



Contents

BUILD IT!

Editors' Note: Ask This Question | 2

Business Development Starters for
New Associates | 3

By Sally J. Schmidt

17 Things I Wish I Knew as a First-Year Associate | 7

By Jay Harrington

Your Five-Step Marketing Plan | 9

By Ross Fishman

20 Legal Marketing Maxims | 11

By Robert Denney

Six Steps to Single-Minded Marketing | 12

By Marilyn Astin Tarlton

How to Lay the Groundwork for Effective
Personal Networking | 14

By Theda C. Snyder

How's Your Image? | 15

By Theda C. Snyder

How to Work a Room | 16

By Sally J. Schmidt

How to Ask for Business? Ask the Experts from
the Legal Marketing Association | 17

How to Keep Your Referral Sources Vibrant | 19

By Mike O'Horo

How to Handle an Angry Client | 21

By Marilyn Astin Tarlton

Keep Your Cool! | 23

By Ryan Sullivan

Didn't Get the Work? Now What? | 24

By Marilyn Astin Tarlton

When You Lose a Client | 25

By Marilyn Astin Tarlton

Relationship-Improving Steps for Better Business Development | 26

By Jay Harrington

Three Tips for Becoming More Resilient | 28

By Shawn Healy

The Ultimate Answer to Tough Questions | 30

By Annie Little

Business Development Resources | 31

About the Authors | 32

About Attorney at Work | 33

Ask This Question

It starts with a rush — new place, new people, new rules. (New shoes!) When the adrenaline wears off, and you begin to settle in, the real stress kicks in: Wondering if your work is being noticed, and what they'll say at your next review. If you're human, at every step on the path to becoming a law firm partner — one with clients of your own — you can't help asking:

"Did I get it right?"

Ask a Different Question

Every day, you work just as hard (harder!) as the next associate, log as many hours, and demonstrate your intelligence with astounding regularity. Of course you want to get the work right. But to get to the next level, you'll need to ask a slightly different question:

"What am I doing to demonstrate my value to the firm?"

Because somebody is already asking these questions about you:

- Will she be able to bring enough work to the firm?
- Does she have the potential to develop her own clients and build a practice — to be an asset, and not a drain?
- If not, can the firm afford to keep her?

Of course, we all know by now that the ability to get and keep clients is one of the more important arrows in a lawyer's quiver. The days are

long gone when you could wait until you'd been practicing for five or six years before troubling yourself about finding your own clients.

Today, you certainly won't make partner without it.

The good news is that there are steps even a brand-new lawyer can take to quash any question of his practice-building acumen. So, instead of wondering "does he have what it takes," they'll be asking, "How do we make sure he stays?"

So, What Can You Do?

That's why we're here. For this e-zine, we gathered the best of Attorney at Work's expert advice to help you:

- Figure out what you can do NOW on the marketing front
- Find your inner networker
- Overcome "people problems"
- Avoid common mistakes
- Build your image
- Show them you're a keeper!

Take in the advice from our marketing experts and, as always, keep reading Attorney at Work for "one really good idea every day."

— Joan Feldman, Editor (joan@attorneyatwork.com)

Business Development Starters for New Associates

BY SALLY J. SCHMIDT

I remember when partners would say to associates, “Don’t worry about getting business. Just spend your time doing the work and learning your craft.”

Then, firms would make someone partner and tell them to build a practice. Without having planted the seeds as an associate, it was an uphill battle at best. Those days are gone.

While in most law firms, the No. 1 priority for associates is still to become excellent lawyers, many firms are asking their young people to start thinking about marketing and business development earlier in their careers.

I think it’s a great idea. At the same time, however, it’s important to establish and communicate reasonable expectations. It would be rare for a sixth-year lawyer in white-collar litigation, for example, to have opportunities to generate business, given what’s at stake for clients. On the other hand, practices with less money or perceived risk involved, such as estate planning, might present immediate prospects.

That said, I have conducted a number of associate workshops and found an incredible desire for practical information on how to build a practice. Regardless of the substantive area involved, there are many things young lawyers can and should do to set the stage for future marketing and business development success.

1. Pay attention to your internal marketing efforts. As an associate, your most likely source of business, of course, is the partners in the firm. Working on matters for a partner’s client gives you two vital things:

- Experience, so you have something to market someday to others.
- Exposure to clients, through which you can build your client service skills and relationships.



“For your outside activity to be helpful for future business development, you must make a real commitment to it — dive in, attend meetings and get involved. For your contributions to be genuine, you must feel some passion for the organization, its subject or its cause.”

So treat partners like clients. Practice good client relations skills on them. For example, identify their expectations up front; keep them apprised of the status of the matter; be responsive; and follow up when the project is completed. In addition, be active in the firm. Show initiative by offering to write for a practice group newsletter; sign up to attend a baseball game with clients; or make a presentation to another department after attending a CLE program. Internal visibility will result in more good work and good marketing opportunities.

2. Manage relationships like they are your most important asset. I recently met with a partner to discuss his business development efforts and I asked how he tracks his contacts. He showed me a huge stack of business cards in his desk with a rubber band around them, admitting there were many people in that deck whom he cannot recall.

As a young person, you may find it hard to believe but it's true: You think you will remember your contacts, but you will not. You think you will stay in touch with people, but you will not. Not unless you organize and manage them, that is.

Keep track of undergrad and law school friends, former colleagues, contemporaries at client companies or co-counsel firms, experts, friendly opposing counsel, bar contacts and other professional acquaintances. It doesn't matter how you do it — use Excel, Outlook, a notepad or the firm's client relationship management (CRM) database — just do it. This is especially important if you don't like networking and meeting new people. At least you won't lose track of those you already know!

3. Create your own experience database. As is the case with your contacts, you may think you will recall everything you have worked on, but trust me, you will not. I can't tell you how many partners, when preparing a pitch or for a meeting, will say something like, “I wish I could remember how many of these I have done.”

Why is this important? Because a lot of lawyers can say they worked on deals — but how many can cite the number of deals in a particular industry or the aggregate dollars involved? A lot of people can say they have participated in arbitrations — but how many can recall the number of arbitrations or the specific issues involved? Numbers and facts are very compelling to prospective clients.

As an added bonus: If you ever try to get certified in a practice area or elected into a credentialing organization like a “college,” you likely will need this information anyway. You can track it however you like but many associates find it helpful to do it in conjunction with their annual self-assessment.

4. Become active in an organization. Every lawyer needs to be involved in an outside organization and, ultimately, its leadership. Done right, this will:

- Help you meet people and build your network of contacts.
- Allow you to give something back to the profession or the community — which people expect of lawyers.
- Help you build your leadership skills and a reputation as the kind of person who can get things done.

For pure business development, some organizations may be better than others. For young lawyers, however, I am less concerned about what the group is than the lawyer's commitment to it. For example, a seventh-year lawyer with whom I work is a member of a service organization and landed an eminent domain issue when the group's building was targeted by the city.

If you are seeking an organization in which to get involved, your choices are many:

- School-related groups, such as your college or law school alumni association
- Bar association entities, such as the Young Lawyers Division of the ABA or your state bar
- Industry groups, like a local forum for start-up tech companies
- Community or civic groups, such as a library or homeless shelter volunteer group
- Diversity or affinity groups
- Organized activities, like an annual marathon or charity golf tournament
- Social or networking groups, like a breakfast club of young professionals

For your outside activity to be helpful for future business development, you must make a real commitment to it — dive in, attend meetings and get involved. For your contributions to be genuine, you must feel some passion for the organization, its subject or its cause.

5. Show what you know. Substantive expertise is still a work in progress for most young lawyers. Still, I believe associates should aim to complete one “thought-leadership” activity each year, which could include:

- An article for a newsletter, blog or website, whether published by the firm or an outside source
- A speech, which could be given at an internal firm meeting (e.g., for a practice group), a firm-sponsored event for clients (like a webinar or seminar) or something sponsored by an outside group (such as the aforementioned organizations)

“By starting early, you gain several advantages: getting a leg up professionally on contemporaries, creating good lifetime marketing behaviors, and I earning marketing skills when the expectations and pressures are less intense.”

Opportunities are easier to obtain than you might think. For subject matter, you only need to know more than the reader or audience member. For example, you could track the whistleblower cases in your courts and report on trends over the past five years. Or you could identify a niche within a niche (e.g., M&A issues involving government contractors) in which you have had some experience.

And, don’t forget, you can always team with a firm partner, a client, a referral source or another “authority” if you need more substantive expertise or gravitas. In fact, my very first published article was co-authored with a faculty advisor from my MBA program.

6. Build your platform. Finally, you need to get comfortable with how you present yourself to people — your personal brand. This takes many forms, including:

- Your “elevator speech” — how you describe what you do (and what the firm does)
- Your firm website bio
- Your LinkedIn profile

Spend time thinking about how to describe your practice. Create different versions for different audiences (e.g., an HOA meeting of neighbors versus a law school reunion). In all cases, focus on the kinds of clients you represent, what you do to help them and ways in which you (or the firm) are different.

Be conscious of your personal brand when you talk with people, whether it's a partner from whom you'd like to obtain more work or someone unrelated to the firm. And keep your brand message up to date. For example, review your firm bio and LinkedIn profile at least twice a year, adding new areas of expertise or interesting new representative cases on which you've worked. Your practice will change and your experiences will grow, so you need to make sure you are always presenting the best version of yourself.

It's Investing in the Future

Marketing and business development can be frustrating for associates because the return on today's investment is clearly sometime well into the future. However, like the time value of money, the earlier you start, the greater your potential.

More and more young lawyers are actively seeking ways to get involved in marketing and business development. In some cases, their firms encourage it; in others, the associates recognize the importance on their own. Either way, by starting early, you gain several advantages: getting a leg up professionally on contemporaries, creating good lifetime marketing behaviors, and learning marketing skills when the expectations and pressures are less intense.

Will Any of These Steps Bring in Business?

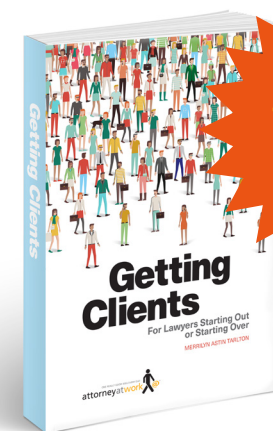
Probably not, at least not in the short term. But each is an essential building block to your future marketing and business development success.



GETTING CLIENTS

For Lawyers Starting Out or Starting Over

Merrilyn Astin Tarlton's practical book is the answer to every lawyer's perennial wish: "Tell me what to do to get clients!"



