



## **Rainmaking in the Legal Profession**

### ***Are Rainmakers Born or Made?***

#### **A Four Year Study**

### **Executive Summary**

Law firms constantly measure the amount of new business, or “rain” that partners originate in order to evaluate performance, determine compensation, and pay bonuses. Developing better ‘rainmakers’ has always been a challenge for the law firm’s managing partners or group practice leaders. During this process the question most often asked is, “Are rainmakers born or made?” Until the release of this study, the answers have been anecdotal.

The Sears Study reports the critical differences between the ten [10] reasons given for ‘not being able to make rain’ and the ten [10] ‘real’ reasons that attorneys can’t make rain. According to this Study, attorneys *can* adopt the skills required to ‘make rain’ by changing behaviors that prevent them from selling their services to new clients. Among the key findings of this four-year study of roughly 1,000 attorneys: the prime reason that prevented them from making ‘more rain,’ or gaining new clients, was their “core fear of rejection during the selling process” rather than their stated reason: “I didn’t go to law school to be a salesman.”

Data gathered in the first part of the Study came from 785 verbal interviews conducted by Jerry Sears, an attorney-recruiter, during attorney searches conducted for many of America’s top law firms; data from the second part of the Study came from analyzing the responses from 200 attorney’s participating in his MentoringPros Rainmaking Program. Based on this data gathered from the first part of the study, and 20 years of experience in interviewing thousands of attorneys and conducting hundreds of attorney-rainmaking counseling sessions, Sears created the *MentoringPros Rainmaking Program*. The Program helps attorneys *identify, and then change*, those behaviors that prevent them from making rain.

The analysis of the ‘real reasons’ they can’t make rain and the suggested behavioral changes that can result in their closing more business are given to each participant in by examining their responses to the Program’s Confidential Rainmaking Analysis. This Analysis provides the foundation for helping attorneys change those behaviors hindering the development of good rainmaking skills.

### **Background**

Over the last 20 years Sears has recruited, merged and placed over 1,000 attorneys. While he started out recruiting partners and associates, gradually his practice evolved into recruiting an increasingly higher proportion of partners. Then about six years ago, at the start of the heavy law firm merger activity, his practice changed, so that today 40 percent of his practice is focused on law firm merger and acquisition transactions, about 60 percent recruiting. Today he estimates that more than 40 percent of his work includes rainmaking counseling.

During the course of his merger activities, studies of partner and associate compensation provided data that confirmed that 75 percent of the firm’s profits come from business generated by only 25 percent of the attorneys. According to Sears at least 25 percent of all private practice attorneys do not originate enough business to cover their costs to the firm. Prior to this Study, there was no way to understand why roughly half of all attorneys don’t generate a significant amount of rain.

### **Methodology**

#### ***Phase One of the Study***

Sears’ experience in many law firm mergers showed that the managing partner of the acquiring firm often determines that re-training marginal rainmakers is more cost effective than finding and integrating new

hires. He has provided rainmaking counseling to many marginal rainmakers who would otherwise have been cut in a merger. Eighteen months later, as he tracked results, most of them were “making significantly more rain” based on his personalized counseling services. As a result of this success, he began tracking answers to “Why can’t you, or don’t you, make rain” to learn more about the psyche of marginal rainmakers.

This Study results from personal interviews with attorneys with marginal books of business who were either fired, on the verge of being fired, or who were seeking new employment. During this period Sears listened to the emotional pain expressed during these interviews and learned that these marginal rainmakers had handled their own life experiences in a significantly different manner than their colleagues with good rainmaking skills. There was a strong positive correlation between successful rainmakers and the positiveness with which they viewed their life events. Thus, if they had a strong positive view of events since childhood, irrespective of how negative someone else might view them, they tend to both view themselves and others positively. Flowing out of that they tend to be sociable, affable and positive. Non-rainmakers tend to be the reverse.

