf of a client.

Try to anticipate possible objections, and prepare your responses.⁸³

Common objection - The prospect already has counsel

Possible response - Ask under what circumstances they would be open to working with other firms.

Common objection - The prospect is not in a position to hire you.

⁷⁹ *Supra* note 28 at 4-7.

⁸⁰ William J Flannery Jr, "20 Questions You Should Ask Current and Prospective Clients" online: <<http://www.wjfinstitute.com/?t=18&dd=1319>>.

⁸¹ *Supra* note 28 at 4-3.

⁸² *Ibid.* at 7-5

⁸³ *Ibid.* at 7-12.

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Possible response - Ask who is responsible for making decisions regarding outside counsel.

Common objection - The prospect says you are too expensive.

Possible response - Ask if they would be open to hiring you if cost were not an issue. This will help you to determine whether the price is the real concern.

Common objection - The prospect wants a more diverse group.

Possible response - Ask questions to figure out what kind of diversity is important to the prospect and why. Be prepared with statistics and information about diversity initiatives at your firm.

Common objection - The prospect wants service in another language.

Possible response - Tell the prospect which languages are spoken at your firm.

If the prospect ultimately decides not to hire you, stay in touch anyway.⁸⁴ In a few months or years, they may have a new problem or opportunity that you could help with, or they may decide that they are not happy with their current representation and switch firms.

SUGGESTED READING

Silvia L Coulter, *The Woman Lawyer's Rainmaking Game: How to Build a Successful Law Practice* (West Legalworks, 2007).

Maintaining Client Relationships

In most law firms, existing clients are by far the biggest source of new work. On average, 80% of new business comes from existing clients.⁸⁵ Therefore marketing to current and former clients should be a large part of any lawyer's business development strategy. If you work for a large firm make sure you get to know existing clients, and that clients get to know you.

Don't take your clients for granted by assuming that they will continue to give you work just because they have in the past. Every time you do work for a client is an opportunity to build client loyalty by demonstrating the quality of your work and providing superior service.

SOME STRATEGIES FOR BUILDING CLIENT LOYALTY

Distinguish yourself by providing excellent customer service. Each year BTI Consulting publishes a list of lawyers at firms around the world that have been identified by corporate counsel as "client service all-stars." The report includes the key attributes of client service leaders.⁸⁶

⁸⁴ *Ibid.* at 8-4.

⁸⁵ *Supra* note 22 at 18.

⁸⁶ Report for 2012 available online: <<http://www.bticlientserviceallstars.com/>>; see also Coulter at 11-5.

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It's not about the marketing. It's not about the prestige that you may gain or the notoriety you may gain. If you satisfy every person who comes in your door, then you're 99% of the way towards building a solid practice that will take care of you. Serve the client, because the next referral you get is probably going to be from that client, or the doctor that that person goes to, or the physio who says, "I know this great lawyer."

Barbara Legate, Personal Injury Lawyer, Legate & Associates LLP – London, ON

I really don't consider that I do business development in a traditional way - like cocktail parties and golfing and taking clients out. Basically, the only thing I do for business development is to make sure that every bill I send reflects value to the client. That's what I consider business development - ensuring that clients get their answers when they want them, and ensuring that if I can't answer them, if it's something outside my expertise, I find them a lawyer who can. I do my best to ensure that they're satisfied. I think that that is business development, but not in the sense that a lot of people do.

Mandy Fricot, Lawyer, Fricot Law – Thunder Bay, ON

Good communication. Good prompt, effective communication with clients and referral sources. You've got to talk to them, you've got to let them know you're on it, that you care. If you can't answer them today, let them know that you'll get back to them. Give them reasonable expectations as to when they'll hear from you. Make sure they do hear from you. Don't ignore them, don't let them think you don't care about their file. Their file has to be the most important file to you when you're talking to them.

Janice Payne, Partner, Nelligan O'Brien Payne – Ottawa, ON

Express a genuine interest in your clients and their work. Try to put yourself in your clients' place and understand their perspective. Ask questions and listen to what they have to say.

