

CLIENT DEVELOPMENT IS ACHIEVED THROUGH A VARIETY OF APPROACHES

Professional Development

Mid-level associates are often so busy meeting their billable hours that they can't imagine finding time for client development. But it is just at this time that mid-level associates must start thinking about transforming themselves from workers to value-added associates with client development potential, says Timothy Leishman of Leishman Performance Strategy Inc., speaking to an audience of mid-level associates at the City Bar's Professional Development Breakfast Workshop, "Developing Professional and Client Relationships."

Types of Partners

"The first thing for both lawyers and law firms to realize," notes Leishman, "is that business generators come in different styles and there is no one right way of doing business development. Some partners succeed in finding new clients by networking in the community while others attract business with their leading reputations. It is important to look at yourself, determine which style you fall into, and then leverage your skills," says Leishman.

The best way to determine your style is to think about what you do with your discretionary time. Are you more externally focused: do you like to go out and meet people? Or are you more internally focused, spending time cultivating your existing relationships. Are your relationship skills your strength, or do you rely more on your expertise?

According to Leishman, there are two different types of people: those externally focused and those internally focused. "There are also two different areas people excel in, expertise and relationships. As you pair up the different groupings of these qualities you find that partners fall into four basic practice styles, the Rainmaker, the Point Person, the Hired Gun, and the Brain Surgeon."

Rainmaker

The Rainmaker's strength, says Leishman, is in networking. The Rainmaker has a knack for winning new business from new clients through networking. Rainmakers are always out at events, chairing meetings and sitting on

boards, and use these opportunities and their natural people skills to target those outside the firm who may eventually bring in business.

There are not too many Rainmakers out there, notes Leishman, with a given large firm having only a few true Rainmakers. That's because during the early years of an associate's career at a firm, expertise and technical skills are more valued than the relationship skills of a Rainmaker. "Firms need to make an effort to recruit, develop and retain the Rainmakers," says Leishman.

Point Person

The Point Person is someone whose strength is in relationship skills, and who focuses on current clients and developing new business from that existing client. Leishman notes that the Point

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Person often gives free advice to clients because they want to make sure they are accessible to them. They visit their clients often and know the client and the client's industry well.

According to Leishman, it can be more expensive for a firm to gain business from a new client than it is to generate business from an existing client. The value of the Point Person is that they cultivate ongoing relationships with the firm's top clients. This is not to say the Point Person can't bring in new clients, but when they do it is often the result of earning the trust of someone who works for an existing client, and then moves to another organization and turns to the Point Person for help.

Hired Gun

Having a knack for winning new business from new clients is what defines the Hired Gun. Unlike the Rainmaker, the Hired Gun does so based on a reputation as a specialist, rather than through networking. "Hired Guns," Leishman notes, "do whatever is necessary to build their public profile. They spend time on speaking engagements, writing books and articles, and participating in bar association activities -- anything that builds them as an expert in their

field." There can be many Hired Guns at a law firm, adds Leishman. Not only do they attract business but they contribute to the reputation of the firm.

Brain Surgeon

The Brain Surgeon is someone who does not bring in much new business but, because of their special talents and expertise, makes it possible for colleagues in the other three practice styles to bring in new work. "The Brain Surgeon," explains Leishman, "is thinking about the law all the time." They can often solve the unsolvable and help the firm develop its business in new and creative ways. Typically, says Leishman, there are not many Brain Surgeons in a firm.

Identify Your Strengths

There is room and need for all four styles in a successful firm, says Leishman. The early success of any lawyer has its roots in the natural strengths and talents of the lawyer. Therefore, it is important to rely on your strengths to guide you up the ladder of success. By relying on your natural abilities and strengths, things will come more easily.

Each style pays attention to different things. But whichever style you fall into, there are key components of the other styles that you can learn from. It is important to remember to step outside your comfort zone a little, said Leishman.

If you are not the type that likes to network, think about what the Rainmaker would do in a social situation. Rainmakers often act like hosts, say hello and goodbye to everyone, and introduce people to one another.

Ask yourself, for example, what qualities does a Point Person possess that would be important to your success. The Point Person is, above all, loyal to their client. So even if you are not a Point Person, consider how you can make your client the most important person in your mind, says Leishman.

Going from a worker to a value-added client developer takes time, effort and persistence. By asking yourself and others for feedback about what qualities you should work on, Leishman maintains, you will give yourself the best chance to succeed with your own personal style.

MISSED OPPORTUNITIES... CONTINUED FROM PAGE 1

about 10%, are minority judges.

The two minority judges appointed by the Governor to the Appellate Division, Second Department are no longer on that court and two other minority appellate judges in the First and Fourth Departments (appointed by previous Governors) are over seventy years of age and thus ineligible for appointment to the Court of Appeals. Since appellate judges are frequently selected as candidates for our highest court, this lack of diversity at the appellate level will impact the pool of candidates available to the Commission on Judicial Nomination. With no pool of minority appellate judges, the Commission would need to select a minority candidate from the trial bench or outside the judiciary.

Why is diversity so critical? Public confidence in our judiciary is diminished when the bench does not reflect the diversity of the community it serves. A recent poll, conducted by the

Marist Institute, asked registered voters to evaluate the impartiality of the New York bench. While 71% of registered voters throughout the state felt that New York judges were basically impartial, only 51% of African-American voters felt that our judges were fair.