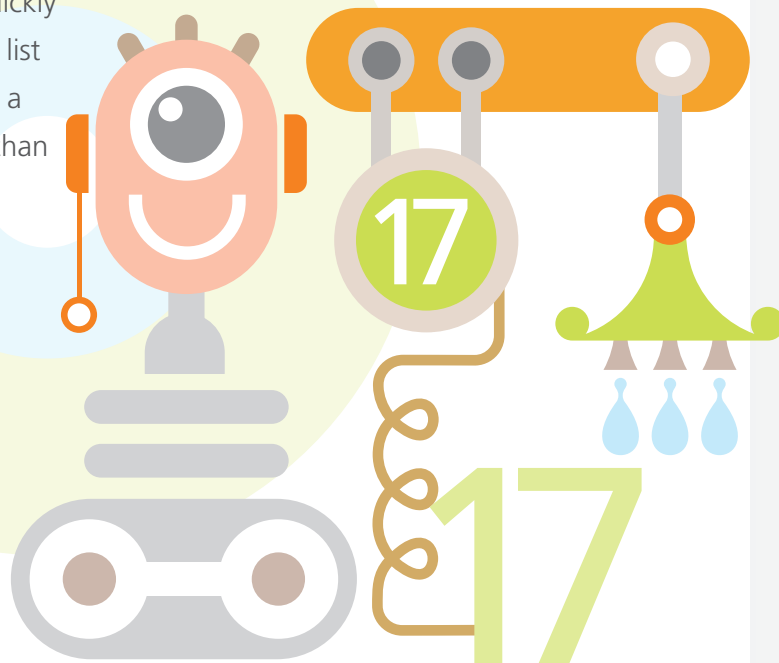
CLICK TO SAVE 10%*

*Use Code GettingClients10 at checkout.

17 Things I Wish I Knew As a **First-Year Associate**

BY JAY HARRINGTON

A family friend will be graduating from law school this spring and starting his career at a large law firm next fall. Asked to provide some advice, I started compiling tips and recommendations — things to do and not to do. As I considered my own experiences as a first-year associate at a big firm, and subsequent experiences as a more senior attorney, I quickly formulated a list that required a scroll rather than a Post-it.



There are so many things not taught in law school that are only learned by young lawyers through the hard-knocks school. These tips are intended to help young lawyers develop the attribute that is the single-most important building block for future marketing and business development efforts — namely, becoming an excellent attorney.

Here's What You Need to Know

For what it's worth, and in no particular order:

- 1. Being busy is no substitute for being productive.** Billable hours are important, but the most valued associates are those who not only bill, but get the job done. Be a finisher.
- 2. Stop making excuses.** You may get an occasional unfair review, or you may not get along with a particular partner, but law firms are, by and large, meritocracies. You must own up to your shortcomings, failures and disappointments. Learn from them.
- 3. Work on your writing skills.** This will serve you well wherever your career takes you. Identify the skilled writers in your firm and emulate their writing style.
- 4. Learn how to use a calendar.** You'll soon be busier than you can imagine and you don't want to miss a conference call or blow a deadline.
- 5. You have no idea how much partners value good associates.** This may not be clear to you at first, but it will be after a couple of years.

6. You have no idea how much partners detest bad associates. Did you really think they wouldn't notice subpar work or a bad attitude?

7. Understand business and learn from clients. Just because you went to Harvard doesn't mean you're smarter than your client that went to State U. After all, who built the \$100 million company?

8. You'll never develop clients sitting behind your desk. You may not consider yourself a "schmooser" or think that networking is important. Get over it. So you were told that generating business is not important as an associate? How do you think you're going to stack up when being reviewed against your colleague with a book of business?

9. Eight years will go by faster than you think. Study the attributes, skills and approaches of the associates that make partner at your firm. Model yourself after them.

10. Be serious, but please don't take yourself too seriously. You are a first-year. You have a lot to learn.

11. Treat your colleagues with respect. Be respectful and courteous to paralegals, marketing staff and assistants at your firm. You are going to need them to bail you out of a jam soon.

12. Take vacations. Enjoy your time off. Recharge your batteries. Reconnect with family and friends. Just kick butt when you get back.

13. Don't be afraid to say no. If you're too busy to take on that new client matter, or non-billable project, say so. The implications of taking on something you can't follow through on will be exponentially worse than any impression created by saying no. (Note: this presumes you are, in fact, too busy.)

14. Don't hide from that notorious partner. There's at least one, usually many, in every firm: the attorney who has a reputation for being brutal to work for. There's a big difference, however, in having high expecta-

START FAST: GOOD ADVICE FOR NEW ASSOCIATES

In Jay Harrington's monthly column for Attorney at Work, you'll find more advice on getting started off right as a new associate. Here are a few links to his most popular posts.

- [Why Are You at the Office Until 10 p.m.?](#)
- [Four Productivity Building Blocks of Effective, Efficient and Happy Lawyers](#)
- [The Stoic Associate: How to Deal with Feedback and Worry Less](#)
- [Path to a Successful Legal Career: Learn to Love the Process](#)
- [Tips to Overcome Impostor Syndrome as a Young Associate](#)

tions and being rude, condescending or unfair. Attorneys with high expectations for associates are usually top performers (i.e., the ones you want to hitch your cart to).

15. Get out of your silo. Large firms have experts in almost every conceivable skill set and practice area. If you're a bankruptcy lawyer, you can always tap a litigator to take that deposition or put on that witness. But you'll become a much stronger, well-rounded lawyer by getting out of your comfort zone and learning to do it yourself.

16. Prep your family/significant other. Practicing law at the highest levels is demanding, stressful, at times unreasonable and occasionally outright unfair. It will put strains on your personal relationships. Prepare for it.

17. Stay confident. You are going to screw something up — an embarrassing typo, a misinterpreted opinion, an errant email. You may get reamed for it. But you need to stay confident and aggressive. A timid, defensive-minded lawyer will be stressed out, dislike his or her job and not be very good at it.

Your Five-Step Marketing Plan

BY ROSS FISHMAN

For starters, don't panic. I know the idea of bringing in clients can be daunting. Secretly, most associates seem to feel that success in this area is either unlikely or impossible. Most associates want to have their own clients, but looking ahead at yourself in 10 or 20 years, do you see a clear road map that makes it likely?

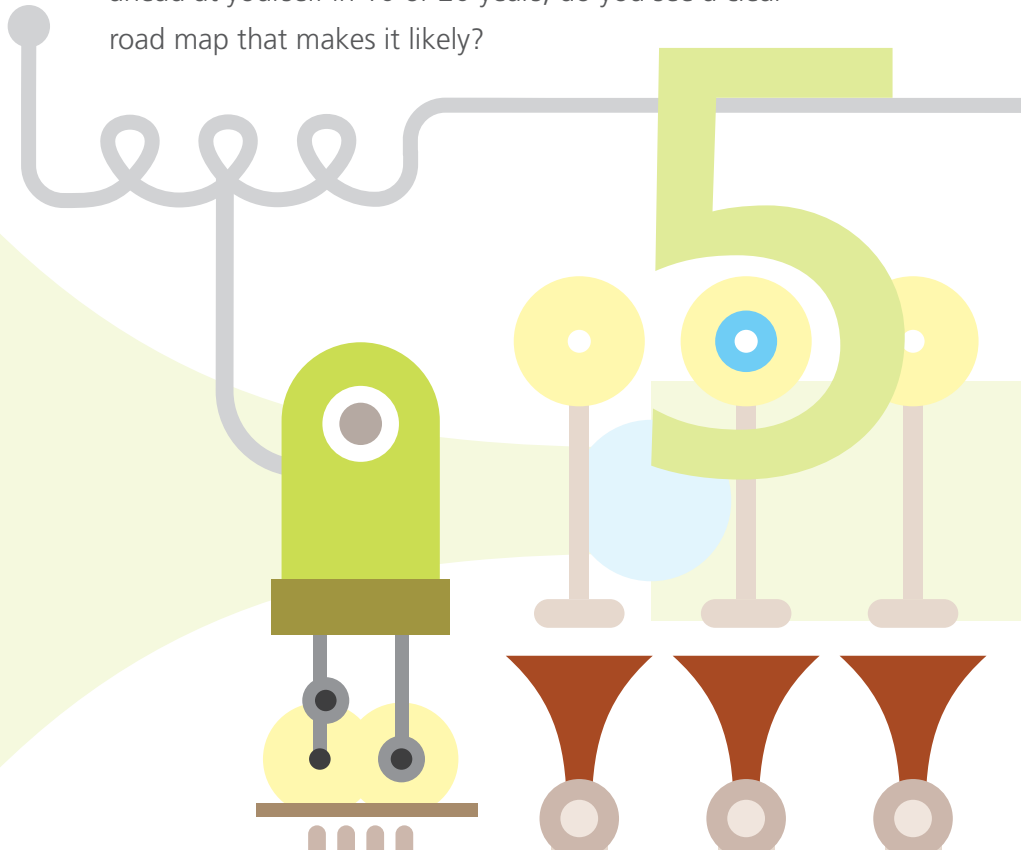
The specifics are where it gets complicated. There's a lot of advice out there. Candidly, much of it is terrible. Some of it makes sense in theory but rarely works in practice. Of course, as an associate, you're not in a position to judge which is which. And by the time you figure it out, you may have invested years of time to no effect.

Can you image spending a decade doing the wrong things without realizing that they are, in fact, the wrong things? Most lawyers never really figure out the right things; they just do a lot of different wrong things, or a few wrong things for a very long time, then quit in frustration. They think they're not marketers, rather than understanding that they've spent their careers implementing a flawed plan.

Drip, Drip, Drip — That's All Marketing Is

Developing business isn't especially complicated. In part, it's a numbers game: Do the right things and enough of them that you gradually and systematically build and develop your personal network and reputation. Plan, prepare and execute. Steadily, over time. A little bit every week. Just make sure the things you are doing are the right things.

I've trained tens of thousands of lawyers and helped thousands of associates prepare for partnership, or at least for getting clients. What have I learned? That today's associates know the game. They've heard the gray-haired old farts assure them that "law is a storied, time-honored profession." But millennials know better; they know that law is a business. They learned this the hard way when the generic or fungible associates got fired unceremoniously in the last recession — when friends had their big-firm job offers withdrawn because there wasn't enough business to go around. No hard feelings; it's just business.



Today's associates are hardworking, smart and adaptable. They know not to rely on the firm's loyalty to feed them forever. They're industrious and impatient. They want to control their own destiny. Good for them. So what should they do?

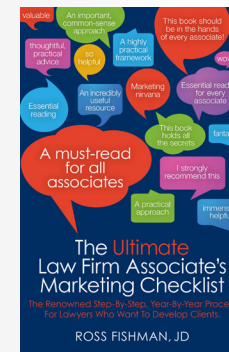
Five-Step Marketing Plan for Associates

Here's the basic outline of an associate marketing program — the five basic steps that will help build a sizable network of relationships, and a personal brand for something that clients will want to hire you to do.