### ***Phase Two of the Study***

The foundation of the Program is “Making Rain,” a legal adventure novel, written by Sears that provides an insider’s view of the relationships between law firm ‘rainmakers’ and ‘grinders’ and the behaviors that hinder the grinder-attorney from making rain, or turning prospects into new clients. It’s a new genre of fiction that combines the novel with an web-based questionnaire that gives lawyers feedback on their views about the book’s characters, and in the process, gives them suggestions on ways to improve their own ‘rainmaking’, or closing ratios.

As a result of Phase One interviews, Sears wrote the adventure ‘message’ novel, entitled *Making Rain* to engage the attorney in seeing their issues from another’s perspective in order to facilitate change. The story takes place in the legal profession so that the attorney can directly relate to the characters and the issues involved. Attorneys see how the book’s characters, with beliefs similar to theirs, keep themselves from succeeding in the workplace.

The power of these message novels caused people to see the issues facing the characters. They create the emotions necessary to make changes. In *Making Rain* instead of a social message, it’s a message about the effect of lawyer’s beliefs on the behavior that causes them to either be, or not be, rainmakers.

*The attorney reads about George Chambers, a high-paid partner who is in China as he works on a complex transaction involving emerging technologies and political conflicts in the heat of difficult negotiations.*

*Then the attorney is introduced to the non-rainmaker, Brad Talbert, George’s introverted junior partner and gofer, as Brad struggles with his internal doubts that hold him back from financial success and watches this tale unfold while double-crosses and greed get the upper hand. There is smuggling as well as total corruption by government officials, business executives and lawyers, alike.*

*Brad Talbert is a good lawyer. He’s decent, bright, presentable, hard working and loyal. He just can’t seem to attract clients. That is, he can’t make rain. As a result, he’s a grinder. Brad expresses a number of the same pressurized turning points presented to most people: strong peer, family and financial pressure. Confronted with these, 50 percent of most people stay the same; about 20 percent sink into deeper depression; and the rest, make a decision that they aren’t going to continue to suffer. In most cases, their suffering is just too severe. These are the ones who change because the pressure causes them to decide to change. Then they only then need a method or vehicle for change.*

### ***How it Works***

Throughout the book, Brad is faced with the challenges of seeing himself through his own eyes, his wife’s and his managing partner’s. It’s tough for him to change, but he needs to learn how to make rain, or be fired. By understanding how Brad solves his problem, attorneys see themselves more clearly. That’s the key to the success of the Program.

After finishing the story, the attorney answers 150 multiple-choice questions found at the back of the book, or on the Internet at [www.mentoringpros.com](http://www.mentoringpros.com). The questions are challenging. There are no right or wrong answers. The attorney's answers provide an analysis of his reasons why Brad can't succeed and make rain. If the attorney is not a rainmaker, those answers are generally or her reasons for not being able to make rain.

The questions have been written to identify, measure and analyze the types and strengths of the limiting behaviors, or impediments that hinder the attorney's rainmaking skills. These impediments are related to the attorney's own belief system... beliefs that result not from education or legal experiences, but from their own personal life experiences. Major studies have found that these impediments include internalized, or unexpressed anger; unmet childhood dependency needs; how the person feels about themselves; how much they trust other people; how resistant they are to change; and finally, the most critical, their own level of self-esteem. The Program's patent pending, software algorithms analyze answers about the actions of the book's characters in relation to the responses of proven, well-established rainmakers. The resulting Confidential Rainmaking Analysis helps the attorney see himself. Integrating this new knowledge is then the key to change.

The analysis takes place online at [www.mentoringpros.com](http://www.mentoringpros.com). It is conducted and maintained with total anonymity. The system has been designed so that its database can never breach the person's confidences; it can only track the code given when the Program is purchased. This is the first time critical 'soft-skills' training has been initiated, completed and analyzed in this manner.

## Audience

The demographics of the 785 attorneys that participated in the first phase and the 200 attorneys that participating in the second phase of the Study are as follows:

- 100% Attorneys interested in improving their rainmaking skills.
- 79% Attorneys in practice eight years or more.
- 84% Attorneys at the partner level.
- 92% Attorneys seeking new employment.
- 33% Attorneys directed by their firm's management to increase their business origination.

