



White Paper:

**Building a World Class
Litigation Practice –
from an AmLaw Fab50 Lawyer**

**Complete Transcript of Web Seminar Broadcast on
September 26, 2008**

with

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Overview

This white paper, a complete transcript of the seminar attended by hundreds of attorneys, focuses on what litigators should be doing to build a successful practice and flourishing career.

Juan Morillo is a partner with **Clifford and Chance** in their Washington DC office.

He has been recognized often for his legal skills. At the age of 37, The American Lawyer selected him as one of the top 50 litigators in the country under the age of 45 – and especially praised him as a top rainmaker. He has significant experience in developing and implementing crisis management and public relations strategies. He has appeared on CNN, Lou Dobbs, Fox, CNBC, Univision and NPR.

He is also recognized as excelling in what it takes to build a practice through personal marketing. Here he shares what he and his firm have done, and offers well-honed advice on what all litigators should be doing to bring in business.

Specific Topics Covered:

- Thinking And Acting Like An Entrepreneur
- Creating A Value-Added Portfolio Of Services
- Leveraging The Current Matter To Cultivate The Relationship
- Institutionalizing The Relationship
- Marketing Inside Your Own Firm And Partnering Through Cross Selling
- What Clients Care About When Dealing With High Profile Litigation
- Landing And Growing A Top Client
- Developing The Discipline To Generate Referrals From Other Lawyers
- Avoiding The Trap Of One-Shot Engagements
- Developing Your Service Offering Portfolio

Larry Bodine: Good day, and welcome to today's web seminar program, "Building a World Class Litigation Practice," from an AmLaw Fab 50 lawyer. My name is Larry Bodine, and I want to welcome you to today's program. Our guest today is Juan Morillo Esquire, from Clifford Chance. Juan, are you on the line with us today?

Juan Morillo: I am indeed. Good afternoon Larry, how are you?

Larry Bodine: I'm doing very well. And how about you my colleague, Michael Cummings?

Michael Cummings: Yes, Larry, thank you. Welcome to everybody.

Larry Bodine: I want to go over a couple of housekeeping items just before we start the program. At the end of the program, you'll notice there is an online survey. When you close the browser you're looking at right now, there will be an online survey. We would be very appreciative if you'd tell us what you thought of the program and where we can improve. Most importantly, I want to point out the chat feature where you can ask questions. If you look at the top right corner of your screen, you'll see three tabs, and the right-hand most tab is a picture of a bubble, and it has lines through it; that's a chat feature. If you click on the bubble down at the bottom, you will be able to type in a question. Juan and Mike and I would be delighted to answer them.

With that, I want to introduce our speaker. We're delighted to have Juan Morillo on the program. He is presently a partner at the international law firm Clifford Chance. He's been there just over a year. He has a fascinating practice; about forty percent of his clients are governments and financial institutions from overseas. Clifford Chance provides him a great platform for him to do that. For instance, recently he was in Switzerland representing the nation of Brazil in a trial taking place there. In another situation, he was working with clients who were Portuguese. Juan was able to get through the situation since he's a natural Spanish speaker. He knows some French, and he knows a unique language called Porteno, which is a combination of Spanish and Portuguese. Juan spoke defending clients from government investigations and class actions, and he himself conducts internal investigations.

He's extremely well-known in his field and has appeared on CNN, Fox, CNBC, and has spoken on NPR. We found him in January 2007 when "The American Lawyer" had a feature called "Litigations Rising Stars." They were absolutely correct when they picked Juan. He was selected as one of fifty litigators around the country under the age of 45 considered to be a rising star. They are correct about that. Juan, welcome to the program today.

Juan Morillo: Thank you very much, Larry. I appreciate that.

Larry Bodine: I'm Larry Bodine; I'm the gentleman on the left, and I will be posing questions along with my colleague, Michael Cummings. Michael and I are both business development advisors who focus exclusively on the legal profession. We help attorneys get more clients and make more money. We have coached hundreds of lawyers between the two of us and have generated millions of dollars for law firms. Juan is a prime example of the type of attorney that we recommend lawyers to be. Mike, why don't you get us under way?

Michael Cummings: Thanks, Larry. This is the program we'll be talking about today. People like Larry and I can give you all the tips and techniques you need to think about for business development, but I find that people learn more when they hear the story of someone who's successful and who has built their career around business development.

What we're going to be doing today is interviewing Mr. Morillo and having you hear his story from his own mouth and his own mind so you can say, "What is he doing that I should be doing?" And, "How can I be successful like him?" We're going to cover the five points on the slide. Number one, we're going to talk about thinking and acting like an entrepreneur, rather than as a practicing attorney. Two, this is particularly important for litigators, creating a client value-added portfolio service so that you have the offerings that can extend the relationship once a current matter is over. Three, we're going to talk about one of the main skills that Juan built early in his career, which is observing as you are working on a current matter with a client. Be attentive to all the business implications and points of pain that are going on with that client and figure out how to use that as a launching pad for a long-term relationship with that client. Four, and this is a term that Juan introduced us to which is called "institutionalizing the relationship." We'll go into that in both the definition sense and a practical how-to sense when we get to that point in the program.