1. In the first two to three years, learn to be a great lawyer, emphasizing both technical skills and client service. Build your long-term marketing infrastructure, the social media platform and other tools you'll leverage through partnership.
2. Join a local bar association, meet your peers, learn the profession, build your resume by joining a committee, get active and work toward a leadership position on a small, relevant committee. Build your personal and professional network.
3. Gradually, as you grow into a midlevel associate, add more external marketing and networking activities. Get out of the office. Do not eat lunch at your desk.
4. Around year four or five, start to develop a specialty niche or industry expertise in an area you enjoy. You don't want to be one more generic generalist. You want to offer more, both to the firm and its clients and prospects. Find something you're passionate about to focus on, something narrower than "commercial real estate" or "complex business litigation." Not "transportation law" but "interstate transportation of infectious biological material." Once you have that narrow specialty in mind, then you know what to write, speak and network about to help you become a market leader. You know whom to network with, and how to build your personal brand. This is critical.
5. As you get more experienced, spend more time out of the office with prospects and referrals. If you've accomplished step 4 above, you have

something to sell beyond "I'm a smart, service-oriented lawyer" (precisely like hundreds or thousands of look-alike lawyers in your community), and hundreds of interested prospects. You stand out in a positive, client-oriented way.

That's the big overview. The niche practice is the silver bullet, the special sauce. You might develop business otherwise, but your chances are exponentially greater if you offer a unique specialty.



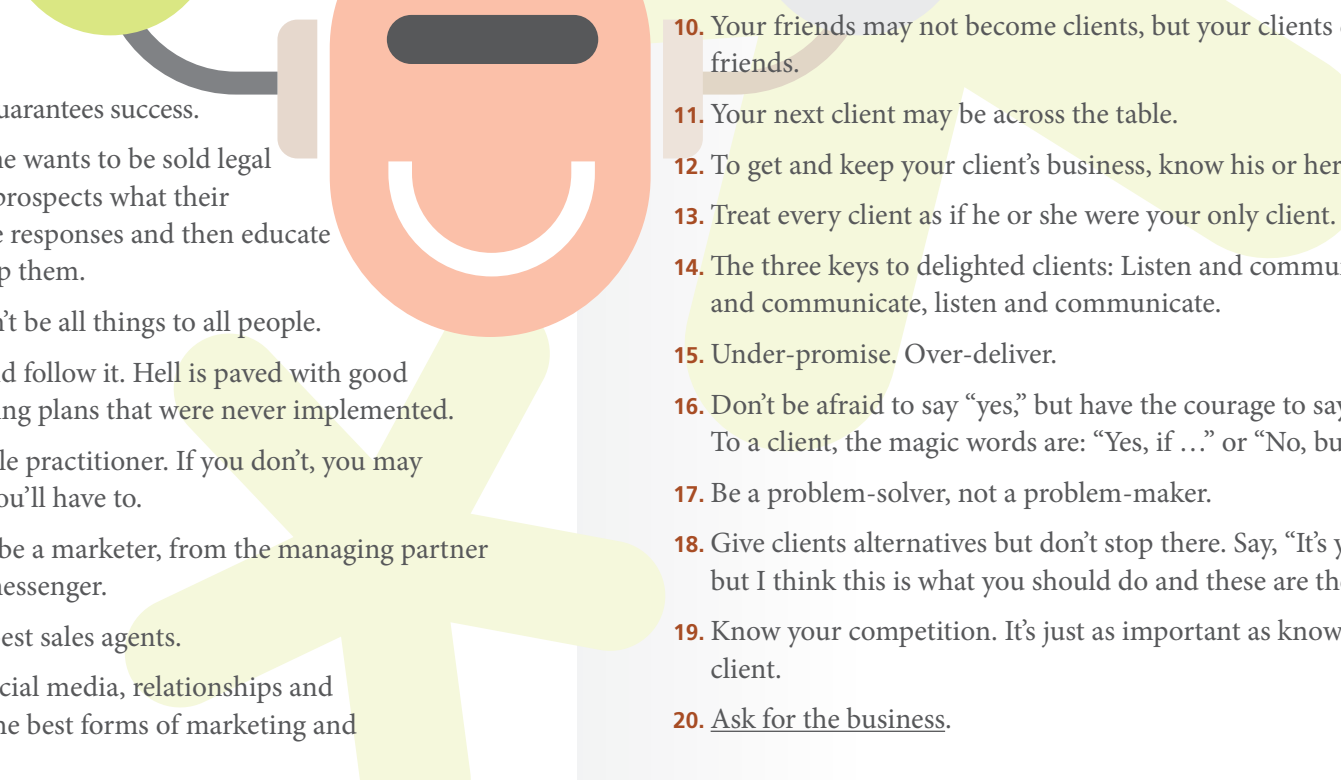
There's more to it, of course, but this is a good place to start. I cover these topics in great detail in my book "[The Ultimate Law Firm Associate's Marketing Checklist](#)." It's a simple, step-by-step, year-by-year guidebook that walks you through precisely what to do to prepare yourself to generate the right business at the right time. If you or your firm's marketing or professional development experts ever have any questions, I'd be delighted to hear from you.

LINKS TO HELPFUL MARKETING TIPS

- [Expertise Effect: How Going Narrow Can Grow Your Practice](#) by Jay Harrington
- [Making a Niche Blog Work](#) by Susan Kostal
- [The 'Keep It Simple Stupid' Marketing Plan](#) by Roy Ginsburg
- [Best Way to Organize Your Contacts](#) by Sally Schmidt
- [Top Writing Tips for Busy Authors](#) by Susan Kostal
- [Feature versus Benefit](#) by Teddy Snyder
- [Building Relationships with Contacts — 3 Examples](#) by Sally Schmidt
- [Speaking: Tips to Boost Your Confidence](#) by Marsha Hunter
- [Attract Clients by Demonstrating Expertise](#) by Lee Fredericksen

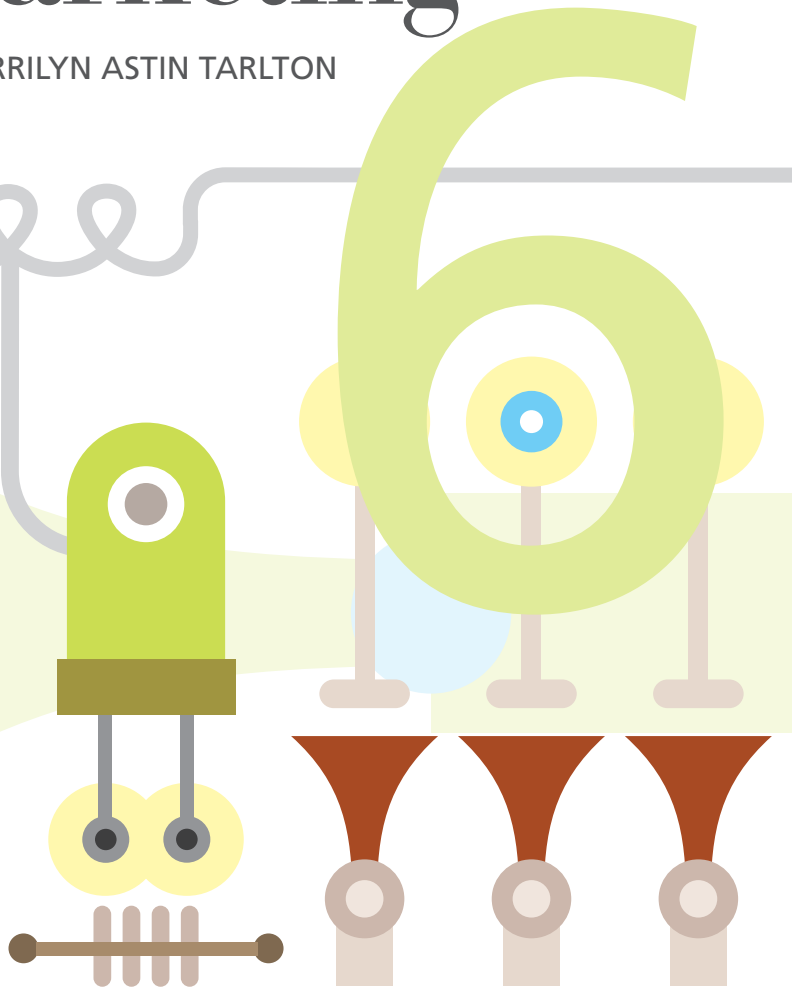
Bob Denney's 20 Legal Marketing Maxims

Maxim: A General Truth or Rule of Conduct Expressed in a Sentence

- 
1. Be the best lawyer you can be.
 2. Be afraid. Fear of failure guarantees success.
 3. Don't sell. Educate. No one wants to be sold legal services. Ask clients and prospects what their problems are, listen to the responses and then educate them on how you can help them.
 4. Focus. Specialize. You can't be all things to all people.
 5. Have a marketing plan and follow it. Hell is paved with good intentions — and marketing plans that were never implemented.
 6. Market like you were a sole practitioner. If you don't, you may become one – and then you'll have to.
 7. Everyone in the firm can be a marketer, from the managing partner all the way down to the messenger.
 8. Current clients are your best sales agents.
 9. With all due respect to social media, relationships and word-of-mouth are still the best forms of marketing and business development.
 10. Your friends may not become clients, but your clients can become friends.
 11. Your next client may be across the table.
 12. To get and keep your client's business, know his or her business.
 13. Treat every client as if he or she were your only client.
 14. The three keys to delighted clients: Listen and communicate, listen and communicate, listen and communicate.
 15. Under-promise. Over-deliver.
 16. Don't be afraid to say "yes," but have the courage to say "no." To a client, the magic words are: "Yes, if ..." or "No, but ..."
 17. Be a problem-solver, not a problem-maker.
 18. Give clients alternatives but don't stop there. Say, "It's your decision but I think this is what you should do and these are the reasons."
 19. Know your competition. It's just as important as knowing your client.
 20. Ask for the business.

Six Steps to Single-Minded Marketing

BY MERRILYN ASTIN TARLTON



You could very quickly lose your mind trying out this or that marketing idea du jour. Is social media really the ultimate answer to getting clients? If you hire a public relations firm to toot your horn for you, can you avoid having to sell yourself ... yourself? If you've been blogging doggedly for ages, will you reap the rewards — eventually? Other lawyers are doing podcasts, so maybe that's the answer.

Well, any marketing expert worth her lengthy contact list will tell you there is no one answer. They will also tell you that the answer — a complex combination of multiple tactics — must necessarily be a unique construct for each practice. But there is a surefire, uncomplicated way of framing your marketing thinking so that you can create a plan that works — for you. It starts with the fundamental question, “What kind of work do you want to do?”

Step one. Figure out what sort of legal work makes you happiest. Is it high net worth estate planning? Family law, particularly relationships between fathers and children? Perhaps you like complex real estate deals because of the leg up your pre-law school job gives you. Maybe it's as an outsourced general counsel for small businesses because you're hooked on being part of a team, or complex biofuels litigation because of the intellectual puzzle? Think long and hard about this. You don't want to make the mistake of marketing yourself to do work you dislike. Right?

Step two. Identify the category of people likely to be interested in hiring and paying people to do that sort of work for them. Small business? It's the owner. Fathers? Well, dads, right? Most likely divorced or divorcing ones. Biofuels? Probably in-house counsel, unless it's a company without one. Then it's their outside counsel or the company's CEO. Municipality? City manager. You see where this is going?

