

July 25, 2008 Los Angeles Daily Journal – Forum

What You Don't Know Can Help You

by K.C. Victor

I spend my days speaking with lawyers about their careers. My professional life consists of days filled with conversations with lawyers on both sides of a possible lateral transaction. We talk about clients, legal skill sets, lawyer staffing, working teams and legal business. Quite often I speak with lawyers who have no interest in moving or hiring. (Fortunately for the world, at any given time most people are neither looking for a new workplace nor to hire someone new.) As I tell my family and friends, "I know lawyers for a living." In these conversations, I am repeatedly amazed to learn that there are a few things which I believe should be standard knowledge about a lawyer's practice which many lawyers do not know.

I recently asked a partner-level lawyer, someone out of law school for close to twenty years and known in his field of law, which clients and how much business he would expect to follow him were he to make a lateral move. I wanted to know how much of the work he had been doing recently is "his," which clients would probably follow him to a new firm. The answer was so shockingly low that I simply did not believe it. We were meeting because this person was considering a professional move; the answer mattered and needed to be probed.

This person had shared that his portable business consisted of two clients and a dollar amount that I had reason to believe was about a quarter of the actual amount of business that would follow him. I inquired and came to understand that what the potential candidate thought I meant when I made reference to portable business was the matters on which he was currently working and for which he had not yet billed. The amount I was looking for, and any potential new firm would be inquiring about, is a realistic estimate based on past experience and many other factors of how much business would likely be generated and collected in a new firm on an annual basis. (Past actual information is also typically needed for a move.)

On that afternoon, the only reason I got to the actual (OK, fairly good estimate) of this lawyer's real amount of portable business was because the answer I received could not possibly have been true. I made inquiries and got real answers. My belief is that the amount of business one possesses as a lawyer is an important thing that someone should know regardless of future plans. However, as was said in the special education business long before our former Secretary of Defense brought it into the political sphere: "We don't know what we don't know." Who your clients are and approximately what their needs will be in the foreseeable future is, when possible, an important thing to know.

Another thing I have noticed many lawyers don't have deep familiarity with is a vetted referral list of other lawyers to whom they would refer certain types of work. A significant part of being a good lawyer is being a trusted advisor. All major and most minor rainmakers are trusted

advisors. Lawyers who are trusted advisors are repeatedly approached with queries about who to use as professionals in various situations, especially who to use as lawyers in various arenas.

If possible, clients want to keep their trusted advisors involved with any of their important work which may be even tangentially related to their knowledge of the client. Clients often ask “their” lawyers to do work that particular lawyer could not possibly do by herself. Although clients do not always know the limits of your skill sets, they do know if you are smart and loyal. They do know if you have good judgment. They do know if you are regularly thinking outside of the box for them. In fact, the chances are excellent that any lawyer who knows a client and its business intimately can contribute in ways that matter in situations that lawyer could never handle alone. Litigators who know their clients well contribute significantly to some complicated transactional work. Transactional lawyers who are asked to recommend patent counsel often understand exactly how that patent fits into the client’s business and can help greatly in a patent transaction or dispute context.

A major part of rainmaking is knowing what you don’t know and knowing who can help. How does one develop solid relationships with other lawyers who can do work you cannot do? The first step is to think that developing such relationships is a good investment of your time. Time spent in learning a fellow lawyer’s skill set and working style is not billable. However personally enjoyable spending time with a fellow lawyer with an interesting skill set may be, on the surface it can seem like a professional waste of time. It is not.

Establishing relationships with other lawyers to whom you can refer work is probably one of the most important things you can do to help build your client base. This is counterintuitive because it seems that trying to give work to others will not help build your client relations. The passing on of work should instead be seen from another angle.

You may not ever actually aim to give business to another lawyer. However, there will inevitably be numerous times in your career that you must give business away. Sometimes work is out of your skill set; sometimes there is a conflict; sometimes you are busy and the client’s needs are urgent. Regardless of why, when you must give business away it is always better to send that work to someone you believe will do the work well and will not try to steal other work from your referred client.

It is tempting to postpone building a referral network, especially one of other lawyers. One’s ego is seldom satisfied by sending off work and remaining only tangentially involved with an important aspect of a client’s legal needs.

The alternative to a proper referral is worse. Your client stops thinking of you as a “go-to” lawyer. Sure, it is tempting to just say, “I can’t” when a client approaches with work you cannot do. You may fear that if you make a referral to someone you don’t know well, you will be blamed if something goes wrong. The good news is that if you send the work to people you do know well and know to be good, you will be remembered when things go right. If you have built

a good referral network, you will get credit much more often than blame and become known as a lawyer who is egoless enough to keep your clients happy even when it brings no glory to you.

If you are practicing at a firm with lawyers you respect, chances are that many of your referrals exist within your own office. Still, it is good to be sure you know these people well if you are to share a client. Find out their real skill sets and personality. Ask who they use when they need help.

Meeting lawyers to whom you can refer work outside of your firm is not as hard as it may seem. Keep your eyes open at the gym, in your community, at your children's schools. Send an e-mail when someone gets press you like or writes an article or book you respect. You will seldom be turned down when you say you want to get together in order to have him or her on your radar screen for referrals.