## Survey Results

### Phase One of the Study

The following responses were tracked from 785 attorneys who were each asked, "Why can't or why don't you make rain?" They are listed in order of descending frequency of that response.

1. "I didn't go to law school to be a salesman."
2. "I'm just not a glad-handler."
3. "I'm not going to make promises I can't keep."
4. "I'm already too busy."
5. "My partners aren't high enough quality to sell to a client."
6. "There's not enough legal business to go around in this area."
7. "These rainmaking guys are all big blowhards."
8. "Clients are just too fickle."
9. "It's all a price war anyway."
10. "I've got better things to do with my time."

### Phase Two of the Study

The following reasons were tracked from the responses made by 200 attorneys to the questions related to the characters and activities that took place in *Making Rain*. They are listed in order of descending frequency of that response.

1. "The degree of rejection I'd face scares me."
2. "It's not in keeping with my image."
3. "The approach in law is fixed. Soliciting business isn't."
4. "I can't figure out what to do in a client relationship."
5. "I have a negative message about charging too much."
6. "I hate putting myself on the line in beauty contests."
7. "I've never had a glib tongue."
8. "I don't understand what turns clients on."

9. "I hate losing."  
10. "There's no intellectual challenge in soliciting."

## Key Findings

As a result of analyzing the behaviors as exhibited by the 200 attorneys participating in the MentoringPros Rainmaking Program, the following impediments to rainmaking were identified, the:

- *Overriding fear of rejection;*
- *Poor interpersonal skills;*
- *Need for personal acceptance;*
- *Strong need to have order not take risk;*
- *Need for power;*
- *Need to achieve public status;*
- *Need for control; and*
- *Core issue of poor self-esteem.*

## Study Conclusions

The key findings of this Study demonstrate that poor inter-personal skills resulting from low self-esteem is the key driver hindering attorneys from improving their rainmaking skills. These key findings support the need for a highly confidential 'soft-skills' training program capable of helping attorneys change their limiting behaviors to improve originations and the quality of their client and colleague relationships.

To build on the success of his own practice, Sears began tracking the reasons cited by successful rainmakers for the apparent ease with which they managed clients and originated new business. Over time conversations and long-term associations with these accomplished rainmakers confirmed that their thriving practices came, in large part, as a result of their good inter-personal skills and high levels of self-esteem. Sears learned that these traits resulted from factors including being raised within loving families or overcoming significant childhood problems; being open and trusting; dealing with anger effectively; and knowing when change was appropriate, and then changing. Time and time again Sears was able to track these positive factors as consistent in successful rainmakers.

The Sears experienced helping law firms understand attorney's rainmaking capabilities, did improve their rainmaking skills, Sears decided to use this knowledge to create *The MentoringPros Rainmaking Program*. This Program is the first training program that can help attorneys get the 'soft-skills' training required for improving rainmaking skills. Moreover it is the first program that allows training to take place in a totally confidential, online environment.

Until now, the only alternatives to this Program have been the large traditional 'group' 'soft-skills training' programs that required students to attend group classes or use workbooks. In its simplest form, Dale Carnegie basically teaches students to be nice to people and they will be nice to you; Covey teaches students to organize themselves to succeed; and Sandler teaches student to be tough, so people won't take advantage of you. They each offer a series of fixed curriculum classes that teach lessons, which, if memorized and followed, may work to deal with 'soft skill' problems. Rather than relate to the individual's needs, they each teach their system and how the individual relates to that system.

The alternative is a message novel such as "Making Rain." Message novels have been attempts to meet social needs. There are some famous ones. Steinbeck's *Grapes of Wrath* a powerful force in starting the farm labor movement; Groom's *Forrest Gump*, was instrumental in getting support for the mentally retarded; Orwell's *1984* and *Animal Farm* both of which helped to topple oppressive government regimes and Sinclair's *The Jungle* which was important in cleaning up the food industry and the FDA and *The Goal* revolutionized factory production methods.

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