“The best kept sales secret is this: It’s not about telling and telling them about yourself, or convincing them you are so wonderful they can’t afford not to hire you. (Yucky concept, right?) It’s about listening and listening until you find out what’s making them itch.”

Step three. Discover where those people get their information about which professionals can serve them in this field. Is it through connections they make at an American Medical Association conference? Speakers they hear at Chamber of Commerce luncheons? (Hint: Think small businesses.) The lawyer they hear won a big case for their competitor? A trade publication like “Plumbing Standards” for sanitary engineers or a website like HOWdesign.com for graphic designers? Yes, there are random opportunities — your kid’s soccer game, for example — but your time is best spent in a space, actual or virtual, where the folks from step two hang out.

Step four. Be there. And be visible. In a good way. In other words, there’s no point in becoming a National Allied Individual Member of the American Institute of Architecture unless you get active. That means write, speak, contribute and participate — in a positive and visible way. And you don’t always have to be demonstrating your lawyerly chops. Showing how you conduct an effective meeting and get difficult stuff done communicates a unique competence that will draw clients to you as well.

Step five. Connect with those people in a two-way fashion. Make friends. Join working groups and identify decision-makers. Write for an online publication and then ask for comments. Better yet, interview people you’d like to have as clients for your article. Get business cards. Encourage followers if one of your venues is Twitter. You know ... identify the people you want to know you and get to know them.

KEEP READING ABOUT GETTING CLIENTS

In her Attorney at Work column “[Getting Clients](#),” Marilyn Astin Tarlton provides smart tips for finding and keeping clients. Her book of the same name is a fun, practical guide to getting smart about, well, getting clients, too. Here are links to some of her most popular posts:

- [Focus, People! Tell Them Exactly What You Do](#)
- [16 Things to Do With a Business Card \(Yours and Theirs\)](#)
- [How to Avoid Asking for Business](#)

Order her book, “Getting Clients: For Lawyers Starting Out or Starting Over,” at the [Attorney at Work bookstore](#).

Step six. Help these new friends and connections find solutions to their problems. Yep. The best kept sales secret is this: It’s not about telling them about yourself, or convincing them you are so wonderful they can’t afford not to hire you. (Yucky concept, right?) It’s about listening until you find out what’s making them itch (maybe asking a question or two to draw them out), and then helping them find the solution. You might be the best solution. Or maybe not. Maybe their problem is getting an introduction to the new mayor. You can help with that, too. Perhaps they are looking for a new school for their 12-year-old, or a specialist in sustainable design. Connect them with someone who can help them. It’s impressive when you are the source of solutions and you demonstrate that you care. And it’s wonderful when they hire you.

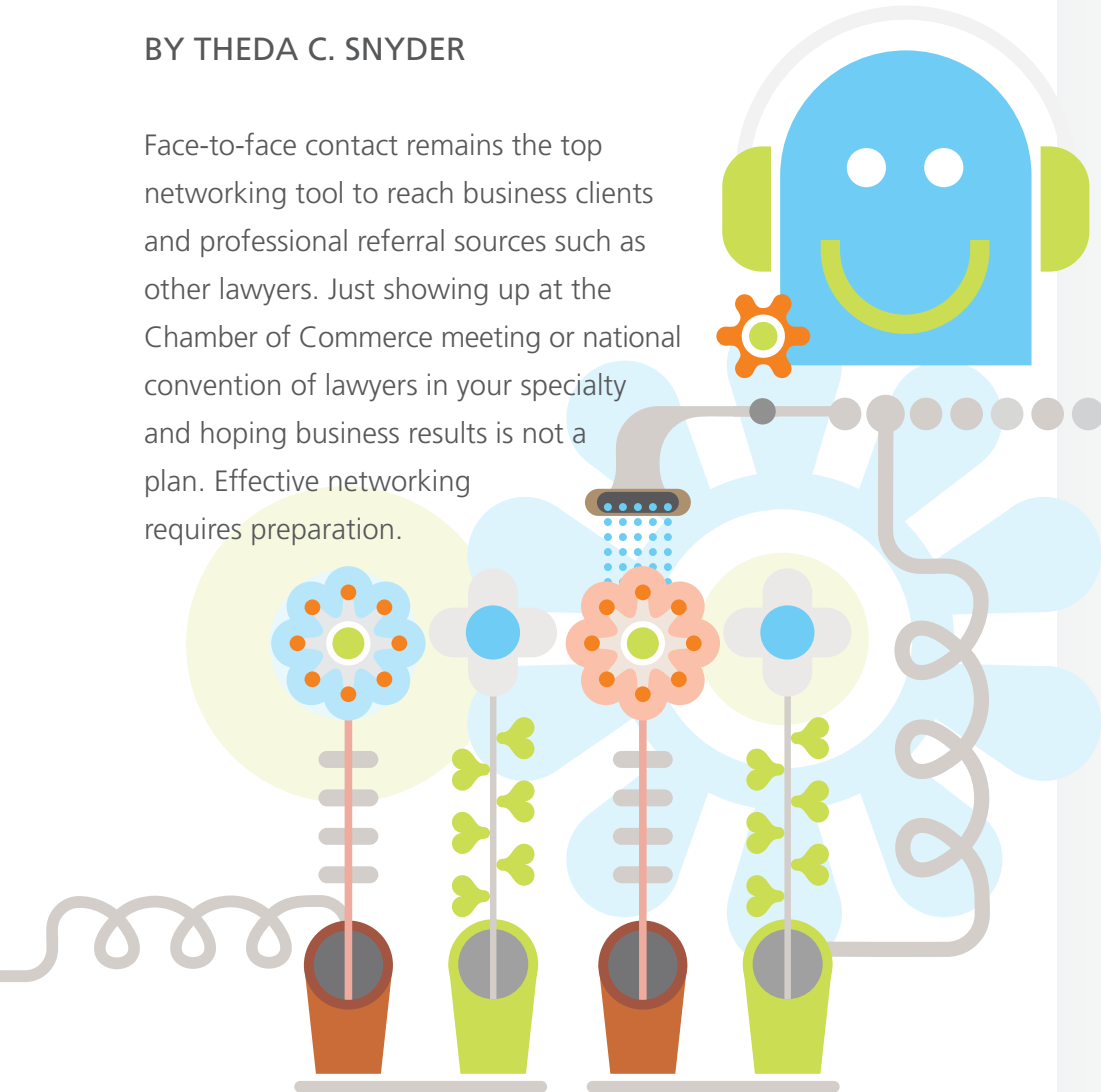
Final Step? Succeed

Okay. It may not be quite that simple. But it’s darn close if you just think it through. After all, that is what they trained you to do in law school: Think. And once you’ve thought things through in this way, you will no longer need be a victim of the next ad salesperson, directory marketer or headline story. You’ll know what you want — and how to get at it.

How to Lay the Groundwork for Effective Personal Networking

BY THEDA C. SNYDER

Face-to-face contact remains the top networking tool to reach business clients and professional referral sources such as other lawyers. Just showing up at the Chamber of Commerce meeting or national convention of lawyers in your specialty and hoping business results is not a plan. Effective networking requires preparation.



1. Hit List. Be clear about why you are going to this event. Who will be there who can send you business? Many organizations publish a list of registrants in advance of an event, or there may be an online membership list. If you can't find a list of names, contact the organization. Go through the directory and create a "hit list" of whom you want to meet. Include enough information in your notes to help you find the person once you get on site, such as where the person lives and which committees the person belongs to. For a top hit, you may even want to search the Internet for news about the business or search the court docket.

You can find these people in even the largest gathering. For example, as you work the room at a cocktail party, notice if people share a trait with your target. "Oh, you're on the coverage committee? Do you know Geraldine General-Counsel?" "You're from Pittsburgh? Do you know the head of the regional office there?" Don't be shy about asking someone to point out your target or even introduce you. In very large gatherings where attendees move from place to place, ask a staffer at the registration table where your target will be at a specific time. Then go there.

2. Prepare Your Elevator Speech. Much has been written about how to formulate an effective elevator speech. Introduce yourself with a few words that communicate the benefit you deliver to clients. Don't forget to smile. People want to talk with someone friendly, not a sourpuss.

3. Create Conversation-Starters. People love to talk about themselves, so have some questions ready to get them started. The best conversation-starters build on the theme of the get-together, help you gather

HOW'S YOUR IMAGE?

Who's the top personal injury lawyer in your town? Divorce? The high-profile lawyers who spring to mind have developed an image, or personal brand, to connect their name to their practice in the mind of the public. You can do a number of things to improve and refine your image so that you make a strong lasting impression, too.

Your electronic image. Wherever you go on the internet, think about the presence you want to project, from the language you use to your photos and graphics.

Your personal appearance. I was thrilled when a supervisor told an adjuster, "She's always so well put-together, you know she's going to handle your cases with the same care." Now that's an image I want to project! When you meet a lawyer whose collar is frayed and whose shoes look like they belong to a hobo, it's easy to have doubts. At court, I saw a woman attorney using a stuffed-animal backpack. What image are these people projecting?

That something to remember you by. How you are groomed and what you are wearing sends subliminal signals about your competence — it can help you project a more memorable image. You don't have to be a fashion plate or spend half

your paycheck to make a strong impression. One specialist in equine law always wears cowboy clothes and, yes, boots. A woman bankruptcy attorney always wears a diamond scales of justice pin. And, yes, they are both good lawyers. But the point is, they are instantly memorable before you know a thing about their credentials.

And then there's your voice. If you get a negative reaction to your accent (you may have to actually ask for feedback on this), consider working with a voice coach.

Your office has an image, too. Are you located downtown or in the suburbs? High floor or street level? Shared space or home office? Everything — the carpet in the elevator, the wall color, the furniture, and the way your firm name is displayed as you walk in — screams something about your practice. From choosing the flowers or the type of magazines in the waiting area, consider the message you are sending.

A last word of advice: You want to look successful, but not too flashy. Everybody wants to go with a winner, but clients may have reservations about paying for what appears to be an exorbitant lifestyle.

— Theda C. Snyder

information about this person's needs, and show off your own expertise. Some variation of "What is your organization doing about that new development?" is a good choice. "How many children do you have?" is not.

4. Arrive Early, Stay Late. Networking is indeed work. You are there to meet people. Make sure you arrive early and plan to stay through the end of the event. If this is one of those organizations where attendees hang out at the bar into the wee hours, add that to your itinerary, even if you are drinking club soda. In fact, it's a good idea to minimize your alcohol intake to increase your attention and effectiveness.

5. Dress for Networking Success. Wear clothes with adequate pocket space for an ample stash of your own business cards and a second pocket for cards you collect. To write notations on the cards, carry both ballpoint and soft-point (for glossy cards) pens with you. Avoid mixing cards by putting yours on the side of your dominant hand and others' cards on your non-dominant side. Keep your hands free. If everyone is carrying the same conference bag or portfolio write your name in conspicuous characters on yours and leave it in a corner to pick up as you leave. Don't leave valuables in it. Women, use a cross-body strap or backpack style purse. Wear comfortable shoes. You may be standing for hours. This is not the place to break in a new pair. Women, choose flats or shoes with low chunky heels.

