

# Oyez!

**Spring** Newsletter for the Young Lawyers Division **2008**

## Bringing In The Business

By Candice Reed

If you're an attorney, then you certainly are familiar with the word "rainmaker." Ambitious associates and battle-tested partners alike probably know someone who proudly carries this moniker. After all, the rainmaker is the revered attorney in the office who brings in the clients and helps the firm grow – and whose place in the firm (and nice corner office) is firmly entrenched.

While "client development" used to be a term that only law firm partners were expected to know, nowadays associates are not only expected to know what "client development" means, but also how to do it. In a recent survey of new law firm partners conducted by the *Fulton County Daily Report* in Atlanta, nearly 47 percent of respondents said that client development was *very important* to making partner; and 44 percent said that it was *somewhat important*.

However, law schools rarely teach aspiring young attorneys how to develop new business. And while the lawyers who are good at it make it look easy, they typically work extremely hard – and over a long period of time – cultivating relationships, gaining a thorough understanding of their clients' businesses and, most importantly, doing good legal work.

### **Step Into Your Client's Shoes**

"The most important thing that an associate or young attorney can do to garner additional business is to do excellent work on the existing matters or projects that



he or she is given," says Cheryl Mason, Vice President of Litigation for Hospital Corporation of America (HCA). She explains that doing excellent legal work not only includes appropriately analyzing issues and writing well, but also includes being efficient with time, conscious of the client's business needs and involving the client in the decision-making process.

Ms. Mason believes that attorneys often fall into a "problem-oriented mindset" – seeing an issue with one possible solution and moving towards that solution without soliciting feedback or input from the client. The goal should be a "client-oriented" approach, which requires the attorney to communicate with his or her client – not only to provide the client with status updates, but also to involve the client in the decision-making process. Ms. Mason says that she appreciates attorneys who will give her multiple options for approaching a particular issue and then recommend the one option that they think is best (and explain why).

Kent Thomas, General Counsel for Delek US Holdings, Inc., points out that outside counsel may not be privy to corporate strategies, budgets or policies that shape the client's decisions. Business clients may not always want to take the safest or most conservative approach, which tends to be the route most recommended by attorneys. He explains that "businesses evaluate risk versus reward every day, but attorneys are often involved only in the negative half of the equation. It's the attorney's job to understand the

*(Continued on page 3)*

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## From the President . . .



**Emily Shouse**

'Tis the season – summer associate season that is. I know at my firm, we are rushing to prepare a calendar of lunches, social outings and work assignments for our summer crew. As young lawyers, summer associate season provides us with a great opportunity for mentoring. Whether or not you have been fortunate enough to have a mentor yourself, being a mentor can be incredibly rewarding and a great learning experience for the mentor as well as the mentee. I encourage you to seek out the summer associates (and first year lawyers) in

your firm and extend a helping hand to them. If it is nothing more than taking them to lunch and answering their questions, it can be a big help to someone who is trying to find their way into a legal career.

As you play your part (and try to convince your firm’s summer associates that your firm is the best place for them), don’t forget to bring them to some of the YLD’s events. The YLD is a great way for young lawyers to network and make friends. In addition to the social opportunities, the YLD provides numerous opportunities for young lawyers to get involved in the Nashville community and to contribute to the community at large as well as the Nashville legal community. The Carbolic Smoke Ball will be held on July 11<sup>th</sup> at the Parthenon. This casino night event makes a great summer associate event, as do the YLD monthly happy hours and other activities. I hope you will all make plans to attend and bring along your summer associates.

I want to offer a big “Thank You!” to Allison LaRue, Cyndi Parson and Erin Palmer Polly, the Race Judicata co-chairs, and all the Race Judicata committee members and volunteers who worked so hard to make this year’s race such a great success. I am thrilled to report that this year’s race raised \$15,641.43 for St. Luke’s Community House! This is the most money the race has ever raised and I know that St. Luke’s Community House appreciates all the hard work that went into the race, as do I. Great job everyone!

**Emily Shouse is a shareholder in Waddey & Patterson, P.C. She is a registered patent attorney and concentrates her practice on patents, trademarks and related matters.**

## TLAP

Do you know a Lawyer who is feeling sad? Call the Tennessee Lawyers Assistance Program and they will help your Lawyer Friend feel glad (or better). Call the Tennessee Lawyers Assistance Program at (615) 741-3238 for help dealing with a range of health and personal issues.

## **The Eleventh Annual YLD Carbolic Smoke Ball at the Parthenon**

The Young Lawyers Division of the Nashville Bar Association will sponsor the Eleventh Annual Carbolic Smoke Ball on Friday, July 11, 2008, at the Parthenon. This will be a cocktail/festive attire suggested event to which all



local and area attorneys as well as summer clerks are invited. The purpose of the event is to provide a formal social gathering for all members of the Nashville legal community while simultaneously benefiting the Nashville community at large. Proceeds from this year's event will again benefit Court Appointed Special Advocate (CASA), a local charity that recruits and trains volunteers to advocate for abused and neglected children in the court system.