The fifth point is one that Juan will particularly talk about from his current vantage point within Clifford Chance. This takes into consideration how the firm can enable you to grow your practice, and what your responsibilities are in terms of marketing yourself inside your own firm, which includes partnering through cross-selling – both helping partners get into the clients that you're working with, as well as partnering with them so you can provide more value to the clients if they take the lead.

That's the program today, and from this point Larry and I are going to be interviewing. Mr. Morillo is the person who has all the knowledge that you need, so we're going to start with this slide. Juan, if you could just take us back in time when you first entered the profession. What was it about yourself or your background that made you embrace business development as an important thing to concern yourself with early in your career?

Juan Morillo: It would be my pleasure. First of all, thanks so much for having me in the program; I'm glad to be here. The first thing that I thought about in terms of practice development is that I looked around at Sidley Austin and my incoming class. I had five Supreme Court clerks who were in my class. I immediately thought about how I could begin to distinguish myself within this class and not in a competitive way or an overly aggressive way. Just simply asking, "How can I distinguish myself in this very talented group of folks?" One of the ways which I thought would potentially lead to that was to focus on practice development, business development.

From an early stage in my career – certainly not always successfully and certainly with a lot of furtive attempts that didn't lead to anywhere – but at a very early stage in my career as a young associate, I started focusing on building relationships within the firm and with partners who I thought could provide interesting client opportunities. I built relationships with Georgetown, where I attended, to try to develop some potential client opportunities. I've also built relationships with clients that I was lucky to work for while I was a young associate and have tried to develop long-term relationships with those clients.

I also tried to take advantage of my background. I'm from South America. As everybody on the line knows, the emphasis now in part is to try to look for opportunities on the part of law firms outside of the United States. I started to leverage whatever contacts I had, and it wasn't many, but those that I did have were in Latin America. I tried to nurture those contacts over the years, beginning as a young lawyer to maximize any opportunities that those contacts could yield. Those are a few things that I started doing when I first joined Sidley Austin as a third year associate.

Michael Cummings: The thing I want to highlight for the benefit of the people on the phone is if you consider yourself a natural born rainmaker. Is it something in your make up or is it something that you've learned over time?

Juan Morillo: I enjoy clients, I enjoy people, I enjoy the business side of the law, but I'm certainly not a natural business development person. It's something that I've worked on for a long, long time, well over a decade now. It's something that I continue to work on right now. It's something that I think you have to do as you do legal skills. You have to rank it as one of the core priority skills that you want to develop as a lawyer. Just like you want to develop good oral skills, good communications skills, good writing skills, good research skills, and all of the technical skills that you want to develop. Sometimes lawyers neglect the fact that business generation and client development should be one of those core skills to set up. I was not a natural business generator or a natural business development person, but it's a skill that I emphasize along with the other important skills.

As everybody on the line understands, you're not going to be a successful business generator, in my estimation, if you're not successful as a lawyer. I think that having the

core substantive legal skills should be the overriding emphasis. If you don't have those skills, then you're not going to be a successful business generator because clients won't come back to you. Emphasizing business generation on par with those core technical legal skills is something that I've found helped me in overcoming my natural hesitation to be out there marketing and generating business.

Michael Cummings: You've looked back at your career, and you are also looking forward in your career. How has business development put your success under your own control rather than being overly dependent on the firm and the other people who provide opportunities for you?

Juan Morillo: The law firm place, just to be frank about it, has gotten more brutal over the last ten years. The emphasis on the part of firms, of course, is quality and substance but also business generation and client development. When I first joined Sidley Austin, that was not an emphasis at all. Sidley Austin has a great reputation, and a great institutional client base. Business generation was not something that was heavily emphasized at that point.

The fact of the matter is that given the change in industry over the last decade, it's something that if you neglect, you really neglect at your peril. Even if you develop a core expertise, a core specialization, even if you have great substantive legal skills, if you do not make yourself absolutely needed by the firm, and you do that by developing core client relationships. I don't think clients are just the clients that are external to the firm. I think clients can be even more important than external clients, your colleagues within your firm. It's a matter of self-preservation in today's environment.

Michael Cummings: You can choose to reveal how much of this you want, but my understanding is that you have a very loyal base of clients. That's the core of your business success that you can count on both currently, and I assume in the past, to take you where you need to go.

Juan Morillo: What I've tried to do, not always successfully, but what I've tried to do and continue trying to do is to really look at my clients as different constituencies. The first constituency that I have is the clients that have been with me for a long, long time: External clients, financial institutions, corporations, and governments for whom I've acted in the past and continue to act now. I try to nurture relationships with those clients on a going-forward basis. That's one client constituency.

A second constituency is my colleagues, whether those colleagues are at my former firm at Sidley Austin or my current firm at Clifford Chance. A very significant amount of the work that I have been lucky to generate has been as a result of introductions by my own colleagues that my firm has facilitated. That's another very important client constituency.