Success results from preparation and hard work. Abraham Lincoln said, "Give me six hours to chop down a tree and I will spend the first four sharpening the axe." Get the maximum benefit from a networking opportunity by laying the groundwork.

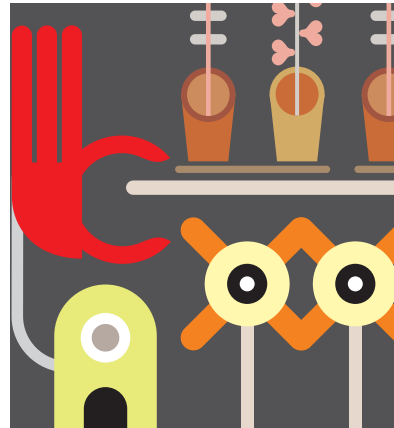
How to Work the Room

BY SALLY SCHMIDT

Most lawyers have to attend events. Clients have parties, law firms host functions, organizations hold galas and associations offer networking meetings. You may detest going to these, particularly when you don't know anyone. Even if you never come to enjoy networking functions, you can make them both tolerable and productive if you go about things the right way.

I could give you myriad recommendations for being a better networker, but here are some in areas where many lawyers fail.

- **Arrive early and stay until the end.** If you are racing in for the last 10 minutes of the cocktail party or leaving early to beat the rush, you are not taking advantage of the event. If you go, do it right.
- **Ask a lot of questions.** Lawyers often tell me one reason they



don't like networking functions is because they don't know what to talk about. The fact is, you shouldn't be talking nearly as much as you are listening. Use conversations to identify people's interests and issues.

- **Talk to a number of people.** Don't monopolize one person for too long; it's a networking event after all. If you are enjoying the conversation or want to spend more time together, schedule a follow-up coffee or lunch. If you don't know anyone, start by introducing yourself to the

hosts, sponsors or organizers of the event or the president of the association. And you can always talk to people who are alone.

- **Be strategic.** For example, if there is a meal involved, don't be the first to sit down at a table; you could end up with a competitor on each side. Identify a good companion at the end of the reception and follow that person into the room.
- **Try to look self-assured.** Even if you don't feel that way, it's important to project confidence. Shake hands firmly, smile, make eye contact and introduce yourself to people.
- **Get the little things right.** Ask for business cards and take a moment to look at them before putting them away. Carry your drink in your left hand so your handshake doesn't feel like ice. Wear your nametag on the right side so it is more prominent when you shake hands.

- **Act like a host.** I read a study once that said the difference between people who are good at networking events and those who are not is the good ones act like hosts and the bad ones act like guests. How would your behavior be different if you were the host?

Networking Doesn't End When the Event is Over

Look for ways to follow up with people with whom you connected. Make notes on the back of business cards as soon as you leave so you don't forget what you learned about the person. Transfer the details into your Outlook notes or CRM system. Send a personal note saying you enjoyed the conversation, mentioning something you learned. Send a personalized LinkedIn invitation. Then, think about ways to get back in touch, and calendar an outreach after an appropriate amount of time.

How to Ask for Business?

Ask the Experts from the Legal Marketing Association

QUESTION: Help! I just need to know the right words to use. I've got a great network of potential clients and lawyers who could refer clients to me. But I apparently send the message that I'm not interested. How can I ask for business without sounding desperate.

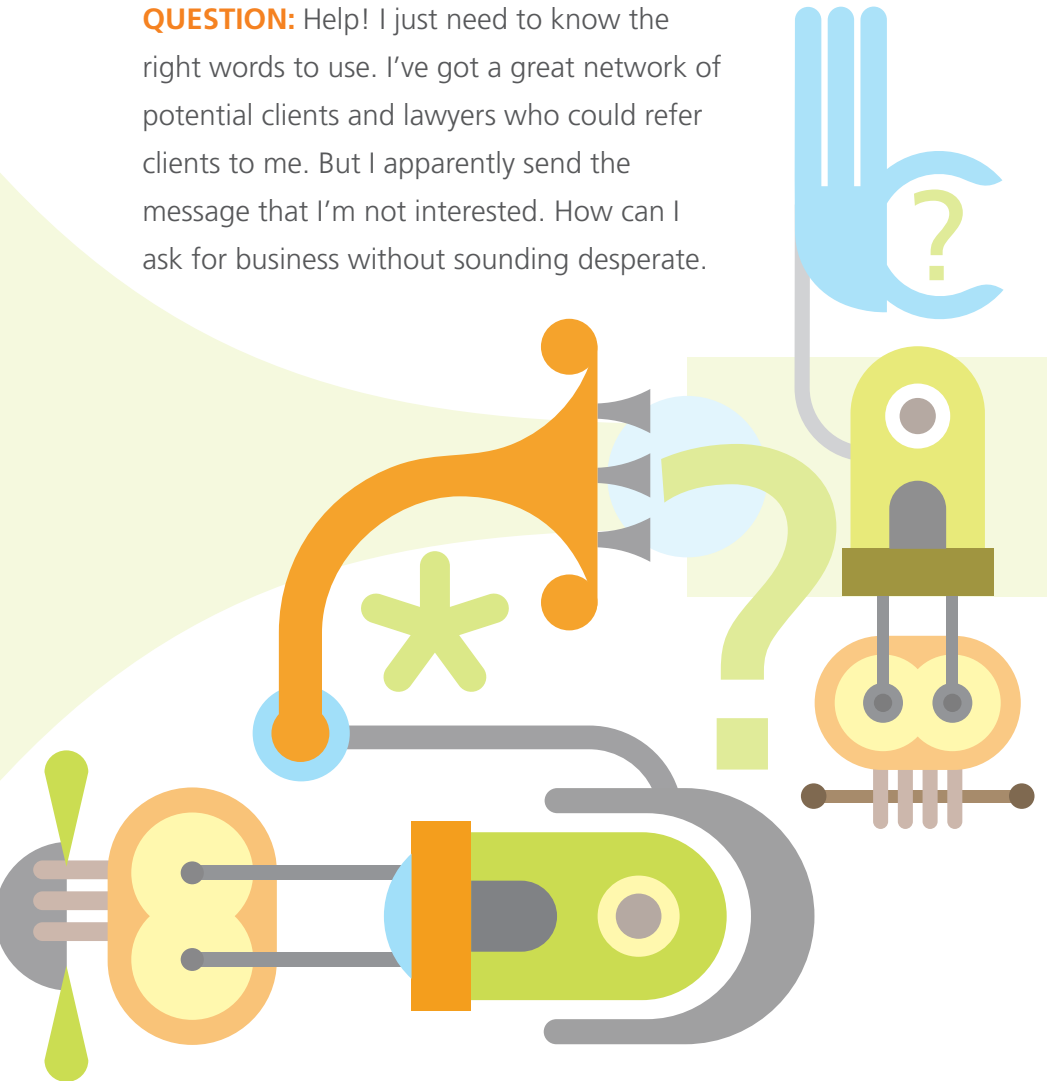
Valerie Nelan: First, don't feel awkward if these are close friends and acquaintances — they want to help you succeed if they can, but you have to take the first step. Second, make sure everyone knows exactly what you do, and capitalize on any niche areas you're in. Then, go in for the kill.

For potential clients, start by researching their industry, and then asking them specific questions about the business: How are recent regulations affecting them? Do they plan on expanding soon? What's on their desk right now? With enough sincere probing, you'll find an opening for this kind of question: "I'd love to look over that contract/review that policy/visit the plant. Is next week good for you?"

For other lawyers, often you can be blunter, especially if you can reciprocate: "You're at a boutique IP litigation firm, and my firm is eight states deep. Let's keep each other in mind." But it's vital that other lawyers know precisely what you practice.

Finally, never underestimate the value of being a "connector," for clients, prospects and other lawyers alike. Introducing people in your circle to each other engenders goodwill that they often will want to pay back.

Valerie Nelan is a business development manager at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, an AmLaw 200 firm. She coaches lawyers, coordinates attorney training programs and is the business development liaison for the firm's financial institutions practice group and two industry service teams.



Seth Apple: Don't ask for the business in the beginning. Instead, change your message by going 3-D. Demonstrate, display and describe.

- **Demonstrate:** Show you are interested in a potential client's industry and aware of issues that impact their bottom line by forwarding newspaper and magazine articles, or recommending business, leadership or management books that are actionable. These are simple (memorable) ways to show clients and targets your comprehensive commitment to their business by using other people's words.
- **Display:** Presentations can be another important way to show you are knowledgeable and approachable on issues that impact a potential client's business before actually asking for the work. Invite them to a seminar, offer a webinar on a topical issue or provide an in-house CLE. These are effective visibility tools that can lead to engagement. If you can make the viewer say "I like this guy," the business will likely follow.
- **Describe:** Most importantly, describe how you can assist potential clients with issues in a way that is unique to them. Make the extra effort to show your presentations and materials were not "off the shelf" and they will notice. Do your homework on the contact and the company and then incorporate your findings into specific business development activities.

Seth M. Apple is a Business Development Manager at Davis Polk & Wardwell LLP where he manages the business development and marketing efforts for several of the firm's corporate practices. He is also the author of several business development and marketing articles, a regular speaker on topics impacting the industry, and a former practicing finance attorney.

"Make the extra effort to show your presentations and materials were not "off the shelf." ... Do your homework on the contact and the company and then incorporate your findings into specific business development activities."

Kevin Sullivan: Without directly asking for business, make yourself a ready resource for lawyers who practice in other areas of the law. Let them know you're there to offer guidance on matters outside their bailiwick as a professional courtesy to them. Make a similar offer to potential clients. Demonstrate your expertise by sending articles you have written that cover a topic in which they're interested. By offering this "free" advice and service, you demonstrate your knowledge and your willingness to put the needs of others at the top of your priorities.

