

Business Development Advice

from the Chair of the ABA Commission on Women

Larry Bodine, Esq. and Michael G. Cummings, who are business development advisors with Apollo Business Development (www.ApolloBusinessDevelopment.com), interviewed **Roberta “Bobbi” Liebenberg**, Chair of the ABA Commission on Women in the Profession, about her methods for generating new business. Larry can be reached at 630.942.0977 and Lbodine@ApolloBusinessDevelopment.com; Michael can be reached at (312) 543-7617 and MCummings@ApolloBusinessDevelopment.com. Following is an extract of the interview.

Bobbi Liebenberg is a partner in Fine, Kaplan and Black in Philadelphia. She practices in complex business litigation with a focus on antitrust, class action and appellate law. She has collected many awards in her career starting with the Sandra Day O’Conner Award in 2008 from the Philadelphia Bar Association; the *National Law Journal* called her one of the 50 most influential women lawyers in America and she listed in *Best Lawyers* as well as *Chambers USA* under the Antitrust Section. See www.finekaplan.com/attorneys/rliebenberg.asp



Roberta D. Liebenberg

A key fact about Bobbi is that she’s got a personal life. She is married and is a mother, and she has managed to juggle a law practice with a family life and yet generate new business as well.

Clearly, the way to advancement within a law firm is the ability to generate business. It is the single most determinative factor in whether or not a lawyer will become an equity partner. And why is that important? Equity partners, as we know, not only have ownership interests, but they enjoy the highest compensation power and influence in the firm. Generally when a firm selects lawyers to sit on any of the committees they look to their equity partners. So business development is important to grabbing that brass ring.

It’s never too early to start focusing on marketing and making it a priority. Just as you honed your legal skills over time, you want to also hone your business experience over time and that will help you develop a focused approach to business development. You need to approach rainmaking or marketing by remembering that you’re engaging in interpersonal communications, which is something that you do every single day.

I had been a partner Wolf, Block, Schorr and Solis-Cohen in Philadelphia. I had always had an entrepreneurial bent and I decided with two other women to open up one of the first women-owned law firms here in Philadelphia that concentrated on complex commercial litigation. It is that experience that really helped me develop my business development skills. As I’ve told people, there’s nothing like the fear of starvation to make you reach out and ask for business.

After I had run my own firm for eight years I had the opportunity in 2000 to join an antitrust boutique firm here in Philadelphia, which is my area of concentration.

In sum, all of these experiences have taught me that business development allows you to take control of your career and to make the most of it. One of the things that I think everyone is mindful of right now is that business development in this economic recovery is really more important than ever. While things may look bleak to people in terms of business development, I believe, I really do believe that there are a lot of opportunities for people to position themselves and to take advantage of them.

Economic stimulus plan good for women lawyers

The current stimulus package is going to be providing funding to galvanize small businesses and many of those are owned by women, so that's a good opportunity for one to be thinking about in terms of where to market. Also remember federal, state and local governments will be getting an infusion of cash and almost all of them have set aside funds for women and minority lawyers, so you can position yourself to take advantage of those opportunities.

Clearly, in terms of litigation, there are also opportunities out there, given that many businesses and individuals lost money in the past year and are probably looking to recoup their losses by filing lawsuits. I would also suggest that if you're in a practice area that is slow right now, you may want to consider retooling or going into a practice area that is still busy, like bankruptcy.

Finally, given the slowdown of legal work, there's really no excuse now why you're not developing your own marketing plan and making yourself available to come up with your marketing plan, to organize and reach out to your contacts and take the opportunity to schedule lunches and meet with people.

Learn your client's business

For me, effective marketing means more than just having your contacts; you want to be truly informed about your clients' and your prospective clients' business and their needs and challenges. Even in litigation, one of the most important aspects of being a good litigator is actually being a good business counselor. In order to instill the client's confidence in you, you need to be well informed about your client. Do your homework: read as much as you can about the client and the industry, and give really careful thought to possible approaches you may want to take with the client.

Think about emerging trends in your practice area. If you're an environmental lawyer,

- Are there new regulations coming out?
- Are there new industry challenges that would be of interest to your client?
- Are there creative solutions to problems that you could offer to your client? For example, is there employment advice that a client would want to hear about in terms of reductions and forced layoffs?

One of my clients is a major airline and when I see an article in the Philadelphia newspaper that I think would be of interest to the company I will send it to the client. And I think this does a couple of things. First, it keeps the line of communication open so that even if we don't have a pending matter, my name is before them. Secondly, and actually more importantly, it demonstrated to the client that I'm very interested in its business and I consider myself to be part of their team.

You know, most people know 80% of new business comes from 20% of existing clients. So again, knowing what your client does and taking the opportunity to take your client out for a quick coffee may allow you to find out more information about that client so that you can develop more business from them.