The third constituency is my colleagues in the practice area. I am a criminal white-collar defense lawyer, so I try to maintain my relationships with other practitioners in the field. Not only where I reside in Washington, D.C. but in other cities. A significant portion of the work that I've generated has come from introductions that friends in my practice area have facilitated.

A final client constituency is some of the folks that I know outside of the United States - at all the law firms, at client institutions, and foreign governments. That also has been another important source of business over the years for my firms and for myself.

Michael Cummings: Just as a practical matter, if you think about a typical day or a typical week in your life, how do you make business development a day-to-day priority? What do you do habitually that other attorneys don't do that allows you to create the kind of time and space you need to execute these tasks?

Juan Morillo: I think a lot of us do these things. What I try to do is really systematize them. They're irrespective of whether I'm in the middle of a big case, a big hearing or trial or a big internal investigation. I do the following things: Number one, I schedule meetings with clients on a regular basis respective of whether or not I have an active matter for them. I maintain those appointments respective of how busy my schedule is. Number two, I constantly schedule meetings with folks in my practice area - other practitioners in the white-collar field. I see them and talk to them and maintain contact with them. It is irrelevant whether I have an active case or a potential case with those folks.

Three, on a regular basis I try to speak at industry conferences and client events, again sliding those events into my ordinary practice. Four, we try to do at least two or three seminars with other professional services firms every year - with the accounting firms, with other consulting firms both in the United States and outside the United States to maintain our profile in our space.

The final thing that I do is to identify new potential clients that I haven't worked for and try to meet with those clients on a systematic basis. We have a business plan in my group. We keep things pretty straightforward, and I think that helps you organize your efforts. It's a detailed business plan. We keep a diary of all the appointments that we've had with existing clients, potential clients, referral sources, all the seminars that we're currently working on or thinking about sponsoring in the future, and targets in terms of what we're trying to generate from each of the clients and the like.

The other thing that's been very helpful has been to have a formal business plan. We're not always successful, and when we're not successful we try to understand why it was that we weren't able to execute on the business plan. Having the business plan really helps to organize your efforts in this regard.

Michael Cummings: For people in the audience, basically your marketing plan is your calendar. What I've found with working with many attorneys is they complain about being too busy or they have a current matter. Juan, what you said is that you use your calendar as your discipline. You treat a client development appointment just as if it's the same with a client in an ongoing matter. It's important enough to you. Attorneys really value their time as their most important asset. If it doesn't show up in your calendar, and you don't have this discipline - this systematic discipline that Juan just talked about is very easy to put off and focus on the urgent matters instead. Larry, if we can go to the slide that says, "Creating a Service Portfolio."

Larry Bodine: All right.

Juan Morillo: Mike, a couple of quick observations. Having the calendar is very important, but equally important is having a formal business plan. All of the associates in my group have business plans. I've asked them to draft and structure their own business plans, and I review them and collaborate with them.

Of course, maintaining a calendar is very important, but in my experience, you have to go a little beyond that and have a business plan in which you identify that these are the core areas that you want to focus your practice on over the next 3 to 5 years. These are the relationships that I have today; these are the relationships that I want to have tomorrow. Here are some of the things that I want to do; such as going to industry seminars or speaking at client conferences or industry conferences, things that I'm going to do over the next 12 months. At the end of whatever period that is comfortable for you, go back and measure your performance against your initial objectives.

Michael Cummings: You actually tied into the headline, and we probably should have amplified that more - you're thinking and acting like an entrepreneur. It's up to you to build your practice. Any ongoing business needs a plan much like you described. It's that mindset you just described - the mindset behind the plan is something we want to reiterate to everyone on the phone and that is: You're in business for yourself.

The things Juan just talked about in terms of making sure you're focused in the right area, and that you're working on the necessary tasks to be successful, should guide you.

Larry Bodine: It's Larry here. I'd like to jump in with a quick question. Juan, it's clear that you do a lot of traveling, you're in court a lot, and you're a very active litigator. I frequently hear from litigators, "When I go on trial, I just don't have anytime to do any business development or meet with any people." The excuse about not having any time is one that comes up frequently. How do you manage to overcome that?

Juan Morillo: Well, Larry, not always successfully. A recent illustration of that is when we were on trial in Switzerland for the government of Brazil. During the trial, I would email existing clients, I would email perspective clients, and I would keep in touch with clients. At the end of the day, I would schedule appointments for when the trial was over. We were putting in 12 to 16-hour days at trial. It's a matter of discipline. Having said that, I understand that when you're in the middle of a trial, not having enough time potentially coming into fear.

What I don't understand is if you're in the middle of a proactive litigation matter that can last a year or 2 years, up to 3 years and not having time during that period to do any marketing. There are some folks that can get away with it for whatever reason, perhaps because they're at a great firm that doesn't need to do that much marketing. I think that's less so now, and I think even the most prestigious well-established firms with the best institution of clients have to do a lot of business development, including my firm. We spend a lot of resources, both economic and otherwise on practice development. It's a matter of a lack of discipline.