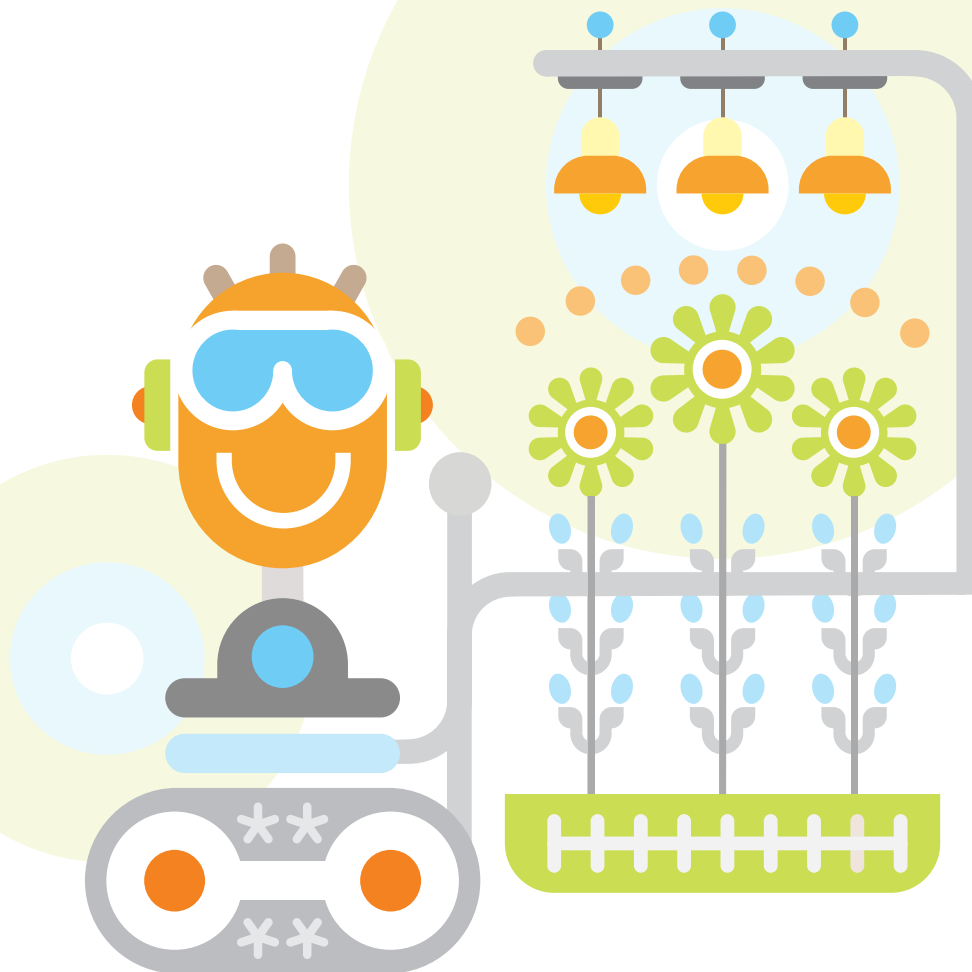
Set up a reminder for yourself to communicate periodically with your network so that you are top-of-mind as a resource. You will be perceived as someone who focuses on client service and is easy to work with. That is the type of lawyer most people want on their side, so your efforts will eventually pay off.

Kevin Sullivan is the CMO of Fisher & Phillips LLP, where the marketing department has earned several awards. He has held senior leadership positions at PR firms and technology companies, and had a 15-year career in TV journalism. He writes about marketing, crisis communications and media relations for business publications and has contributed chapters to five books published by PR News.

The Legal Marketing Association provides professional support and education as well as opportunities for intellectual and practical information exchange. The opinions expressed herein are those of the authors.

How to Keep Your Referral Sources **Vibrant**

BY MICHAEL O'HORO



Your referral source has generously plugged you into her network. Now, what must you do to show proper appreciation and respect?

1. Email the referral immediately, with a “cc” to the source. Your Subject line should say: “Intro via [Source]” — this ensures your email gets opened. You’re trading on your referral source’s standing because you don’t yet have any. You’d be surprised how many people let referrals languish. Nothing says “I don’t value your help” like not acting quickly. Don’t risk having the source speak with the referral before you do. Explain your purpose simply, directly and succinctly: “[Source] and I recently had a discussion about [industry problem]. His insight was hugely helpful and got me thinking about it in some new ways. He thought you might be willing to share additional thoughts to help me get a better handle on it. Might I get 20 minutes with you by phone at a convenient time in the next handful of days?”

2. Honor the contract. You asked for 20 minutes. At the 15-minute mark, acknowledge that the end of the 20 minutes is imminent. If the person is really busy, they’ll appreciate you not abusing the time. If they’re not pressed, or they’re really engaged in the discussion, they’ll extend the time. If the deadline is hard, go immediately to the next step.

3. Rinse, repeat. As you did with the source who connected you to this person, thank them for their insight and candor, and ask with whom you could have “a conversation like this one.” Since they just had a brief,

MORE TIPS FOR INSPIRATION

More links to articles on networking and business development from Attorney at Work:

- [Referral Madness: Stay on Top of Staying In Touch](#) by Jared Correia
- [Seven Steps to a More Authentic, Fresher Bio](#) by Nancy Slome
- [Big Ideas for Small Talk](#) by Mary Ellen Sullivan
- [How to Suck at Networking](#) by Ruth Carter
- [Get Out of the Office!](#) by Theda C. Snyder
- [The Social Dilemma: Initiating the Business Conversation](#) by Mike O'Horo
- [Disengaging from a Dead End Networking Conversation](#) by Mike O'Horo
- [Networking: Are You \(Gulp\) the Boring One?](#) by Mike O'Horo
- [Embarrassed About Your Elevator Speech?](#) Ask the Experts from the Legal Marketing Association

relevant, respectful, peer-level discussion with you, this reminds them that there's really no reason not to refer you.

4. Keep your sources informed. Most referred people you email will “reply to all” so that the source knows what's happened. Keep the source up to speed with future developments. (At some point, most sources will suggest dropping them out of the email thread.) People only refer you to contacts they care about. Don't make them wonder what's going on or, worse, have to call you to ask, “Did you ever speak with ... ?” That's equivalent to someone having to call to see if you've received his gift because you didn't acknowledge it.

5. Say “thank you.” When you get hired, or receive any direct benefit, or conclude your interactions with the referred (e.g., decided not to continue after exploring), thank your source. Separate your “thank you” call from all other business with the source. You want it to be clear that

“Separate your “thank you” call from all other business with the source. You want it to be clear that the sole purpose of the call is “thank you.” Don't allow it to turn to your benefit — an additional referral, a new matter from the source.”

the sole purpose of the call is “thank you.” Don't allow it to turn to your benefit — an additional referral, a new matter from the source. Instead, call five minutes before the hour or half-hour (:55 or :25) to say, “I'm heading into a :00 (or :30) meeting, so I only have a second, but I didn't want to forget to call and say ‘Thanks’ for introducing me to [name].” If the source offers you an additional referral or other business, cut it off with “I'd love to talk about [new matter, other referral]. May I call you back about it at [time within two hours, to avoid diminishing the urgency]?” Your source will realize that you really did call just to say “Thanks,” rather than using it as an excuse to ask for or accept something else.

6. Maintain periodic contact. Otherwise you'll create the (correct) impression that you only call when you want something. The number of people who know somebody who has a need for your services is small relative to the number of people who know somebody who has a logical reason to discuss a relevant topic. Asking someone to refer people you can sell to rarely works. You're essentially asking for money, or at least a direct path to it. The advantage of this topic-based approach is that you're asking for advice, which most people are happy to give.

Standard advice to start-up companies approaching investors:

“If you ask for money, you'll get advice. If you ask for advice, you'll (eventually) get money.”

Ask for advice.

How to Handle an Angry Client

BY MERRILYN ASTIN TARLTON

“What the bleep is this?” are the first words you hear. It’s your client. The one for whom you’ve worked like a dog, around the clock, for the past two weeks. Now what?

First, just breathe. Then try not to:

- Argue with him
- Tell him it is someone else’s fault
- Ask him to call you back tomorrow
- Hang up on him

Sometimes lawyer training works exactly against you when you are confronted by a client. These are not situations to be won or lost. You can claim success when you calm the client and neutralize the conflict. So, ask yourself what the client wants. You’ve been angry about a service provider’s performance before. What did you want? It’s one or more of a fairly standard list:

- To be listened to
- To be treated with respect
- To be taken seriously
- An immediate response
- To make sure it doesn’t happen again
- To avoid blame from someone else in your organization

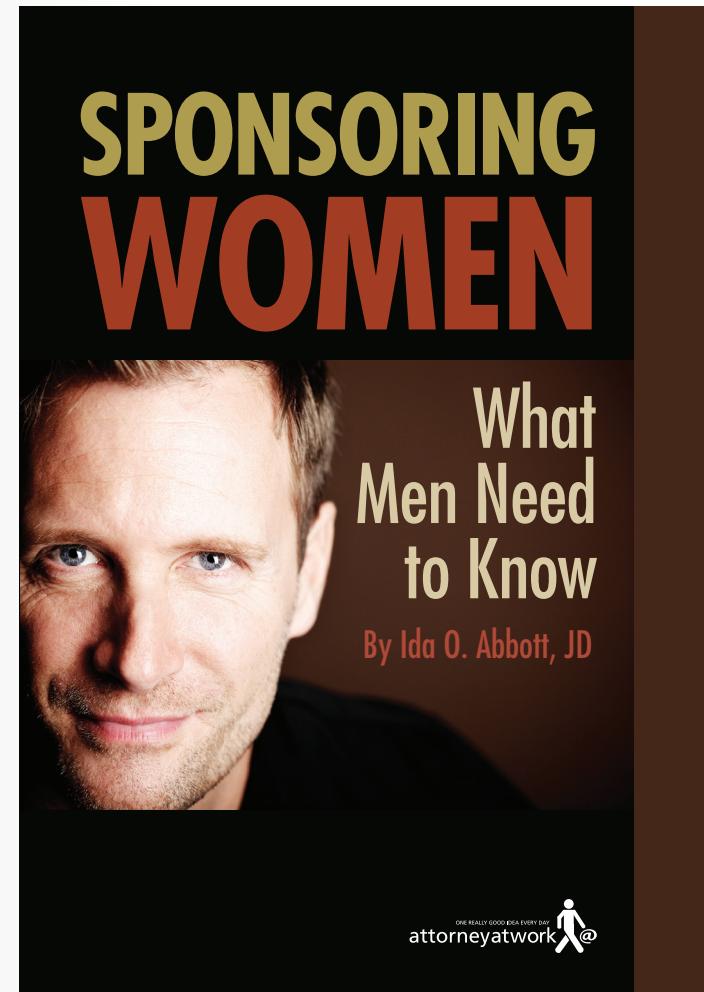
Research has shown that first impressions are made up of 55 percent visual cues (body language), 38 percent vocal (tone of voice) and only 7 percent verbal (words). One expert estimates that the percentages shift significantly when you communicate over the phone to 82 per-

cent vocal and 18 percent verbal. So when you respond to your client, it is critical to modulate your voice to communicate concern, patience and caring. And choose your words to convey that you are informed and respectful. It is an old but proven speaker's trick to deepen your voice a bit. Lower voices are perceived as being more mature and in control.

Nearly every one has an inner child who shows up when we're angry. Anyone who has parented a toddler knows that rule one is to remain calm. People feel out of control and a little unsafe when in mid-tantrum. If you can maintain your calm, control the situation and guide both of you to a good solution, your client will relax. Here are the basic steps to take:

- Express empathy ("I can tell how upset it made you")
- Get clarification of the problem (ask gentle fact-finding questions)
- Apologize (even if you are not in the wrong)
- State that you want to help
- Probe for more information
- Repeat his concern back to him to make sure you understand (and so that he feels "heard")
- Show you value him as a client
- Explain possible options for resolution and ask what he would like to have happen
- Summarize the actions you agree to (yours and his)
- End pleasantly

If you have kept your head and created agreement about resolution of the issue, then congratulations. You win!