Learn as much as you can about your clients' business. Most clients state that they want outside counsel to learn more about their work, and studies show that the most successful rainmakers are the ones who have a good understanding of their clients' business.⁸⁷

⁸⁷ *Supra* note 37.

Business Development for Women Lawyers

Know who your top clients are. Top clients are not only the ones who generate the most revenue for the firm, but also those who are the most loyal.

Keep in touch with your existing clients at least 4 times a year.⁸⁸ Visit them at their office, or take them out for lunch. Give them tickets to events. Send them your firm's newsletter and send holiday cards.

Ask clients how you can serve them better. Take their feedback seriously.

⁸⁸ *Supra* note 28 at 8-2.

Final Thoughts

Do good work. In my experience good work leads to more work, and more work and more work than you can possibly handle. But it all starts with doing good work. And I can't emphasize that enough, especially for someone who's just starting out. Because for me it's never been about advertising, or speaking engagements. Although at a certain point in your career, speaking engagements are good for your profile. I think it's really about the work. Just do good work.

Elizabeth M. Brown, Partner, Hicks Morley Hamilton Stewart Storie LLP – Toronto, ON

Being ahead of the curve in terms of providing clients with legal advice before they need it. Feeling like they're getting value as a result of their association with you. And promotion of freebies. I find that if you adopt that and then network in your professional capacity, that's the best way to do it.

Mary Catherine Chambers, Partner, Buset & Partners LLP – Thunder Bay, ON

You should think of yourself as owners of your career, and if you're part of a big firm, future owners of the firm. Sometimes, in my experience, associates get into the habit of thinking of themselves as employees first, and I think if you can sort of shift the focus and think of yourself as owners of your career and future owners of your firm, it will help to shape how you view business development. It ought not to be viewed as, "How much time, non-billable time, do I need to spend on business development?" We can't give anybody a set target of hours. You have to decide what is going to be important for your own career path and spend the time on that. And that's what I mean by seeing yourself as owners of your own career and owners of your firm, ultimately.

Set goals. And track yourself, measure yourself against those goals. Again, whether it's, "I should become involved in two organizations or x speaking engagements", set yourself goals. Evaluate yourself against them and then see if the goals are actually leading to anything now or in the future. And lastly, maintain your connections in all your networks. So think about your networks, whether it's undergrad, law school, socially, high school, and maintain those connections. It's very difficult when you're ten years in and you realize all of a sudden, "Oh my gosh, I've got to business develop, and I haven't done it," to go back to those networks and start to figure out what it is that those people you knew many years ago do now, and could they be relevant to you. So continue

to maintain the networks all the way through. Because you just never know where work may come from at some point in the future.

Corina Weigl, Partner, Fasken Martineau DuMoulin LLP – Toronto, ON

It depends on the kind of a practice one has. A personal practice, such as family law, really doesn't lend itself to being out there in social media and having your face spread all over bulletin boards. Somebody doing personal injury, maybe that's a little different. Somebody doing corporate commercial, maybe that's a little different. But when the issues are so personal, I think it's the personal touch that produces the best result.

Mary M.S. Fox, Founding Partner, Ducharme Fox LLP – Windsor, ON

My advice is before you have children (if you intend to have children), invest as much time and energy in building relationships, because it will pay off. My efforts for my first 10 years of practice paid off in dividends. I've been in this community for long enough that I built professional relationships. Now I'm reaping the benefits and receiving the dividends of that work. My practice is busy. I'm not working as much in the evenings and on weekends. I was doing that a lot in my early years of practice to build my foundation.

Mary M.S. Fox, Founding Partner, Ducharme Fox LLP – Windsor, ON

The best advice I ever got was, "no matter what you do, keep your reputation, because nobody forgets. So just make sure that, whatever you're going to do, you do it properly." One of the more senior members of the bar told me, "You know what? Make sure that you realize that your reputation is what is always going to be with you, and basically be your bread and butter." I think when you're working in a small community like ours, your reputation is extremely critical to long term success.