In my experience, I think that litigators are not really comfortable doing a lot of practice development. I may not have been always comfortable with standing up in court and arguing a case before a judge or an appellate panel. It's something that you can work on, but a lot of us in the litigation field think, okay, I can work on my research skills or my writing skills or my oral communications skills or my ability to present a case in front of a jury or judge. These are things I can do to improve my performance in those areas. We don't really tend to think, at least in my experience, of what concrete things we can do to improve our performance on business generation. I think it's a matter of discipline. Secondly, I think it's a matter of working on that skill just as you would any other skill.

Larry Bodine: Very good. Couldn't have expressed it better myself.

Michael Cummings: One thing that's common, we were talking about this in the interview, Juan, and you may see this in some of the people that you compete with and maybe have experienced to a slight degree earlier in your career, and that is one thing that we always hear from litigators is that they're expert in one area. For example, in your area, white-collar defense, that can be an almost "bet your business" situation. So you might be working on a matter with someone and have access to all the senior executives and be working on something that's in the news and it's a crisis for the company. What often happens is that litigators might do that one engagement and then move on to the next client and get in this habit of being a one-trick pony. Is that something that you observed and have gotten around by coming up with a portfolio of link services?

Juan Morillo: No question about it. It's easier to do that, and I fall victim to it all the time. What's interesting and sexy and fun is to focus on your current most interesting, active, exciting case and to neglect everything else. It's very easy to fall into that pattern and then go on to the next case.

To be frank about it, doing a lot of the business development activities is not fun. It's not sexy, and they're not always successful. There's a high failure rate, but what has paid some dividends has been as I'm working with a client on an important engagement, prioritize that engagement and get the client good results because if you don't, you're never going to see that client again. At the same time, I also take into consideration where else I can be of service to this client - and not necessarily myself personally but my firm and my colleagues as well as colleagues in other practice areas, colleagues in other offices, and colleagues in other regions. We think about the other services we can provide to this client. Again, not thinking just simply in parochial terms about what services I could personally provide but my firm over all.

Also start thinking about what you can do to show your appreciation as a gesture of good faith if you're doing a big company case where they're paying you a lot of money. Some of the things that we do in this regard are we provide free training services; we consult on a free basis on compliance matters for clients. In white-collar, what you're trying to do is to extricate a client from a criminal investigation. The way you avoid criminal investigation in the first place is by having a robust compliance program. So we do a lot of compliance related work.

One of the things we do for clients once we're in a significant matter is to volunteer - to come in and talk to them about their compliance program, about what trends we see in that area, about what regulatory issues we see in that area, and about training. We do so either on a discounted basis or we do it for free because it is a sign on your part that you're willing to make an investment in that client, and that you're not just looking at that client for that one case. Then you can move on to your next sexy, interesting case, but keep in mind that you're making a commitment to that client.

Larry Bodine: Juan, I've got a quick question from an audience member and it's the flip side of being a one-trick pony and that's being a general litigator. We have a question from the audience and it is: "How does a litigator go about obtaining clients when you have a general business litigation practice?" Our listener said that he's had some success cross-selling his labor and employment group, but he finds it difficult to market himself as a general litigator. What advice would you give to an attorney in that position?

Juan Morillo: That's a great question. It's very tough in today's environment to be a general practitioner in any field, a general corporate lawyer, a general transaction lawyer, and a general litigator. I do a lot of different types of litigation, but I have one or two core areas of expertise that I market, criminal white-collar is one of them. I try to

emphasize that and that doesn't mean that's exclusively what I do, but it's something that's the core emphasis of my practice.

My advice would be that it is fine to be a general litigator, but in order to increase the likelihood of getting clients; you really need to develop a core area of expertise within litigation. Whatever it may be - it could be criminal, it could be labor, it could be litigation, or class action litigation. There has to be a core that serves as your platform. Otherwise, it just becomes extremely difficult for you to differentiate yourself in the marketplace.

Clients want to see differentiators, whether it's because you have a lot of expertise in a core substantive area like criminal law or because of your linguistic skills, or because of your experience with a particular issue or because of your experience having served the government. Whatever it may be, and it can be any number of things, you have to differentiate yourself in some fashion. In today's marketplace it's just extraordinarily difficult to stand out.

Larry Bodine: Thank you.

Michael Cummings: Just to build on what you said, Juan, for example, I remember when you and I were talking previously, and you mentioned this core platform that you put together has led you into getting into class action suits. You saw the natural progression from the criminal world and the potential for helping them out with the class action suits related to either that matter or some other matters. Would that be example of what you just described?