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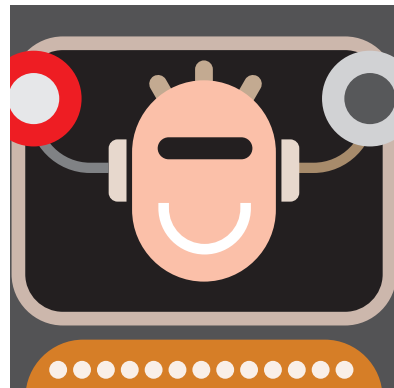
Keep Your Cool!

BY RYAN SULLIVAN

Find yourself feeling irritated? Frustrated? Downright grind-your-teeth angry? Maybe you skipped breakfast. And lunch. Maybe your spouse was nasty to you last night. Maybe you've been made the scapegoat for another attorney's huge mistakes.

Perhaps you have 100 different reasons that have combined to create a swirling hot cloud of steam roiling between your ears, just waiting to blow. And, just as your cloud of steam reaches its peak, an unleashing opportunity presents itself: a pivotal hearing, an important motion, a phone call or email with a particularly loathsome adversary. So, dragon-like, you unleash and bellow fire. Or wicked sarcasm. Or you whisper pointed insults.

Whatever your personal brand of communicative poison, you've crossed the line of civility. After-



ward, you might regret what you just did. Or you might not. But you should.

Upholding professionalism and civility is the honorable and right thing to do as a member of the bar, of course, but here are a few more reasons why you should keep your cool:

- **You never know where you will want to go.** You might be content with your current circumstances and figure that your civility lapses do little damage, but life has a way of unfolding in unexpected ways.

Tomorrow you might want to switch firms, try a new practice area or even run for office. To successfully navigate any of these moves, you will need supporters from a broad range of positions and perspectives who are willing to publicly sing your praises. It will be challenging to find those folks outside of your inner circle if you are known as a discourteous hothead. Imagine your dejection upon receiving tepid responses or excuses to your requests for an endorsement or support. Ouch.

- **Your unprofessionalism will earn some good laughs.** No matter how masterfully you executed the cutting blow, not all witnesses will agree with your interpretation of events. Stories of your misdeed will be told, sometimes with you cast as the villain, and sometimes with you cast as the buffoon. Clearly, the target of your incivility will be angry. But others may be amused instead, and gleefully relate the story around the watercooler. Acting like the consummate professional

simply isn't as gossip-worthy or funny.

- **Reputations are easy to tarnish and laborious to polish.** It's a sad fact that one slip-up has more impact on your reputation than the 10 prior instances of stellar conduct. So be wary and be careful. It's far better to walk away, or wait to send that email than pay the heavy reputation price that will take a lot of labor to polish away.
- **It's better to feel bigger.** Being in control always trumps the adrenaline-spiked alternative. Mastering your emotions and acting professionally feels good. And once you've successfully maintained civility under fire, it gets a bit easier each time. If you know a certain person or topic pushes your buttons, mentally prepare yourself and make it your goal to emerge from the interaction not as the "winner," but with dignity and grace. Being the bigger person isn't always easy, but the rewards are more far-reaching than you might think.

Didn't Get the Work? **Now What?**

BY MERRILYN ASTIN TARLTON

It was your first formal response to an RFP. A pitch you finally made to that client you've been softening up for some time. A meeting where you asked to second-chair, or take the lead on a high-profile client's new matter. And you were great! But no. You didn't get the work. It is so disappointing, that goes without saying. But it's important right now that you not disappear behind your office door for a day of pouting. There are things to be done!

But You Don't Feel Like It?

Let's say right up front that this is hard, hard work — putting yourself out there and asking people to say “yes!” But it's the nature of the beast in today's legal profession, so get used to it. And figure out ways to get better at it. We all know (let's see, was that kindergarten?) that making mistakes is how we learn. But once you're told “no,” all you know is that it wasn't a “yes.” The way to succeed next time is to find out what went wrong this time. (Yes, there will be a next time.) So here's a simple step-by-step to-do list for after the client turns you down.

Recover. Okay, go ahead and take a little time to bounce back from the disappointment. Something like 24 hours, no more. Go for a long walk. Dinner with friends. Read a good book. Whatever it is that rewinds your watch and gets you ticking once more.

Reconnect. Yep. Contact that person who said “no.” You may be tempted to send a safe email message, but don't. Pick up the phone and have a real-time conversation. While some people will encourage you to do this face to face, I'm not one of them. Having been on the other side of a few of those, I've learned that the implied pressure is too great. If you insist on “lunch so we can find out what went wrong,” they may take you up on it, but you'll never see them again. Ick. Here's what you want to accomplish:

- Confirm that the answer was really “no.”
- Communicate that there are no hard feelings and that you really value and respect their decision-making.
- Learn if someone else was given the work and, if so, who it was. (It's always good to know who your competition is.)

- Inquire whether there's anything they think you should know so that you can do a better job next time.
- Make sure they know that you are always prepared to step in and help in any way in the future.
- Reconnoiter. Sit down with everyone who assisted with the pitch. Your peers, younger lawyers and staff. Be mature about it and don't feel embarrassed. This is a great time to model for others how to handle disappointment. Share the client's feedback with them — they deserve to know. Then ask what might have been done differently and listen. They'll have some good general thoughts. Make sure you encourage them to give you personal feedback as well. If your colleagues can't speak honestly with you, who can? And if they can't, how will you learn?
- Begin again. Make any changes in systems or methods that you've learned should be made. Pull up that prospects list on your computer and figure out your next opportunity to try out what you've learned. Get back up on that horse!

Wouldn't it be great if clients just happened to notice your Twitter feed or browsed the firm website and found your bio so compelling that they called and hired you on the spot? Yeah. Never happens. If you're going to be in private practice nowadays, you're going to have to learn how to ask for (and get) the work. Doing it wrong is your best opportunity to get it right.

WHEN YOU LOSE A CLIENT

It happens to every lawyer from time to time. It's going to happen to you.

A good, longtime client suddenly drops the relationship and seeks counsel elsewhere. It can happen for any number of reasons. Many of them are things over which you have control. Some of them are not. But regardless, what you do with that disappointment is the most important thing. While it's tempting to heave a pathetic sigh and turn the other cheek, your job isn't done here until you check off a few items.

Relocate your objectivity. No, this isn't easy. You're angry or hurt or feel betrayed. It's natural. You may need to vent your feelings with a coworker, go for a hard run or even wait for a couple of days to pass.

Find out why they left. This will take courage, but it's important for you to find out what went wrong. (The news may not necessarily be bad.) Collect your thoughts and place a phone call. Probe as deeply as you can because their first responses will probably just be meant to deflect. They don't want to have this conversation, either. Listen hard and resist every temptation to defend or argue. Thank them for

their time and honesty. You'll most likely have the option, at this point, of trying to win back their business if you choose.

Get an outside perspective. Discuss the situation with a colleague or friend. Be as honest as you can — this isn't an opportunity to get sympathy — and ask for the bitter truth in return. Ask what they might have done in your shoes and what they recommend you do next.

Reflect on lessons learned. Think through what you have learned from the former client and the perspective you gained from the third party. Observe your own reactions and revisit the facts. Is there anything you could have done differently? Are there systems you could put into place to ensure this doesn't happen again? Actions that need to be taken?

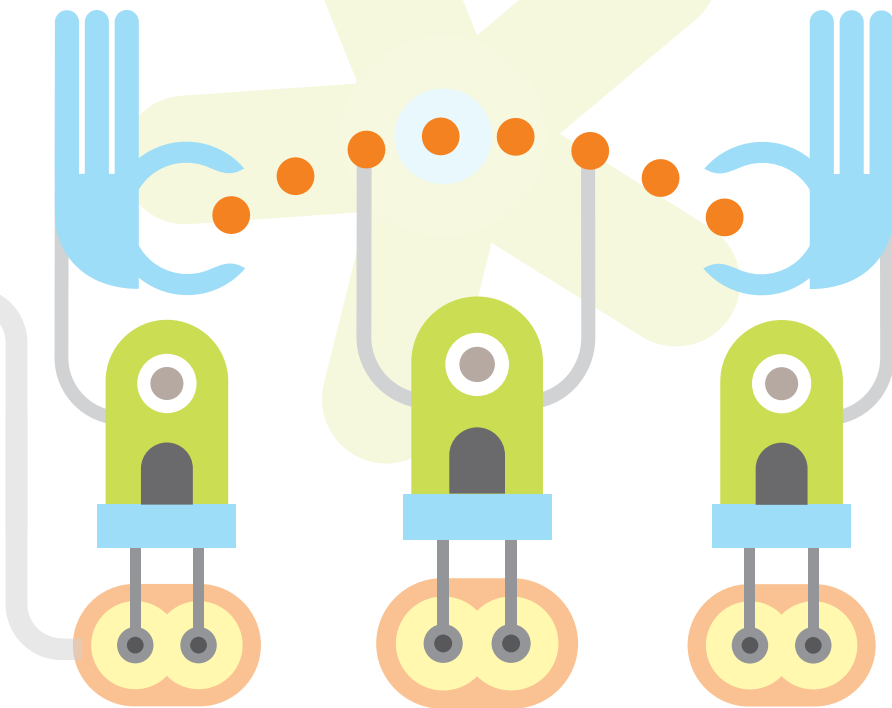
Take steps to prevent a recurrence. Whatever it is, make it happen now while you have the conviction. It could be as simple as instituting a new proofreading rule or as difficult as changing your own behaviors. Whatever steps you take, it will be far easier than losing more clients — or going through this list of painful steps again!

— *Merrilyn Astin Tarlton*

Relationship-Improving Steps for Better Business Development

BY JAY HARRINGTON

The practice of law is stressful. And complicated. And, at times, frustrating. Legal marketing and business development need not be. Here are a few back-to-basics tips designed to improve your relationships with clients and colleagues.



1. Be in the Moment

When engaging in marketing activities, be in control, be purposeful and only do one thing at a time. Don't sneak a peek at your iPhone under the table during a lunch meeting. Don't start, then stop, then start, then stop formulating that article you've been meaning to write. If you're interacting with someone, interact with them. In other words, be in the moment.

ACTION STEP: For one month, clear your plate. Commit to only doing one thing at a time. This is a good approach for everything you do in life, but at the very least apply it to your marketing activities.

2. Keep It Simple

We over-complicate things. We use complicated language because we think it makes us appear intelligent, when it actually makes the client feel inadequate and resentful. We email when we should call. We don't send handwritten thank-you notes, even though we love receiving them. Our timekeeping entries are vague, and we think the client won't notice. Stop overthinking and overcomplicating how you communicate with clients and colleagues. Keep it simple.

ACTION STEP: Write 10 handwritten notes to clients and contacts this month. Nothing may happen as a result, or something great may happen. Who knows? One thing you can be sure of is that you'll make someone's mail-opening experience more enjoyable, and you'll make yourself more memorable.