There will be a pre-party cocktail hour from 7:00 p.m. to 8:00 p.m. during which the Parthenon's art gallery will be open. The gallery will feature prints from the Benaki Museum of Athens, the oldest private museum in Greece, and an installation by Erika John-

son, titled *Curtain*, which explores the ways modern technology connects us but also hinders attempts at true communication. The Ball itself will be held from 8:00 p.m. until 11:00 p.m. and will feature heavy hors d'oeuvres as well as an open bar with beer, wine and cocktails. In addition, there will be live music inviting all those in attendance to dance at the feet of Athena and casino/gaming tables for those who want to gamble away play money! Invitations for this fantastic event will be sent out in early June.

For more information, please contact co-chairs Robb Bigelow at [rbigelow@sedlaw.com](mailto:rbigelow@sedlaw.com) or Elizabeth Tipping at [etipping@nealharwell.com](mailto:etipping@nealharwell.com).

*(Continued from page 1)*

positive side as well." So even if your client chooses a different course of action than the one that you recommended, you should get on board with that decision – and partner with your client to make it a success.

### **Take Advantage of Opportunities to Observe, Listen and Learn**

Most great rainmakers are not made overnight. But they all share one common trait – they are great students who start doing their homework early.

"Hitch your wagon to a law firm partner or more experienced attorney who is really good at client devel-

opment," advises William R. O'Bryan, Jr., a member of Miller & Martin's Nashville office. "Watch what that person does and ask to be included in their client development activities . . . even if they're not billable." Not only will you grow to understand what client development means and how it is done, but you will start to learn ways in which you can alter the partner's approach to better fit your own personality and style.

You also may need to step out of your comfort zone occasionally. Mr. O'Bryan says that young attorneys should be entrepreneurial in their client development efforts – which means that lawyers should learn from some of their business colleagues and take calculated

*(Continued on page 6)*

## **CONGRATULATIONS TO THE LAW WEEK ART AND ESSAY COMPETITION WINNERS!**

Each year, the Young Lawyers Division of the Nashville Bar Association sponsors an art and essay competition for Davidson County students as part of Law Week. The art competition is open to students in grades K-8, while the essay contest is open to students in grades 9-12. We are happy to report that this year's competition was a success!

The American Bar Association set the theme for the 50th Law Week competition, which was: "The Rule of Law: Foundations for Communities of Opportunity and Equity." Each student submitting artwork was required to incorporate the theme into his or her artwork or essay. The students did not disappoint.

In the hard-fought art competition, the following students were awarded prizes:

1st place - Ryan Elmerick - Julia Green Elementary School - Leshia Bess' 4th Grade classroom; 2nd place - Xiuya Yao - Julia Green Elementary School - Leshia Bess' 4th Grade classroom 4th Grade classroom; 3rd place - Jerimey Pullen - Buena Vista Enhanced Option School - Joi Mitchell's 4th Grade classroom.

We are excited to report that Ryan Elmerick went on to win Second Place in the state-wide competition. Congratulations, Ryan!

With regard to the essay competition, all three winners were from Nancy's Schwartz's class at Martin Luther King Academic Magnet School. The winners are as follows:

1st place: Makeshia Welch; 2nd place: Andrea Rock; 3rd place: Missy La Vone.

All students who placed in the competition, as well as their teachers, were awarded gift cards to Target on White Bridge Road and donut parties from Fox's Donut Den in Green Hills. We would like to thank our sponsors for making this year's competition a rewarding experience for everyone and a complete success. (Below, 1st place entry by Ryan Elmerick)





by  
**Rob Baker**

# Word on the Street



## Engagements:

Board member **Johnny Mueller** of Smythe, Puryear & Robertson (whenever I see that firm's name I read it to myself in a British accent – or is it Irish – hard to tell in my head) is getting married to Christen Lewis on July 5th in Buffalo, NY. I guess Johnny is off the market – Sorry ladies (and Phil).

## Births:

President-elect **Rob Baker** of Baker & Kelley and his wife, Jenny, welcomed their newest daughter, Phoebe Louise, into the world on April 30. Although widely regarded as the most beautiful child ever born, Phoebe is perhaps most well known for her effortless grace, philanthropic spirit and classic wit. She also poops a lot. In lieu of gifts, the Baker's are accepting contributions to the wedding fund for their three daughters. Seriously, I need help with that.