Juan Morillo: Absolutely. My core area of expertise is criminal work. To give an illustration, I represented a client in a criminal anti-trust matter. If it's a publicly traded company and there's a criminal anti-trust matter, then there's follow-on civil litigation, as folks on the call know. What we've tried to do, not always successfully, but we've had some success in doing it, is to position ourselves to get the follow-on civil litigation. It's all premised and predicated on your original core area of expertise. So here we're offering you the expertise, we're representing you in this active criminal matter. You have follow-on litigation that relates to the same underlying set of facts. We're positioned to represent you in that follow-on related civil suit. That's the argument; that's the marketing pitch, if you will. We've had some success in articulating that.

Michael Cummings: I think it's implicit in what you were saying previously too, but there are some other affiliated competencies that you might need within either Sidley Austin or in Clifford Chance. For example, you mentioned the regulatory person. He or she might be a regular part of your business development team as well; correct?

Juan Morillo: No question about it. Whether it was at my predecessor firm or here at Clifford Chance, as part of our presentations to clients, we incorporate folks from other core practice areas. If we're pitching to represent a client in an environmental criminal matter, we provide the criminal expertise and bring in colleagues from the environmental department who provide the substantive environmental expertise and knowledge of the environmental statutes that are at issue. We take very much of a team oriented approach. I don't market myself personally; I always market the team. I always market the firm, and I think that has a couple of advantages. First, you have a broader platform to market. Secondly, clients receive these kinds of approaches in a much better fashion than if you're just approaching them, and your approach is exclusively predicated upon selling yourself.

Michael Cummings: To answer the person that asked a question - cross-marketing yourself generally is always difficult, but cross-marketing in the way that Juan just described is the way it works. It's opportunity specific, it's having something in it for both sides, internally for both attorneys, and it's something very specific. Those kinds of cross-marketing efforts work best when there's a direct link between the two services and your going after perspective clients together. Larry, do you want to take the next slide?

Larry Bodine: Absolutely. One of the points I want to bring up with you, Juan, is positioning yourself with senior executives. For instance, when you're working on a white-collar defense or class action suit, you'll have the opportunity to meet board members and see your executives. They might not be directly related to the litigation, but why is it important for a lawyer to get to know board members and other executives?

Juan Morillo: That's a great point, and it applies equally as much to folks throughout the organization. The reasons for it are first and foremost, that's the way you deepen the relationship. The greater and the more positive the feedback the general counsel gets from his colleagues throughout the organization about your performance, obviously the better your prospects of deepening the relationship.

Secondly, a lot of these folks will move on and will move to new organizations and then they just become part of your portfolio of contacts and of potential clients. Third, there might be opportunities down the line to represent them individually, not just to represent the organization or the institution, but to represent them as well.

Fourth and most importantly, for deepening and imbedding yourself within the organization as if you have contacts, experience, and exposure at those levels. That's where you're going to get retained for the most significant matters that an institution faces at the board level and at the senior executive level. The general counsel is always

fundamentally important, but in many instances, if not all, when a client faces a major matter, the board is going to get involved. Senior management is going to get involved and the decision as to what outside counsel is going to be retained will have to be ratified by that larger group of folks.

Those are some of the reasons why you really want to not just develop relationships with the in-house legal folks, but also with the folks upon the business side. I think that applies equally to senior folks as well as mid-level folks or even junior folks. As an associate, I developed some very good relationships with junior folks on the business side of clients that have now paid dividends 5 or 7 years later. These folks are now in senior positions, and they remember me from those experiences. They are now contacting me to do work for them.

You don't have to start at the very top; I started at the very bottom with folks at the lower levels of organizations. As I got more experience and more senior, the level of contacts progressed. You can do this at any level in your organization, and it can pay dividends at any level.

Larry Bodine: I know that when I was in practice, I was a litigator myself. I made a point of taking my clients out to lunch even though they were not in a position to refer me any work. My presumption was that I would be in the field a long time, and as they moved up or went to another company they would remember me, and I eventually became friends with some of my clients.

I had the same experience you did where people like to hire someone they know and like. It can only be to your benefit if you've made the effort to get to know them.

Juan Morillo: Absolutely.

Larry Bodine: Another part of your practice is you always keep an eye out for ways you can be of additional value to a client. You mentioned earlier that if you're defending a client in a criminal matter, you want to see if there's some compliance work that you can offer to them. Give me an example of some way that you've added value or the things you look for to add value to client relationship.

Juan Morillo: This may be a dramatic example, but I think it will stretch the point. I've done a lot of work over about 10 years for a major European financial institution. I did work for them at my predecessor firm, and I do work for them here – they have been a longstanding client. One of the things that we do for them since they've been such a good client and because we want to continue to deepen the relationship is on a quarterly basis a group of lawyers from all over the world will fly at our expense to meet with them at their headquarters in Europe. We provide an update on regulatory

developments in each of the regions that we cover: Asia, Europe, in the U.S., and Latin America, so that the global general counsel and the European institution understand that in today's environment these are the legal risks that my clients are facing in these regions. We talk ways we can minimize those risks, and we do that on a quarterly basis for free and at a great expense not only in time but also in actual out-of-pocket expenses. All of this certainly demonstrates our appreciation for the client relationship. It's value added in the sense that the general counsel has a current understanding of the legal risks that he's facing not just in his own local market but also throughout the world.