3. Be Yourself

If you watch TV legal dramas, you may draw the conclusion that to be a successful lawyer with a strong book of business you need to be polished, good-looking, articulate and aggressive. Now take a look around. Successful lawyers come in all shapes, sizes and personality types. But the one attribute most have in common is that, like nearly all successful people, they are genuine and authentic. Sure, there are exceptions. Phonies always manage to slip through the cracks. But people crave authenticity in all relationships — including the attorney-client relationship — and reward it. Be yourself.

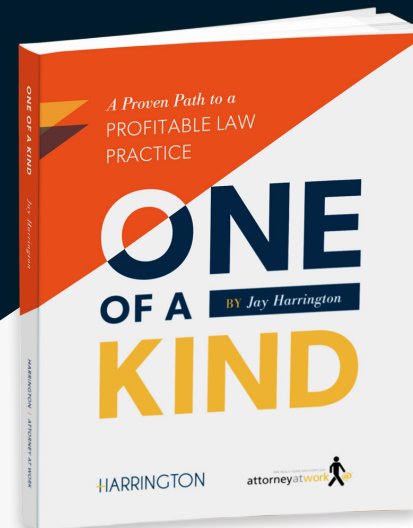
ACTION STEP: Stop trying to please everyone. Focus on being yourself in all situations. If someone doesn't like you as a result, then that's their loss. As Paul Newman once said, "If you don't have enemies, you don't have character."

4. Grow and Give

Do you have an approach to your legal career? Put differently, are you being purposeful and thoughtful about your near-, medium- and long-term career objectives? Or do you find yourself just going through the motions — nose to the daily grindstone? For many lawyers, an objective may be something along the lines of "to make partner and become financially secure." Worthy goals, no doubt. But is that something that you can really sink your teeth into and rally behind on a daily basis? Probably not. Everyone needs to identify their own passion and motivation, but here's a suggestion: Commit to continuously grow as a lawyer and as an individual and contribute to other people in a meaningful way. Grow and give.

ACTION STEP: Try to learn something new every week — a productivity hack, a software shortcut, a best practice, a new technique — and share your newfound knowledge with co-workers and clients. By improving yourself, then helping others better themselves, you'll find that you'll end up getting much more in return.

BE ONE OF A KIND



BY JAY HARRINGTON

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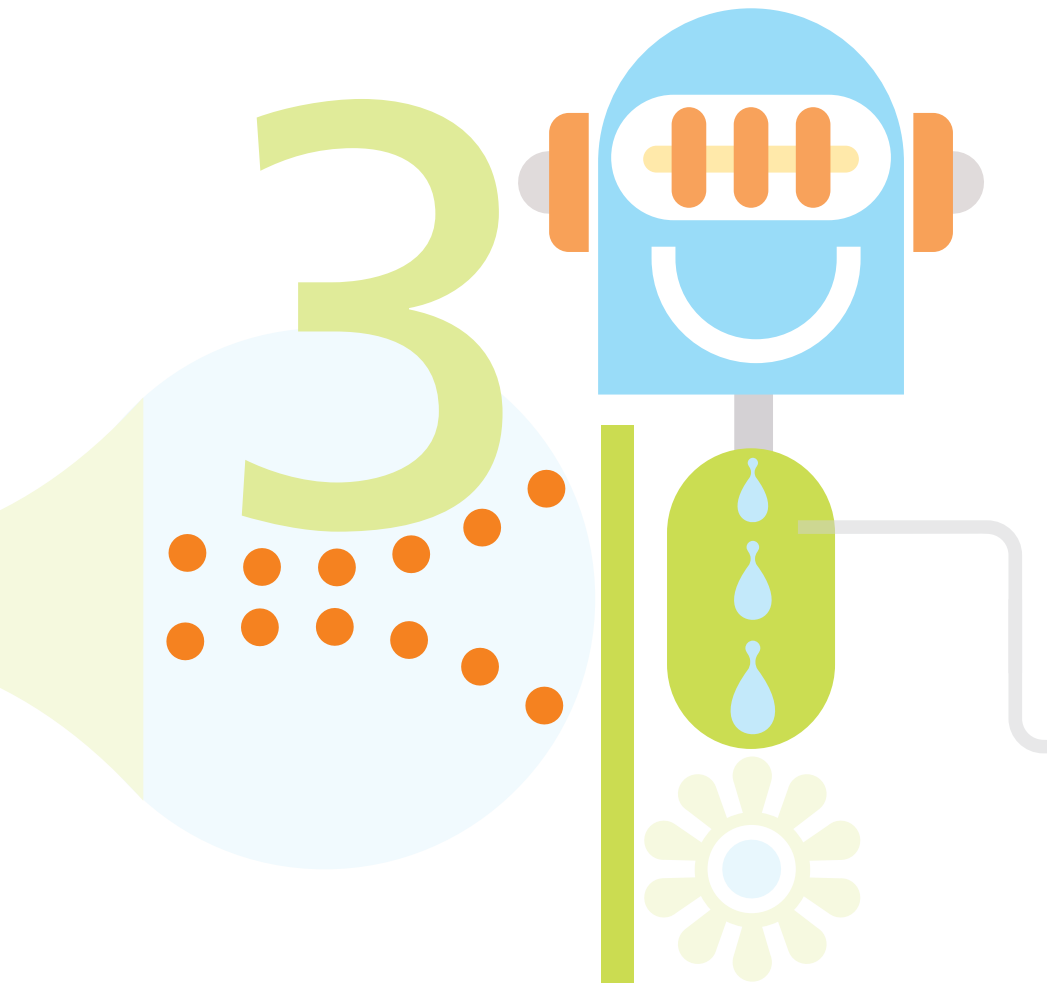
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Three Tips for Becoming More Resilient

BY SHAWN HEALY



Resilience is the ability to persevere through adversity and come out stronger than you were before. Resilience is a skill that anyone can learn and apply to any area of their life. People are not “born resilient”; it’s not a personality trait that some have and others do not. People become resilient as they respond to difficulties in their lives.

So the good news is that you can become more resilient. The bad news is that your life requires hardship to develop resilience. Then again, if you were living with the delusion that you could avoid hardship in your life, let me dispel that notion right now. It is not a question of whether you will encounter hardship. It is a question of how you will respond to it.

Turning a Hurdle into an Opportunity

No matter what your particular stress is — client issues, financial anxiety, overwhelmed by technology, opposing counsel’s attitude — changing the way you think about and respond to that stress can turn a dreaded situation into an opportunity for building resilience. One place to start: Make a list of the things in your day that drain you of energy and joy. What would you prefer to avoid or actively wish would magically go away?

“The most resilient people have a network they feel supported by, know they can turn to for help, and to whom they offer help in a pattern of mutual support. Nothing increases the weight of a burden more than thinking you are alone in that struggle.”

While there are many ways of increasing resilience, these three tips will help you to invest your time and energy well.

1. What else could this be? One key component of resilience is the ability to see things from multiple perspectives. You limit your ability to do that when you get locked into interpreting a particular interaction or situation in a fixed way. The classic way of limiting perspective on a stressor is to think of it as a crisis, or impending crisis. “My client is not paying my fee” turns into a fear that this will result in making no money, becoming homeless and starving on the street one day. Any crisis will make you feel a heightened level of stress, which either prompts you to avoid the situation or attack it — the “fight or flight” syndrome.

Asking yourself “what else could this be” is a creative problem-solving technique that helps to challenge your assumptions. Or, another way to put this is to ask: “What is this problem an opportunity for?” Seeing a stressful event as an opportunity will allow you to see potential upsides to a stressor and use it for good. So, for example, a stressful confrontation becomes an opportunity to practice speaking calmly and confidently to an upset client, thereby making you better able to handle these situations.

2. Hobbies. Games and hobbies are not child’s play or activities you should postpone until retirement. Hobbies and fun activities are essential for creative thinking and well-being. Not only do they provide a way to take a break from work (or constantly thinking about work), they also are an opportunity to use different parts of your brain, inter-

act with others differently and see things from a different perspective. Feeling stumped about how to handle a problem? Stop trying to solve it. Taking a break and doing something completely different often helps to provide “aha moments” of insight.

3. Friends and family — yes, they’re pretty important. Let’s face it, law school and the demanding legal environment have required you to spend less time with friends and family. It is a necessary sacrifice most lawyers make to get through law school, pass the bar and start a legal career. Unfortunately, what starts as a temporary sacrifice can transform into a lifestyle.

Having a strong social support network is essential to resilience. The most resilient people have a network they feel supported by, know they can turn to for help, and to whom they offer help in a pattern of mutual support. Nothing increases the weight of a burden more than thinking you are alone in that struggle. Talking with friends, family and colleagues can help give you a different perspective, validate your feelings and concerns, and help you think through options that you might not have considered before.

Be Well, Be Resilient

Resilience is a skill that needs resistance to strengthen, not unlike our physical muscles. So look for opportunities to choose to use the barriers in your life as a resilience workout routine. The more you do, the greater sense of control you will feel in your life.

The Ultimate Answer to Tough Questions

BY ANNIE LITTLE

I still remember my first day in torts class. Old man river, my respectable professor, called on me to analyze an opinion from some archaic case: “Ms. (unfortunately easy-to-pronounce maiden name), is this paragraph law or dicta?”

My response went something like: “Uuuuuhhhhh ... that paragraph is ... ummmmmm ... dicta? No wait, law. Err. Maybe.” Meanwhile, in my head I’m screaming, “WTF, dude? This wasn’t in the assigned material!”

The professor then asked follow-up questions — interspersed with just the right amount of awkward silence — to get me to explain why I thought we were dealing with dicta or law.

Me: “Well ... it’s Ditka, I mean dicta because it’s authoritative ... uh, no ... it’s law because it’s authoritative, err ... um.”

And then before I could stop myself, I heard it come out of my mouth: “**I don’t know.**”

The collective gasp that followed was probably heard on every floor of the law school. I didn’t know if my head would explode before or after the professor kicked me out of his classroom. But what he said next was even more shocking: “**I don’t know either!**”

Suddenly, I was a freaking superstar — approving looks, winks, thumbs up from all corners of the room. I’d somehow managed to come up with the answer to his trick question.

A Star Answer Is Born

So what if I didn’t intentionally provide the correct response? At least I didn’t look like a huge ass in front of the class — which is exactly what I thought I’d be if I couldn’t provide an answer on the spot.

My professor went on to explain that there are many times when the best answer a lawyer can give to a tough question is, “I don’t know.”

While it may seem uncomfortable to you as the attorney, it’s far less awkward than giving a client incorrect information.

- So I went on to use it with clients: “Hmm, good question. I’m not sure off the top of my head, but let me get back to you in a few hours.”
- I said it to my bosses: “I don’t know, but I can do some quick research to find out.”
- Opposing counsel would hear: “Gee, I’m not sure, but I’ll let you know.”

In a nutshell, I didn’t pretend to know something I didn’t. Ever.

And you know what? Not once in seven years did anyone question my fitness to practice law or express any kind of displeasure with my honesty. I didn’t spout off some malpractice-worthy advice (then lie awake at night with worry), and everyone got the information they needed. It was a total win-win.

So although I didn’t remember much about torts after law school, I never forgot that “I don’t know” can sometimes be the best answer.



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