Business development is an interview

Anytime you're meeting with a client, you want to have what I like to call a diagnostic interview, where you're really trying to assess the client's needs and the problems that are being presented. That really requires more of a listening skill as opposed to overt selling. One of the mistakes many lawyers make in marketing is that they are so interested in overt selling that they actually don't ask the questions that may prompt the client to refer you the business. So ask questions to identify the problem. Let them talk about the problems. How did they envision your role as a lawyer to be helpful to the problem? Are there strategies and results that you've achieved in other areas that you can bring to bear in this case?

Discipline and effort

Building business relationships requires a high volume or level of activity in order to be successful. If your business development consists of one outreach contact every four or five months, you are going to be doomed to failure. I was just reading that to develop a significant book of business, a lawyer needs to invest 300 to 400 hours per year over a four to six year period of time. I don't say that to discourage people, but one of the most important things about business development is to be patient.

It's important to stay in touch with the client after the matter is over, trying to bring them new articles or new legal opinions that may be of interest, to keep your name before them. I try to send consistent emails to an existing client on a topic that will be of interest. Don't send something every single day because it's going to end up irritating the other person. For example, I had a criminal antitrust matter that was a matter of first impression in terms the antitrust division's amnesty program. I spoke about the case in general terms, (not while it was sub judice) but talked about the kind of issues confronting corporations or individuals if they were thinking about entering into the amnesty program. And that's obviously an area that was of concern to many clients. It was a good source of business.

Women's advantages over men

I don't think you want to be pitching yourself; you're actually going to be trying to find out what it is that the client wants and how your expertise can meet those needs. That points out one of the skills that women have: women are, by nature, very good listeners, and are very good diagnosticians in terms of understanding a problem and strategizing the solution.

As I said, I think that women are more oriented to solving problems. They're less likely to let their egos get in the way of resolving issues or disputes for their clients. I think that is something that clients really appreciate. There was, for many litigators, the era of the Rambo style of litigation, which the courts despised and they ultimately enacted codes of civility to eliminate the problem. But you really didn't hear too much about women engaging in those kinds of activities, but instead, being more team players. Especially now, as firms see rainmakers taking business and leaving, I think that they are going to be more interested in trying to develop the team approach to make sure that they're *firm* clients. I think that helps women in terms of business development.

For those who are mothers, we are the masters of multi-tasking and being efficient. We are good at creating "To-Do" lists, trying to be efficient at work, but also leaving time, so that you leave yourself an opportunity to go out to breakfast or to meet somebody for a quick dinner, to continue those business development opportunities. I think a lot of lawyers feel that if you just do good work you'll advance in a law firm. That was true for many lawyers many years ago, but of course that is no longer true. You have to be disciplined about business development, but again, if you pick activities that you enjoy and you're with people that you like being with, it's not going to feel like work.

Asking for the business

Even after you've developed a relationship over the years, many times women simply just will not ask for the business. And I think you *can* do it in a way that doesn't seem too pushy or aggressive. You can simply say, "I understand you're in business X, and this may be a potential problem. I may be able to help you in that area."

Women are more naturally humble, I think, and tend to stand back a little bit and feel reluctant to encroach on a personal relationship. But if you look at it as a kind of win/win – that the friend may have a problem or an area where you could be of use – it's really not encroaching on a friendship. You're actually helping your client out.

I was the president of the PTA when my son was in junior high. As I engaged in PTA activities, I found out what *they* were doing. They found out I was a lawyer and ultimately I did get business out of that. My intent was not to get business, though. It was a nice result from that.

As Chair of the ABA Commission on Women in the Profession, I want to point out why the number of women equity partners is important. Since 2002, 50% of all law school graduates have been women, and women account for over 45% of all associates. But despite the large number of women who have entered the pipeline in the past three decades, the number of women equity partners has remained static – below 20%. That number has either, as I said, remained static or we are actually seeing a slight decline.

Catalyst, Inc., a non-profit research association, estimated in its 2008 analysis that, at this glacial pace, women won't achieve parity with men in law firm equity partnerships until the year 2088. So we feel at the commission that it's important to break through this 20% mark and to ensure that women are advancing in terms of equity ownership in firms at the same pace as their male counterparts.

Do what you're good at

One, I think it is important to be honest with yourself and to try to figure out what you're good at and what you're not good at. Try to do business development that plays to your strengths as opposed to your weaknesses. For example, if you don't like public speaking, that may not be a good approach for you, but you may be a great writer. So becoming visible by writing an article in your area and then sending that article around to potential clients may be a more effective marketing tool for you. Again, just try to identify what you're good at.

When we had our women-owned law firm, we targeted specific government contracts and other government work that would be available to women-owned law firms. There are a lot of women-owned businesses. In fact, Deloitte recently published a statistic that more than half of the 10.6 million privately held American companies are owned by women. So I think that is a great opportunity. And remember that almost 90% of all Fortune 500 companies have women on their boards of directors. These are great opportunities for women, I think.