Mandy Fricot, Lawyer, Fricot Law – Thunder Bay, ON

You can market yourself from here to kingdom come, but if you're not effective at what you do, there is nothing to market. You always start by having a product, whether it's in retail or in this business. The thing that you do have control over is developing your own skills as a lawyer and becoming reputable in your own field as somebody who is effective at

what they do. That's the main goal. I mean, you cannot even commence marketing until you have that skill level. A one, two or three year lawyer or a junior lawyer is going to try to make connections to get referrals from colleagues who are in their same vintage to begin to develop, but the thing that they can do, the greatest act, is to develop their own skill set. So that's number one because when you're in my area of practice, in criminal law, really what you are marketing is yourself. It's not that you're marketing a large firm - you are marketing your skills in particular.

Marie Henein, Lawyer, Henein and Associates – Toronto, ON

My practice is in the area of advocacy and when we're training newer lawyers one thing that we always say is to "be yourself." Don't try to be an advocate with a style that simply is a style you're not comfortable with. And I think that the same thing is true of business development. I think that some people are very good at making cold calls and meeting people and getting to know people they don't know. Some people are less comfortable with that. But there are different ways of developing business. You can make presentations to the client, you can prepare newsletters – not everyone has to have exactly the same skills. And you can be a very effective business developer even if you are someone who might be a little more reserved or introverted. I don't believe that you have to be an extrovert at all in order to be an effective developer of business.

Heather Williams, Cavanagh LLP – Ottawa, ON

Remember that business development takes time and deserves time. It needs regular nurturing to both maintain and build. There will always be somebody new out there trying to build at your expense, so you need to pay attention to maintaining, not just building, your practice. I think if you present in a confident way, that's critical. It doesn't mean you have to have all the answers - big mistake if you pretend you have all the answers – but be confident and knowing what you have to do to get the answers is important. And persevere. You often don't get results from business development immediately following a particular event or effort. This stuff is like planting seeds. Keep doing it and all of a sudden, you will realize that you're well networked in your community and it's happening.

Janice Payne, Partner, Nelligan O'Brien Payne – Ottawa, ON

Business Development for Women Lawyers

Be 100% yourself, because that's okay.

Cheryl Hodder, QC, Partner, McInnes Cooper - Halifax, NS

Bibliography of Suggested Reading

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Appendix 1 - BRAG! Take-12 Self-Evaluation Questionnaire

From Peggy Klaus, *Brag! The Art of Tooting Your Own Horn Without Blowing It* (New York: Warner Books Inc, 2003); also available online: <<http://www.bragbetter.com/>>.

What would you and others say are five of your personality pluses?

What are the ten most interesting things you have done or that have happened to you?

What do you do for a living and how did you end up doing it?

What do you like/love about your current job/career?

How does your job/career use your skills and talents, and what projects are you working on right now that best showcase them?

What career successes are you most proud of having accomplished (from current position and past jobs)?

What new skills have you learned in the last year?

What obstacles have you overcome to get where you are today, both professionally and personally, and what essential lessons have you learned from some of your mistakes?

What training/education have you completed and what did you gain from those experiences?

What professional organizations are you associated with and in what ways: member, board, treasurer, or the like?

How do you spend your time outside of work, including hobbies, interests, sports, family, and volunteer activities?

In what ways are you making a difference in people's lives?

Appendix 2 - Marketing Roadmap

Adapted from Tracy Lalonde, "Coaching Your Lawyers in Business Development" ALI-ABA Live Video Webcast (January 24, 2012).

Existing Network	Internal Marketing
Clients	Cross-selling
Prospects	Internal relationship building
Referral sources	
Events/Associations	Thought Leadership Campaigns
Professional Associations	Publishing
Industry Groups	Speaking
Other organizations	Teaching

Appendix 3 - Client research chart

Adapted from Tracy Lalonde, "Coaching Your Lawyers in Business Development" ALI-ABA Live Video Webcast (January 24, 2012).

Target market	Titles of potential clients	Client's problems or concerns?

Appendix 4 - 20 Questions You Should Ask Current and Prospective Clients

Adapted from William J Flannery Jr, online: <<http://www.wjfinstitute.com/?t=18&dd=1319>>.