## Milestones:

Popular gossip-column subject and Race Judicata chairwoman **Allison LaRue** recently completed her first marathon. Congratulations! Fortunately, Ms. LaRue finished the race in an impressive 4:00:00 – faster than Diddy, Oprah and Danni Boatwright (winner of *Survivor: Guatemala*). Unfortunately, Allison couldn't squeeze one more second off her time. It's only one second, but 3:59:59 sounds WAY better than 4:00:00. When asked to comment, the ever-charming Ms. LaRue responded, "Go %^\$&#\* yourself you &^\$\*%&. What was your time walky mcwalker?" No comment.

## Rumors:

Current YLD President **Emily Shouse** recently purchased (or leased – the facts were unclear at press-time) a new Lexus IS 250, crappy pictures of which were forwarded to this reporter by a well-intentioned, if not slightly jealous, patent lawyer. If you want to know what the pictures looked like, color a 4x6 rectangle with black ink and look at it.

In unrelated news, it has always been the case that the co-chairs of any one NBA YLD committee, including, without limitation, the social committee, are not required to date one another. It is also, apparently, not prohibited.

## I've Got Your Lawyer Right Here:

Immediate Past President **Rocky McElhaney** has picked-up the increasingly popular past-time of taunting newborn babies. Citing the dual benefits of aggression release and chick-magnetism, proponents of the "sport" point out that babies are easy to make fun of because they are so small and "can't talk." McElhaney, who was recently observed chiding an unsuspecting baby for "just laying there," boasts an impressive, if not confusing, 26-5-1 record in the BTL (Baby Taunting League), which has yet to be sanctioned by any governing body. When asked to comment on fictional pending legislation to bring the BTL to Tennessee in an official capacity, a spokesman for the Governor asked, "Are you an idiot?" Seizing an opportunity to display his skills for this reporter, McElhaney fired back on the aide like a trained assassin using skills normally reserved for toddler taunting, "I know you are but what am I?" and "I am rubber, you are glue," before switching gears to the virtually indefensible triple threat of "Yo Momma," "Face (with a backwards claw-hand drag)," and "Say Sumpin!" followed by "Ahhhh," "AHHHHH," "Stop tazing me bro!" "OW OWWW OWWW." It seems the Governor has a black belt in Shut the Hell Up, Rocky. Better luck next time.

risks. “Don’t always look for the safe client, who you know is going to pay its bills 100 percent of the time,” Mr. O’Bryan explains. “Don’t be afraid to market to small businesses or start-up companies – they might struggle in the beginning, but some of these companies become extremely successful.” Plus, working with small and growing companies often require young associates to learn how to become business partners with their clients – a trait that most in-house counsel and business people say that they look for in their legal counsel.

Mr. Thomas suggests offering alternative fee arrangements to new clients. “Flat fees make it easier to budget legal costs. The attorney might lose money on the first project, but it allows him or her to get a foot in the door and gain an understanding of the client’s business.” He further explains that businesses often are reluctant to change attorneys because of the time and costs involved in getting someone else up to speed. So once you have gotten your foot in the door, a client is more likely to call on you for subsequent legal needs rather than to hire someone new.

Most associates who attempt to learn from the established rainmakers in their law firms will see that these partners know their clients’ businesses. Even prior to the first meeting, most attorneys adept at client development will have thoroughly reviewed the company’s website and (through a simple internet search) read all of the recent articles published on the client’s business and industry. Then once in the meeting, it is important to *listen* to the client talk about its needs. Mr. O’Bryan explains that too often attorneys rush to tell potential clients all about what they can do for the client. “It is important for the attorney to listen to the client discuss its needs first. Then you are better equipped to precisely (and succinctly) explain to that client how you can assist him or her address those needs.”

It is also important to be observant. By meeting with a client in person, you are better able to ascertain how the corporate team is structured, how the company operates and who ultimately makes the decisions. As Kim Jay, Litigation Manager for Prison Health Service, Inc., explains, “It is a mistake to assume that the oldest male attorney in the room hires and fires the company’s legal counsel.” Ms. Jay, a thirty-something paralegal, is the one who makes these decisions on her cases.

Ms. Mason echoes these sentiments. “Associates need to be aware and appreciate how a company makes decisions about what firms handle its legal work,” she says. Often, it is not realistic or recommended for associates

to call upon the General Counsel of a large corporation and ask for its business. Instead, Ms. Mason says that young attorneys probably could generate new business from existing clients by simply letting their in-house contacts know that they’d like to do more work for the company. She suggests, once a matter is concluded, that an associate say something like, “I really enjoyed working with you on this case. Healthcare litigation is a particular interest of mine, so do you have any other cases on which I might help you right now?” Ms. Mason admits that if an associate told her this, she would be more likely to give that associate additional work – as opposed to another associate who had shown no particular interest in the client or its cases. Generating additional work from existing clients is far easier than developing new clients altogether.