Biases against women lawyers

Women need to reconcile their instinct for humility with the need to promote one's self. And that is not an easy task, for a couple of reasons. One, a number of studies have shown that women who promote their own interests vigorously are seen as too aggressive, uncooperative and selfish. And an equal number of studies show that failure of women to promote their own interests results in a lack of female leaders.

The issue of implicit biases against women is one that I think really impedes their advancement in the profession. One, you need to recognize that there are going to be these implicit biases and stereotypes, but two, I think women can really benefit from guidance on how to overcome this perception. So I think it is helpful to seek out advice and then filter it through, because you may want to ask more than one person. You may want to ask other people to help describe your business career and your business-generation contribution.

What really comes into play here is the difference between a sponsor and a mentor. Because a mentor may teach you about the cultural issues at your firm and may help you in terms of the best way to advance within the firm. But what you really want to try to find is a sponsor or champion – somebody who will really put themselves out for you. They will stick their neck out for you to create an opportunity for you and to help you succeed within the firm.

Getting active in an organization

For example, I am very active in the ABA and that's been a terrific source of referrals for me, because I have been able to develop a large network of lawyers from around the country who, when they have cases here in Philadelphia, will often refer the case to me. I have also been able to develop referrals from the ABA in my area of expertise. For example, I had an ABA friend who was in an antitrust boutique as I am, and needed an antitrust lawyer to help in a case down in Texas – and I was retained. So again you just never know where these opportunities are going to lead.

I think when you are visible in the community; people think about you and view you as a leader. Anybody can do that. For me, I've always become involved in civic or professional organizations that I feel I am really interested in and passionate about, and I think that comes through. And it does also give you the opportunity to be in a position to meet new people who will refer business to you.

I have always made it your policy to go to meetings where you have a goal of becoming active and involved in a leadership position, because that's kind of my personality. I don't like to just sit back. But I do like to come up with solutions to problems and if you're going to be participating in some type of organization, then I think taking on a leadership role helps you showcase that you do have these problem solving abilities. Again, invest your time wisely. You're not going to do 900 of these. Pick the one that you're most interested in. I think many women's organizations are really interested in trying to help nurture their future leaders. So a lot of organizations have leadership classes where you can become involved at a really early age and then go on to the board at a really early age. That is a great opportunity.

Public speaking

One, I think you can speak in your area of expertise. For example, I often speak at the Class Action Institute. I have a particular expertise in my line of work dealing with experts and being the lawyer that handles a Daubert hearing in a class action, and so I will often speak about how to handle a Daubert hearing. And you are in a venue where lawyers and clients may be in the audience and then may think of you for business. But, for example, I'm also active in the Philadelphia and Pennsylvania Bar Associations, although I don't generally get that much referral work from that, but I'm out there. Another benefit is that you may be speaking before judges before whom you may ultimately appear, and I think that gives you added credibility. That is an asset to be used in talking to a client about why they should retain you.

Building contacts *inside* your firm

We've talked a lot about maintaining your contacts *outside* the firm, but we really haven't spent time on building and nurturing your relationships *in* your own firm, and for many people that's going to be the place where you are actually going to get business and be able to develop your own business.

First, participate in pitch teams, because this is an excellent way to learn from other senior lawyers how they develop business. You may be able to meet attorneys from other practice groups who can help foster cross-department marketing relationships. That is important. You

have to be visible and known not only in your community at large, but also within your own firm. So network with your own lawyers in your own law firm, especially those who are outside your practice group, because they may not be aware that you have expertise in a certain area. By getting to know you, they will be able to refer work to you.

Second, it's also important not to be afraid to ask for high-profile, high-revenue cases within your own firm. It's very important to the advancement of women in their law firms that they have had the opportunity to participate in these types of cases. It gives you visibility within your own firm. More importantly, it will help you to develop relationships with the client and because business comes from existing clients, you will be able to grow with the client.

Third, if your firm offers business development or any kind of business coaching, take advantage of it. It is important for you to know how your firm attributes credit for business development. Be knowledgeable about it so that you can be strategic; then once you are knowledgeable about it, don't be afraid to go in and ask for it. Or have your sponsor go in and help you get it. Because I guarantee you that many of the men with whom you are competing are going in to get credit. Again, another anecdote: someone who sat on the Associates Committee was telling me that at the end of the year partners and associates seeking to advance would submit memos to them about how great they were, and most of these memos came from male lawyers. Very few were from women.

The main thing I would urge for women who are in law firms is not to give up, to hang in there. First, it's important that we have a future generation of women leaders who will be at the firms because the greatest attrition that we're seeing is among women who have been in practice for 10 to 20 years and who are in their late 30s or early 40s. It's something that the profession really, really needs to remedy.