1. What do you want your organization to look like in one year, two years or five years?
2. Do your plans involve new offices or plants in new locations?
3. Will you be developing important new products, services or making major changes in your offerings?
4. What kind of research and development do you see as necessary for you to meet your strategic objectives?
5. Could you profile your typical customer?
6. What are your employee relations concerns?
7. Who are your main competitors?
8. What has the financial climate been like for your business?
9. How are you organized, what does your organization chart look like, and who are the key executives?
10. How are decisions made, and who are the decision-makers?
11. What is the leadership style here?
12. Is there a legal department, and how is it organized?
13. What do you see outside counsel accomplishing for you or your organization?
14. Are there any recent uncertainties affecting your business, or changes of any sort that have particularly concerned you in the last few months or so?
15. What sort of legal services are you currently using, and do you expect that to change?

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16. What dissatisfies you about the level of legal services you've been getting?
17. How much detail do you like to get from your lawyers?
18. How do you perceive our firm in particular?
19. What criteria do you use in selecting lawyers? What makes a good lawyer?
20. How does your budgeting for legal services compare to what you spend on other resources?

Appendix 5 – Useful Tips from the Guide

TIPS FOR EFFECTIVE SELF-PROMOTION

Write down your achievements. By identifying and recording your achievements you will be able to easily convey the information that you want known about yourself. See Appendix 1 for a 12-question self-evaluation that you can use to map out your skills and achievements. Developed by communication consultant Peggy Klaus, the questionnaire is also available online at www.bragbetter.com.⁸⁹

Take advantage of informal opportunities to talk about your accomplishments. When a client asks you what is new, be prepared with a response. During meetings, highlight your accomplishments in subtle ways, always making sure to pay attention to your audience and be respectful of your listener's time.

Never downplay your successes. If someone gives you a compliment, thank them. Don't minimize your achievements by saying, "Oh, it was no big deal. I had a lot of help."

Promote others and give compliments. People will likely return the favour. Consider teaming up with a colleague and agreeing to support each other by making sure that the right people hear about each other's professional successes.⁹⁰ However, don't rely entirely on other people to promote you. Klaus cautions that while it is worthwhile to advocate for other people, you must also be an advocate for yourself.⁹¹

Get a sponsor. A sponsor is a senior individual who uses his or her clout to champion your advancement. You can attract the attention of potential sponsors by doing excellent work, then ask them to help you make sure that the right people hear about your accomplishments.

STEPS FOR DEVELOPING A PERSONAL BRAND

Determine what your brand is currently. Conduct a self-analysis, and ask yourself how others might see you.⁹²

Decide what your ideal brand would be. How do you want your clients or colleagues to describe you to others? Start by answering the following questions for yourself⁹³

⁸⁹ Peggy Klaus, *Brag! The Art of Tooting Your Own Horn Without Blowing It* (New York: Warner Books Inc, 2003) at 22.

⁹⁰ Susan Van Dyke, "Women lawyers, business development and hockey" Canadian Bar Association Practice Link (July 2010) online: <http://www.cba.org/CBA/practicelink/careerbuilders_advancement/women.aspx>.

⁹¹ *Supra* note 13 at 11.

⁹² *Supra* note 2 at 22.

⁹³ *Supra* note 1 at 205.

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Who are you?
 What is your skill?
 What do you promise to deliver?
 How will you add value?
 What is your experience and record?

Create an individual brand message. Sometimes called an “elevator speech” your brand message is a short statement that encapsulates who you are and what you do. It should incorporate your strengths, talents, and skills. It should not sound like a recitation of your resume.⁹⁴

QUESTIONS TO ASK IF YOU ARE UNSURE HOW TO CHOOSE A TARGET MARKET:

What type of legal work do you want to do, or do you do?
 What is your ideal client? Think about the following factors: size, geographic location, type of legal work, specific industry focus, individual or institutional clients, and specific ethnic communities.⁹⁵
 Who do you like to work with? If your target clients are people who you enjoy spending time with, then marketing activities will be more enjoyable.⁹⁶

QUESTIONS TO ASK WHEN RESEARCHING YOUR TARGET MARKET:⁹⁷

Who are your clients and potential clients?
 Where do they work?
 What associations do your clients belong to? What are they reading?
 What is important to them?
 What are their problems and concerns?