You can do this on a much lower scale. I do it with domestic clients just to meet with them on a regular basis - none of the matters that we're working on with them for, but you're thinking about if it's a manufacturing company in the U.S., and they're thinking about expanding into China. You can say, "Well, let me introduce you to my Chinese colleagues so that they can tell you about some of the hurdles that you can encounter while expanding into that market and some of the regulatory issues that you should be cognizant of, some of the cultural issues that you should be cognizant of." That's one way we do it.

Another way, which I mentioned before, is to provide services for free to the client and that is, let's just take the same example: A manufacturing company that hires a lot of low wage workers. "Let's talk about your immigration risk in connection with those workers and what the federal government is thinking about doing or actually doing in that space, and what you can do to mitigate risks." And, "Let us tell you what the best practice is from a hiring standpoint." Or what you can do to mitigate risks.

Again, just trying to anticipate issues that clients are interested in, talking to them about those issues, making resources not just yourself available but other resources within your firm available to those clients and doing so on a consistent periodic basis and doing so as an investment as opposed to a profit driven initiative.

Larry Bodine: Very good point. It is an investment. I frequently get requests for assistance or inquiries or research requests from clients and it's really out of the scope of the assignment. I do it anyway, and I don't charge them. It's part of building up the good will between yourself and the clients. How do clients react to that? Do they get the feeling that you really care about them?

Juan Morillo: Some clients don't want that, and some clients are not interested in it. Some clients simply want you to focus on the case that you're handling for them. That's perfectly fine and you have to defer to the client. Most clients are appreciative and are very much interested to take you up on those offers. The feedback I've gotten from those clients is that that's one of the principle ways in which we've differentiated ourselves from our competition. Our competition does a very good job at handling their cases, and a good job in understanding their business, but that they don't seem as

driven to make the kind of investment that we've been amenable to making in these relationships on a long-term basis. A small percentage of clients will just turn you away, and that's perfectly fine.

Larry Bodine: At least you made the effort.

Juan Morillo: That's exactly right. The broader point to keep in mind, which I constantly remind myself of, is that there's a high failure rate, and a lot of what one does out there while trying to build a practice and develop business and institutionalize clients does not succeed. But those successful efforts do yield a very, very significant contribution to your practice. Dealing with a high failure rate, and dealing with a little bit of discouragement is part of the ballgame - the successes overwhelmingly make up for those failures.

Larry Bodine: I couldn't agree more. The advice that I give to lawyers is if you've offered some value added services and some ideas to the client and they're not interested, that's not a bad reflection on the attorney. It just means that the person you're speaking to was not a buyer. It was either something they didn't want to deal with at the moment or it wasn't important. You shouldn't look at it as a failure. They weren't a buyer, but they could be in a few months down the road.

Juan Morillo: Yes. That's exactly right.

Larry Bodine: One of the things I want to check with you on is getting around a one-shot deal scenario when the matter wraps up. I understand you often have an action of plan to immediately follow-up with the right people and the client. Give us an example of something like that.

Juan Morillo: If I've been representing a variety of clients in lawsuits where the plaintiffs are alleging that these folks are hiring illegal aliens to depress the wages they pay to their legal workers, obviously, immigration issues are of a predominant concern to those clients. What we've done in the past is prepare action plans so that we can advise them on how they can mitigate risks on a going-forward basis such as: mitigating risk of government raids, mitigating risk of several lawsuits. What can you do enterprise-wide to mitigate that risk? What can you do at the HR level to mitigate risk? What can you do in terms of fortifying your controls? What can you do in terms of improving the training of your personnel? Have that plan in place so that at a good moment during

the litigation, since we've had a victory or because the case is over, we can immediately transition the client over and present a potential additional piece of work to them to continue the relationship.

Larry Bodine: Very good. Mike, over to you.

Michael Cummings: Juan, for the benefit of the people in the audience, could you give your personal definition of "institutionalizing the relationship?"

Juan Morillo: That means you become a longstanding services provider to a client. You don't just represent a client on one case and move on to the next client. This is very difficult for some litigators since litigation matters are episodic in nature. By their very nature they're not ongoing as opposed to transactional folks. They have a constant feel for if the economy is doing well. If the client is doing well, then they have a feel for that. It's easier to have longstanding relationships on the corporate side.

Create longstanding relationships with clients, and if you don't have an active engagement, you can do a lot of the other things that we've talked about along with other things you do on your own to maintain a constant level of presence with the client.

Michael Cummings: I want to highlight things we may not have covered previously. For example, say I am a big client that you just landed. You did a great job for me, and I have a matter that's not too significant. This matter is not necessarily directly related to what we just talked about, but I decide to take a chance on you to see if you can work in this other area. How do you treat that small matter like a big matter?