### **Get Outside Your Office**

Learning about the client’s needs, the proper person to target for more work, and how to provide valuable services is all just part of the process. There are other social factors at play, too.

“I look for attorneys with good work experience, like clerking for an area judge, or who are involved in the community,” says Ms. Jay. “I believe that these attorneys are more likely to get along well with opposing counsel and the judges; so requests for special allowances like continuing a hearing or extending the time for responding to discovery might be better received. That helps our business.”

Mr. Thomas stresses the importance of public speaking to both legal and non-legal audiences. “By speaking at CLEs, you establish yourself as an expert among your peers. So other lawyers are likely to recommend you to their clients for specialty work that they may not do. But by speaking at Chamber of Commerce events, you reach out directly to those small or mid-size business owners who may need a lawyer.”

At all times, it is important to be sincere in your marketing efforts, says Robert Gonzales, a founding member of the Nashville firm, MGLAW. “Don’t oversell your expertise in an unfamiliar area of the law. And if you join organizations or boards as part of your networking efforts, it’s best to find causes you believe in.” You may find that you are more successful if you look for those marketing and networking activities that you enjoy.

Barbara Moss, an attorney in Stites & Harbison’s Nashville office, advises young lawyers that “you have to be like Johnny Appleseed and spread seeds everywhere;

*(Continued on page 7)*

you never know which seeds will take root and grow into trees.”

Mr. Gonzales also stresses that you must “be excellent” in all aspects of your marketing. “Promote yourself fiercely, but always remember to be an honorable professional. Attorneys are sophisticated consumers and often your biggest source of new business. They know whether you are a good lawyer and whether they can trust you with their clients.” He advises young attorneys not to poach clients from a referring attorney and to be pragmatic in all areas of your practice.

In the end, there are many opportunities for associates to hone their client development skills, whether it’s creating a mentoring relationship with a partner or taking on small business clients with whom they can grow and learn. The important takeaway is to provide great legal advice, foster communication and establish relationships, and develop a service-oriented mentality. With these attributes in tow, the rain won’t be far behind.

*Candice Reed is the Executive Director of Counsel On Call’s Nashville office, where experienced attorneys work on flexible schedules and provide cost-effective, results-driven business solutions to the nation’s leading companies and law firms. Ms. Reed received her J.D., with high honors, from The University of Tennessee College of Law and formerly practiced law with the firm of Miller & Martin PLLC.*

## **YLD Presents St. Luke’s Community House with \$15, 641.43**



(left to right): Will Parsons (Race Judicata committee member), Emily Shouse (YLD President), Gigi Woodruff (NBA, Executive Director), Russell Taber (Race Judicata committee member), Brian Diller (St. Luke’s Community House, Executive Director), Nelson Andrews (Land Rover of Nashville, Owner), Allison LaRue (Race Director), Trey Harwell (NBA President-Elect & 1<sup>st</sup> Year Race Director/Founder), Erin Polly (Race Co-Director), Scott Sims (NBA President) and Matt Painter (NBF President). Committee Members Not Pictured: Cyndi Parson (Race Co-Director), Emily Walsh, Becca Brinkley and Josh Phillips.

On Monday, May 19, 2008, the YLD presented St. Luke’s Community House with a check for \$15,641.43, representing the net proceeds of this year’s Land Rover Race Judicata 5K/10K. This year’s races were held on Saturday, March 1, 2008, at Percy Warner Park. The events were a phenomenal success and brought out some of the area’s top runners and several prominent civic leaders. Race Judicata has received a national award from the American Bar Association and is considered one of Middle Tennessee’s premier running events.

Since its inception in 2004, Race Judicata has helped raise tens of thousands of dollars for numerous Nashville charities. This year’s beneficiary was St. Luke’s Community House. The mission of St. Luke’s Community House is to help low income working families, seniors and individuals in West Nashville achieve their potential and prevent problems that threaten the stability of families and community. The overall goal of St. Luke’s is to empower residents to improve their lives and their community.

## **MAY HAPPY HOUR AT SAMBUCA**

Thanks to everyone who came out to the YLD/CPA happy hour at Sambuca on May 22nd, which was co-sponsored by the TSCPA Nashville Young CPAs. We had great weather, great food & drinks and a great turnout. Hopefully everyone had fun and found someone to call on April 14th next year!

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# Young Lawyers Division of the Nashville Bar Association

## CALENDAR OF UPCOMING EVENTS:



<u>Date</u>	<u>Event</u>
May 31	Ode to Otha
July 8	YLD CLE—Litigation/Corporate Practice
July 11	Carbolic Smoke Ball
August tbd	Sounds Game
September 18	NBA Annual Picnic at Hall of Fame Park
October 16	YLD CLE—Ethics
December 4	Annual Meeting at Lowes Vanderbilt Hotel