POTENTIAL REFERRALS SOURCES:⁹⁸

Satisfied clients
 People who have referred clients to you in the past
 Former colleagues

⁹⁴ Ritu Bhasin, “Impactful Business Development – How to Capture, Communicate and Build Your Professional Brand” Women’s Law Association of Ontario Hanging out Your Shingle Series (21 February 2012).

⁹⁵ *Supra* note 22 at 10.

⁹⁶ Silvia L Coulter, *The Woman Lawyer’s Rainmaking Game: How to Build a Successful Law Practice* (West Legalworks, 2007) at 2-22.

⁹⁷ *Supra* note 16 at 28.

⁹⁸ *Supra* note 22 at 23.

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- People with whom you have a strong professional relationship
- Law firms that do not compete directly with you
- Any law firm that cannot act in a matter due to a conflict of interest, or that is simply too busy to take on more work

TIPS FOR WRITING & PUBLISHING:

- Choose your topic carefully.** Write about something pertaining to an area in which you want to do legal work.⁹⁹
- Save time by converting work you have already done.** Repurpose a legal brief or memoranda into an article. Often you can publish the same piece with minor changes in more than one place.
- Make sure your work is seen by the right audience.** Legal magazine or journals are a good place to publish if you are writing for other lawyers, but not if you are hoping to reach potential clients.
- If unsure what to write about, write a descriptive piece about new developments in your field of law.** Descriptive articles are easier to write than analytical articles, and if you can be the first one to talk about a recent change in the law, you are more likely to get broad readership.¹⁰⁰
- Be timely.** When writing about current developments in the law, don't delay. Publish it as quickly as you can.
- When you get published, let people know.** Send the article to anyone who might be interested, and include a link to your article on your firm's website.
- Have a good picture.** Include a nice professional headshot with your publications so that you become recognizable.

TIPS FOR PUBLIC SPEAKING:

- Weigh the costs and benefits of speaking.** Before you agree to a speaking engagement, consider how long it will take to prepare, and whether the payoff will be worth it. Consider who the audience will be and how much exposure you will get beyond the live audience.¹⁰¹
- Write your own introduction.** In your introduction, tell the audience how you help people with problems like theirs.¹⁰²
- Invite clients and prospects.**
- Create a holdback, such as an article or a checklist.** Offer to send it to anyone who requests it after your presentation.

⁹⁹ *Supra* note 2 at 81.

¹⁰⁰ *Supra* note 2 at 82.

¹⁰¹ *Supra* note 22 at 114.

¹⁰² *Supra* note 2 at 83.

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Spend time talking to people one-on-one both before and after your presentation.

Re-use your speech. Deliver the same speech at different events, or repurpose it as an article, blog post, podcast or client alert.

QUESTIONS TO CONSIDER WHEN USING LINKEDIN:

In what specific area of law do you want to be the go-to professional?

What are the titles of people with whom you would like to connect? Who among your existing contacts falls into this category?

Where is the greatest market opportunity in the next 12 to 18 months?

Which other colleagues or professionals are doing business with your target group?

If a potential client were to search for a lawyer using Google, what might he or she type in the search bar?

SUGGESTIONS FOR GENERATING IDEAS FOR BLOG POSTS:

What challenges are your potential client's facing?

What interesting articles have you read lately, and what can you add?

How do other industries deal with the same challenges that your clients are facing?

What kinds of questions have you received lately from readers or clients?

What interests you about your practice area?

What mistakes have you made and what did you learn?

What are some current trends in your industry?

THINGS TO CONSIDER WHEN SETTING UP A WEBSITE:

Think about your website through the eyes of your clients. Avoid legal jargon. Clients want to know how you help people with problems like theirs, so put that information in a prominent place.¹⁰³

Write an effective biography. A good bio should address who you are and how you got to where you are, whom you act for, and what you do. It is important that individual law firm bios be updated at regular intervals.¹⁰⁴

Include your picture. It is common practice for lawyers to include a professional headshot with their online biography.