Juan Morillo: A lot of the most significant client representations that I've gotten have resulted because I have previously done a small matter for the client. That small matter could have been for free, it could have been paid for. The point is to treat any kind of interaction with the client as if it were a very significant matter. That's your one shot at making a good impression with the client. Respective to what kind of issue it is, how large it is, or whether you think that there's a potential for ongoing work as a result of that issue, any kind of interaction with the client is good to approach as if it were the most important meeting; the most important interaction.

This applies to email communications and voicemail communications. This may sound fairly straightforward and simplistic in nature, but I've heard from very sophisticated clients how their impression of outside counsel has been diminished because of some interaction - what appeared to be an inconsequential interaction or the way they handle their relatively small matter. What appears to be obvious in practical terms is not.

Michael Cummings: You mentioned the way you strategize about how to build a client relationship. Behind the scenes, do you and your team get together and think about what you are going to do with a particular client? Do you talk to your team about a marketing plan for that particular client?

Juan Morillo: No question about it. Everyone in our group has their own personal business plan, and as a group we have a group business plan. We meet on a monthly basis to check our performance against our objectives. Each client has a business plan. I'm not talking about a business plan that just says, "Okay, we're going to get another case." Our business plans are 5 to 10 pages for each of our clients. The business plan includes a section about the client and the client's business.

Everybody on the team has a profound appreciation and understanding of the client's business, which is a requirement in today's environment for relationships. It has a section on the management team and the legal team. It has a section on active legal matters, and whether we're handling them or not handling them. There's a section on past legal matters and active matters that we're doing. We have a section on finances. How much have we billed the client? How much are we billing the client? How much are we collecting from the client? It has a section on potential opportunities to deepen the relationship so that we can we start representing this client in another market or area.

These are not bullet point practice development plans. These are real business plans that you would expect to see if you were running a business and launching a product. We don't see a client as a product, but we certainly approach the business side of the law as if we were pursuing a business line or product.

Michael Cummings: For a major client, your group is talking about that client's business and how to grow the relationship?

Juan Morillo: Absolutely.

Michael Cummings: We have ten minutes here, and we want to make sure that people have an opportunity to ask some questions. Let's go through the next slide and ask people to submit questions as we're going through the slide.

Larry Bodine: Absolutely. We've all ready received one question. Now is your opportunity to pose a question. Use that little circle with the lines through it; the little balloon. At

the bottom you'll see the scenario where you can ask a question. This is your big chance to do that.

Juan, I understand that you market yourself internally within the firm, and you treat your fellow partners as if they were clients. How do you do that? What is the significance of doing that?

Juan Morillo: A very significant proportion of the work that I have done over the last 10 years or more has been generated as a result of opportunities that have been created for my group and me by my colleagues. So that's certainly the driver. We don't do this by going into their offices and saying, "Look, this is the reason why you should introduce me to your clients." But rather some marketing in a very soft way, that is, one; try to get them involved in your own matters and get them involved in your own client relationships. And two is to talk to them informally about what you do.

Larry Bodine: I think that's very important. Do you often find that your partners don't know what you do?

Juan Morillo: That's exactly right. Not just partners in my local market but partners throughout the network. Explain to them what it is that you do, and also how you could help. They're clients so a couple of things that we do here at our firm is that we have periodic retreats where folks from litigation and other practice groups get together and make presentations to each other about what the different groups are doing, and what the different individual partners are doing.

We also go on joint marketing trips together. We're using the word "institutionalizing." That's the key initiative here and that's to institutionalize a lot of these practice development and marketing efforts. Not just with clients but also internally within your firm and within your group.

Larry Bodine: I've heard another term called "zippering." And the idea being that you want to develop as many contacts with lawyers at the firm, with contacts at equal levels as the client so you have so many points of contact that it creates kind of zippering event - a zippering result, and it's very hard to pull a zipper apart. The more relationships you have with the client, the more likely they are to stay with you.

When there are firm sponsored client conferences and retreats, what are some things you do internally at those retreats and conferences to get the word out about your practice?

Juan Morillo: We have the opportunity to present in front of our colleagues and present about our practice and our recent cases and ongoing cases so that everybody has an appreciation for what we do. As part of our key clients, we have about thirty-seven key clients, and that means that those thirty-seven clients generate a very significant proportion of our revenues. We have not only business plans for those clients, but we also have client plans where we assign responsibility to each different practice group: Litigation, corporate, and other practice groups for particular tasks for that client.

You have not just a relationship with the client on the corporate side, but you have a multi-faceted relationship with that client and with various practices. This doesn't have to be a big client; this could be a small client at the local level. We do this with small clients at the local level where the degree of participation is less, the degree of effort is less, and the degree of resources is less. The effort is the same in the sense that you approach that smaller client and you introduce them to your partners in other practice areas. And you do the same things that we do with our larger clients but just on a smaller scale to institutionalize those relationships with the smaller clients who one day may become big clients.

Larry Bodine: You mentioned that your work comes from three sources. Number one is selling additional work to existing clients. The second biggest source is from your fellow partners, and the third is referrals from the attorneys outside the firm.