The Governor's recent decision not to appoint Judge Smith also raises an issue that may not have been contemplated by those who drafted the legislation enacting the twelve member Commission on Judicial Nominations. The Commission was created to implement the 1977 amendment to the State Constitution changing the Court of Appeals to an appointive bench. Apparently nothing in the rules gives any deference to a Court of Appeals judge who is seeking reappointment. When a Court of Appeals judge has completed his or her fourteen-year term, in order to be reappointed, that judge must submit to the Commission process as if he or she had never sat on the Court of Appeals. In most

appointive systems throughout the country, there is an advantage given to incumbents who have served with distinction. The New York process appears to be unusual in its failure to give a sitting judge any advantage or accommodation for years of distinguished service on the bench. When a judge has fulfilled his or her responsibilities over a fourteen-year period, perhaps there should be a presumption that the judge will be reappointed. Doesn't the judge merit such a presumption over others who have not served on the Court? The failure to retain that judge sets a bad precedent and jeopardizes the integrity of the appointive process itself.

As we approach the election season and the end of one Governor's tenure, it is hoped that a new administration will seriously consider diversity in the judicial appointment process. It bears repeating that a sufficiently diverse judiciary reminds all citizens that equal justice under the law lives as a central principle in our truly diverse state and nation.

A FREQUENT FRIEND OF THE COURT... CONTINUED FROM PAGE 1

(iii) Congress' enactment of the Authorization for Use of Military Force Against al Qaeda did not overrule or modify FISA and thus does not legalize the NSA Surveillance Program; and (iv) the NSA Surveillance Program does not comply with the Fourth and First Amendments.

A few months later the Committee on Civil Rights filed a subsequent amicus in *Center for Constitutional Rights v. Bush*. This brief emphasizes that the government's invocation of the state secrets' privilege, in response to numerous lawsuits challenging illegal government activities, is troubling and threatens to undermine the rule of law and the role of the courts and legislature in our system of checks and balances. The brief also argued that the invocation of the state secrets' privilege in these circumstances is unwarranted because the administration's public statements provide all the information needed to determine the illegality of the NSA Surveillance Program.

Establishment Clause

The violation of the Establishment Clause was the focus of an amicus brief submitted by the Education and Law Committee (Jonathan Rosenberg, chair) and drafted with the assistance of Duane Morris LLP. It was filed in the U.S. Court of Appeals for the Second Circuit in *Bronx Household of Faith v. Board of Education of the City of New York*. The brief argues that the District Court's decision should be reversed and that the Department of Education should be allowed to enforce Standard Operating Procedure Sec. 5.11, which precludes parties from conducting worship services in the New York City public schools. As the main public spaces at the school used by the appellant to conduct its worship services are available to only one group at a time, and usually only on Sundays, a message of favoritism and exclusivity is being conveyed which can be seen as a demonstration of the city's endorsement of such activities.

As a result, the brief argues, this domination of the forum crosses a critical line: private religious speech, which might in other circumstances be constitutionally protected, has instead become governmental speech and therefore must be prohibited under the Establishment Clause.

Selection of Judges

The City Bar submitted an amicus brief to the U.S. Court of Appeals for the Second Circuit in *Lopez Torres v. New York State Board of Elections*. Submitted by the Task Force on Judicial Selection (Robert Joffe, chair), and prepared by Skadden Arps Slate Meagher & Flom LLP, the brief

argues that the district court did not abuse its discretion in enjoining operation of New York's judicial nominating convention system and ordering direct primary elections as a temporary remedy. The brief goes on to urge that the District Court and the Legislature should consider thoroughly all available options, including improving the judicial convention system and, in what the City Bar would consider a more preferable option, moving to a merit-based appointment system.

Equal Protection Across the Globe

Equal rights for same-sex couples was the subject of amicus briefs filed close to home and abroad. In New York, our committees on Sex and Law (Maria Cilenti, chair) and Lesbian, Gay, Bisexual and Transgender Rights (Lisa Badner and Allen Drexel, co-chairs) submitted amicus briefs in *Hernandez v. Robles* and companion cases, which argued that same-sex couples were unconstitutionally denied the right to marry in New York. The briefs identified the many instances where the law put same-sex partners and their children at a serious disadvantage as compared with opposite-sex couples and their families. The New York Court of Appeals ruled against our position, and we are now pursuing legislative action to achieve equal rights for same-sex couples.

Prepared jointly by the committees on International Human Rights (Martin Flaherty, chair), and Lesbian, Gay, Bisexual and Transgender Rights, and drafted by Weil Gotshal & Manges LLP, an amicus brief was filed by the City Bar in the Constitutional Court of Colombia. The filing of the brief was facilitated by the Vance Center for International Justice Initiatives. The brief urges that Colombia's courts reconsider the question whether the definition of a domestic partnership as existing between a man and woman is contrary to fundamental rights guaranteed by the Colombian Constitution.

The brief argues that the exclusion of otherwise qualified same-sex partners from receiving the valuable partnership benefits afforded by a Colombian Law (la Ley 54 de 1990) violates the fundamental Constitutional principle of equality before the law. The brief provides an overview of the carefully considered judgments other courts and adjudicative bodies around the world have reached when faced with similar questions. The brief notes that although these courts and international human rights bodies represent diverse legal systems and cultures, they have recognized that laws that discriminate against individuals or their relationships on the basis of sexual orientation violate a fundamental right to equality and are a form of unfair discrimination.