Include your contact information. Visitors to your website should be able to quickly find out where your office is located and how to get in touch with you.

¹⁰³ Allison C Shields “What Makes a Good Lawyer Biography?” (6 June 2012) online: Slaw <<http://www.slaw.ca>>.

¹⁰⁴ Ibid.

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IDEAS FOR WAYS TO RAISE YOUR INTERNAL PROFILE:

- Join committees and attend events
- Take advantage of professional development opportunities offered by your employer, such as lunchtime lectures
- Eat your lunch in the cafeteria or break room, or make plans to go out for lunch with colleagues

IDEAS FOR TYPES OF ORGANIZATIONS TO JOIN:

- Bar associations and other professional organizations
- Organizations that your clients belong to, such as industry associations
- Any organization that you have a genuine interest in

IDEAS FOR KEEPING A NEW BUSINESS RELATIONSHIP GOING:

- Send a thank you note after a first meeting
- Send articles of interest with a personal note
- Make plans to meet for lunch or coffee or drinks
- Send information about your firm
- Send your organization's newsletter
- Invite the contact to an event hosted by your organization
- Send holiday cards
- Introduce the contact to someone you think they should know
- Call to ask for advice about an area of their expertise

CHARACTERISTICS OF RAINMAKERS:

- Knowledgeable about their clients' business** – one study found that women lawyers who said they understood many aspects of their clients business reported 100% higher originations than those who did not;¹⁰⁵
- Good listeners** – they give clients focused attention, and make them feel valued and understood;¹⁰⁶
- Empathetic** – they are able to shift perspective to understand how their clients see the world;¹⁰⁷
- Confident** – they are comfortable promoting themselves because they believe that the services they are offering will help achieve the client's goals;

¹⁰⁵ *Supra* note 37.

¹⁰⁶ Ed Poll, "How Women Lawyers Can Make Rainmaking Work" American Bar Association Law Practice Magazine (August 2010).

¹⁰⁷ *Supra* note 28 at 10-5.

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Effective negotiators – studies show that rainmakers score higher than service partners on measures of “ego drive,” which is the ability to persuade others for the sake of persuading;¹⁰⁸

Resilient – they do not dwell on rejection, but instead move on to the next opportunity;¹⁰⁹

Customer service-oriented – they genuinely like people and want to help;¹¹⁰

Leaders – women in leadership positions report higher originations than those who are not leaders.¹¹¹

TIPS FOR SUCCESSFUL PITCHING:

Ask questions to assess the prospect’s needs with respect to the specific legal issue. Spend no more than 20 percent of the time talking and listen the rest of the time.¹¹² Ask the prospect about their goals, the challenges they face, and their expectations. Refer the article at Appendix 4, “20 Questions You Should Ask Current and Prospective Clients” for ideas for what to ask.¹¹³

Describe the benefit that you can provide. Explain the features of the services that you or your firm can provide and how it addresses the prospect’s identified needs.¹¹⁴

Be enthusiastic. Show that you care about what the client is doing and express your desire to help.¹¹⁵

Sell the whole firm. Even if a prospective client does not need your services at this time, he or she might need a different kind of legal assistance. Be prepared to refer them to other practice areas at your firm.

¹⁰⁸ *Ibid.* at 10-3.

¹⁰⁹ *Supra* note 37.

¹¹⁰ Kathleen Brady, “Marketing and Client Development Activities” American Bar Association Law Practice Today (February 2009).

¹¹¹ *Supra* note 37.

¹¹² *Supra* note 28 at 4-7.

¹¹³ William J Flannery Jr, “20 Questions You Should Ask Current and Prospective Clients” online: <<http://www.wjfinstitute.com/?t=18&dd=1319>>.

¹¹⁴ *Supra* note 28 at 4-3.

¹¹⁵ *Ibid.* at 7-5

Acknowledgements

The Justicia Project Business Development Working Group would like to thank the women lawyers who took the time to share their practical experience and insight with us in order to enhance this guide:

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