



FIVE MARKETING STRATEGIES FOR ATTORNEYS OF COLOR IN BIG LAW

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In most large law firms, a critical aspect of being a successful partner or shareholder is the ability to bring in business. Being a rainmaker can be challenging for all attorneys, not just attorneys of color. Law school prepares us to think like a lawyer, research like a lawyer, and write like a lawyer. But, rarely do law schools prepare people for the business aspects of being a lawyer.

Business Development Challenges for Attorneys of Color

How people purchase legal services has changed. Gone are the days where you could be an excellent lawyer and have a full roster of clients just by virtue of your legal acumen and your affiliation with a white shoe law firm. Today's big law lawyers have to provide excellent legal services AND know how to market and sell their legal services. Building a book of business can be even more challenging for attorneys of color in big law. Although we are not a monolith, there are some unique challenges – and opportunities – that attorneys of color face when it comes to marketing and business development in a large law firm.

There are two core challenges that largely plague big law attorneys of color: lack of access to the purchasers of big law legal services, and lack of understanding by majority lawyers/law firm leaders about the nuances of developing niche markets.

The purchasers of big law legal services fall into a few limited categories: wealthy individuals, in-house counsel, and business leaders. Although not true of all, many of these purchasers had to have some wealth or connections to get into positions where they would be in command of the purchase of big law legal services. Many are white and went to majority white institutions. Unlike the typical purchasers of big law services, countless attorneys of color are the first in their families to go to law school, and some are the first in their families to go to college. Many are the children of working class, middle class and/or immigrant parents. This means that they have a limited amount of contacts in the legal or corporate professions that they could leverage for business development.



Moreover, many attorneys of color did not attend elite educational institutions. One critical factor of these institutions is they have a higher percentage of people in their class and alumni network who land influential, powerful positions. These connections can open doors and provide opportunities that are not available to those who did not attend those institutions. Even when attorneys of color attend those institutions, factors like affinity bias and class differences, could impact the depth of the relationships that are made. Furthermore, there is a compound effect to these relationships. The more influential people are in your network, the more you can leverage their networks for your own business development needs. But most attorneys of color and working class whites do not have as much access to influential networks.

But there is hope! Over 90 General Counsel's have pledged their support of ABA Resolution 113, which asks the providers of legal services "to expand and create opportunities at all levels of responsibility for diverse attorneys, and ... clients to assist in the facilitation of opportunities for diverse attorneys, and to direct a greater percentage of the legal services they purchase, both currently and in the future, to diverse attorneys." Corporate legal departments have demonstrated their commitment to this resolution in a variety of ways: outlining

diversity and inclusion objectives in their outside counsel guidelines; encouraging relationship partners to staff their matters with diverse timekeepers; periodically requesting information on the demographics of the timekeepers working on their matters; providing financial incentives for those who meet diversity objectives; financially penalizing those who don't meet diversity objectives; asking to see the diversity of those who receive origination credit for their matters; and ceasing to work with law firms that lack diversity. This increasing demand by purchasers of legal services for diversity creates opportunities for more attorneys of color to get work and/or build relationships that could ultimately lead to work.

Now that more business development opportunities are opening for attorneys of color, here are a few strategies to keep in mind.

1. Leverage Affinity-based Organizations

Affinity-based organizations, whether they are bar organizations, chambers of commerce, or even sororities and fraternities, can create opportunities for attorneys of color to expand their network and hopefully obtain business. The beauty of these types of organizations is that the affinity serves as a common bond. Individuals that participate in these organizations are by and large committed to the demographic that is being served. For example, affinity bar organizations contain a mix of all lawyers, including those who are in-house.

You can start to build good relationships with in-house lawyers who you may not have otherwise had access to. In addition, since many corporate legal departments are looking to increase their own diversity numbers, you may find that your affinity-organization colleagues from other law firms are taking jobs in-house, thereby giving you a potential source of business. Moreover, in-house counsel who actively participate in these organizations are eager to give more work to attorneys of color. Of course, not all affinity based organizations will meet your specific business development goals, so be strategic about which groups you join.

2. Educate Your Colleagues and Firm Leaders About the Nuances of Business Development for Attorneys of Color

The fact is that some of the ways in which attorneys of color will obtain business is different than the typical strategies used by white lawyers. Attorneys of color are not a monolith. We hail from a variety of cultures, racial and ethnic backgrounds, each of which have their unique ways of building trust and bonding with one another. Trust and bonding are essential to cultivating a business relationship.



For example, let's say that your objective is to expand work in Korea. The type and amount of socializing that is required to build trust in Korean business relationships differs from what is typically needed to build trust in American business relationships. So, you need to educate your firm leaders about what is considered customary in that culture so that they can support your business development efforts.

Similarly, let's say that your objective is to obtain the business of wealthy African Americans in your city, but in order to attract or keep this client base, your firm will need to

financially support the Urban League since many of your prospective clients sit on its board. Your firm, division, or marketing leaders may not understand the rationale behind your request for sponsorship of a seemingly unrelated nonprofit. You may have to spend a bit more time explaining the rationale and the potential return on investment behind your business development decisions. Rather than getting discouraged, it's important to be proactive about this.

3. Keep Track of Your Return on Investment (ROI)

The number of diversity-related and affinity-based organizations continue to grow; yet as noted above, not all of the organizations will meet your business development needs. It's important to keep track of the contacts and connections that you make at the various events and see what will yield business for you. Remember, going from meeting someone at an event to getting business takes time – often years – before you can reap the benefits of the relationship.

Nevertheless, you have to find a way to track the return on the investment of time and money spent. For example, in addition to tracking the amount of business generated from a contact, it's also good to evaluate and track the number of key contacts that have been made. Key contacts include people who have the ability to purchase legal services, or people who can serve as a good referral source for you. Keeping track of the ROI will help you evaluate which organizations, events, and contacts are worth the investment. It will also serve as a good source of information for your firm leaders.

4. Leverage a Key Client

While it is a good thing that many large corporations are actively seeking to increase the diversity of the outside counsel that they use, there is a caveat to keep in mind: many of these large corporations have the ability to negotiate much lower rates. In-house attorneys are under tremendous pressure to keep their costs as low as possible. Unlike business lines, the legal department is an expense, not a revenue generator. These lower rates can impact your compensation and/or influence within your firm. There are a few ways around the potential financial constraints. First, look to see if your legal services are specialized enough that they might warrant falling outside of the normal rate structure. If that is not possible, try to leverage the fact that you have a large corporate client to help you earn other business.

Ask the in-house counsel you work with for introductions or to provide referrals. Ask for permission to let prospective clients know that you are working for this client. Look for ways to best maximize the rate. For example, is it possible to have the bulk of the work done by a trusted junior associate with direction and review from you?

5. Remember, It is a LONG GAME

In my experience, it takes an average of 3-5 years to go from meeting a prospective client to closing the deal. While you may feel internal or external pressure to bring in business quickly, it truly takes time to cultivate a trusted relationship that could yield business. The larger the prospective client, the longer it may take to cultivate the relationship because of added layers of approval and buy-in.

Because of this, you have to be strategic. Figure out where you are most likely to obtain business that will lead to work for you and cross-selling opportunities for your colleagues. Be willing to cast a broad net at first, but hone in on ongoing relationship building activities with those who are most likely to yield business.

Find ways to stay in touch over the years. Things will work out over time, so do not get discouraged. Since it takes a long time to cultivate your business contacts into clients, don't wait until you are desperate and don't put off business development activities for when you have time. You have to make time regularly to work on business development.

Use the foregoing tips to develop a realistic long-term business development plan.

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