Let's spend a minute on referrals from attorneys outside the firm. You come from a very large global law firm, and I would think most attorneys would be reluctant to refer you business since you're in a perfect position to do all of the work for the client at the expense of the referring attorney. How do you position yourself to make yourself attractive for referrals from other lawyers?

Juan Morillo: In criminal white-collar work, there are a lot of conflicts. We are all friendly competitors in our practice area, we appreciate the fact that there are conflicts, and therefore, they have to refer the matters to other counsel. Conflicts are a very significant reason why referrals happen.

Secondly, most of the criminal work is not reoccurring in nature, or you hope that it's not recurring. We are all very cognizant of the fact that we're not going to be getting a lot of criminal cases from the same client. We depend on each other for opportunities.

For instance, if there's a major case involving a company that everyone knows, such as Enron - that case generated hundreds of representations, and neither one firm, nor one individual handled those representations. Those representations were spun off to various folks in the practice areas. It's just the fact that the nature of the business is such that you depend on your colleagues and your practice area for a lot of your business. That's what desensitizes you to refer clients to your friendly competitors.

Larry Bodine: I want to thank you very much, Juan. That was extremely enlightening. We are recording this program, and I guarantee you this is one I'm going to listen to again and again until I have it down by heart. Thank you very much.

I want to pass along a couple of opportunities for the attendees on the call. Michael and I publish a business development newsletter, *Originate!* It's available to subscribers online, and what we do is interview rainmakers such as Juan Morillo. We've just published an issue in which we've identified five top rainmakers for the year 2008. Each one of them generates million of dollars in new business, they are all successful lawyers, and they manage to find time to bring in a lot of revenue for their firms.

If you go to the *Originate!* website (www.pbdi.org/originate), all of the articles this month are free. You can get a lot of information. Print out the articles and incorporate some of the techniques into your own methodology. If you like what you read and you liked what you heard in today's program, we have a special offer for you. We are offering a subscription to the magazine at just \$249.00. That's a fantastic investment - spend \$249.00, and you'll get a return of probably a hundred times the value of that. We're offering it to you at a regular price since you took an hour out of your day to listen to this webinar. To get the special subscription offer, there's a tiny URL web address, and you just go to that address. You can sign up and get the newsletter at the reduced price. We're not broadcasting this or making it public.

I also want to let you know about our plans for the future. Our next web seminar is going to be coming up in October 2008. I'm working with the speakers right now to find a date convenient for them. We're going to talk about getting client feedback to grow your firm. Why would you want to ask your clients about how you're doing? Most lawyers fear that if you let the client give an opinion, they're going to question your fees and complain about that and either leave or demand a discount. That's the urban legend. The truth is that more than half of law firms do client feedback surveys. Approximately two-thirds of the firms that do client feedback surveys say that this is the most effective business development tool they have. You're not only making sure the client is happy, but you're finding out about other issues that they have. This all generates new business.

We're also going to talk about how you can overcome internal resistance to client feedback surveys. Half of the law firms don't do that, and they're really missing an excellent trick. We will then focus on how you can expand on the work that you do have for clients by getting their feedback.

We've reached the one-hour mark, so what I want to do is conclude the program with a parting thought from each of us. If you had a question and you didn't have a chance to ask it, here are the telephone numbers, email addresses, and web sites for Michael and me. We love to talk about business development. If there's any way we can be useful to you, please give us a call. There's no charge; it's our dime. If you succeed, we succeed.

Mike, I'll go first. My final parting thought, and what I took away from what Juan had to say this morning is that you have to be always marketing. Even if you're in the middle of a trial and you just concluded a 16-hour day, you still have an opportunity to send email or send a communication to clients. The important thing is to do one or two things everyday. There will be other days when you'll go out with the team and spend an entire afternoon with a client. You really need to weave it into your day-to-day schedule. That's how you can be a success like Juan. Mike, what's a parting thought you can leave for our audience?

Michael Cummings: The parting thought I have is that sometimes people dial into these web seminars, and they think they're going to hear some kind of magic that Juan has found that nobody else knows about. Juan is an entrepreneur. That's the secret to his success and the secret to other rainmaker's success. The secret to his success is that he really works hard at business development. He does it all the time, everyday. That's the real magic. That's the difference between people like Juan who are rainmakers and people who aren't generating business and are getting frustrated by it. It's finding a habitual way to do the simple straightforward things we talked about today. Do these things all the time and get better at them over time like Juan has done.

Larry Bodine: Juan, leave us with one final thought. Of all the things that you do, what's one that you'd like the audience to take home with them?

Juan Morillo: My final thought is to think of practice development as any other core legal skill that you have. Incorporate it into your repertoire of skills and skill set just as you would any other skill such as writing or researching.

Larry Bodine: I want to thank everybody for attending today. I hope that each of you received some practical information that you can put into use. Juan, thank you very much for taking the time. We very much enjoyed your presentation.

Juan Morillo: My pleasure. I hope folks found this helpful.

Larry Bodine: With that I'm going to conclude the seminar. As always, I wish everyone on our call happy hunting. Goodbye.