

Thoughts on Building a Practice

By John B. Mumford, Jr.



What does it mean to “build a practice”? Can a young lawyer really take steps to build a practice—or is it simple dumb luck that ten years from now the associate next door (now a partner) will have a thriving book of business with sought after clients and you ... perhaps not so much? For the purposes of this article, to build a practice is to put yourself as a lawyer in a position where clients know you and send you their work in sufficient volume that you are financially a “win” for the firm. And, yes, there are concrete steps that young lawyers (practicing in firms of any size) can do to build their practice.

First of all, let’s talk about who is responsible for building your practice. You know what’s coming here—you are. Yes, there are many partners and firms out there who do a great job mentoring associates and helping them develop successful practices and they should be applauded. But let’s be honest, there are some out there who hoard the spotlight, any opportunity for client contact, originations, and who abide by the rule that associates should be seen (on the bills) and not heard. Simply stated, don’t count on anyone else to build your practice. I realize this is overly simplistic, but my point is that whether you are at a supportive firm or a firm where they want nothing more from you than billable hours on your partner’s matters, you can still take steps to build your practice (although that practice might later be at another firm).

Second, building a practice will usually take doing more than completing your billable hours on partner X’s matters. I have received pushback on some of the suggestions below—that these are mostly non-billable tasks and don’t count toward bonus calculations. My response: the credit you receive goes far beyond any bonus and puts you in a place to have your own practice, not just a job. Building and then maintaining a practice takes a huge number of non-billable hours. That’s just the reality.

So what are these promised concrete steps? Here they are.

Make Yourself a Thought Leader in Something

Clients seek out experts, especially in this age of increasing specialization by lawyers. It is never too early to start building the foundation for clients (or people in your firm) to view you as an expert in a topic. Find something that is relevant

to your practice area—whether that be a topic of substantive law, an issue or procedure, or even a specific court—and establish yourself as an expert by publishing and speaking on that topic. It does not matter that you have never personally litigated or received a substantive ruling on the topic—you are a smart person, this is not rocket science, and you can read a decision and update the world on what happened as well as anybody. And guess what? By monitoring and keeping up with all the new decisions on your topic, it won’t be long before you know more than most lawyers about that topic and you’ve become the expert.

So where do I publish? It used to be that publication opportunities were scarce or onerous. No longer. In the age of LinkedIn, Twitter, and other social media, there are endless opportunities for you to update the universe on developments in the law. And the best part is that most people don’t want to (or have time to) read lengthy law review articles or thousand line “client alert” emails some firms send out. A tweet or short LinkedIn piece about a new decision (perhaps with a link to the decision) is all you need.

Magazines, newsletters, and bar organization publications also present abundant opportunities for publication. There are more bar and specialty organizations publishing content today than ever and they need content (someone let me write this didn’t they?). Find them, contact the editor and ask whether you can write an article. I bet you will be well received.

Speaking opportunities are harder to come by, but we’ll talk about that in our next topic.

Expand Your World

It’s tough to build a practice sitting in your office 60 hours a week and talking to your same colleagues day in, day out. You need to get out there, meet fellow attorneys, meet prospective clients, and start to be known. Some firms bristle at the notion of their associates cavorting in Nashville on a firm funded boondoggle and discourage participation in attorney organizations. These firms are missing the point. Yes, you might have fun at these meetings, but that is just an (awesome) added benefit. What you are actually doing is building a network of professional colleagues (including in-house counsel who hire outside counsel) who know you and with whom you will start to build meaningful relationships. Sometimes I hear that “these are all just fellow

firm attorneys, there are no clients here.” Guess what? These people will not all be in firms in five years. Many of them will be in-house and will be in a position to hire counsel. “Wait, I met this very smart and competent defense attorney from Anchorage at a conference a few years ago, and now here I am as in-house counsel with a case in Anchorage. Who should I call?” You get the point.

And now back to speaking opportunities. Speaking at conferences where prospective clients also attend is a huge opportunity. The client has an opportunity to see you on your feet and to assess your substantive knowledge. But these opportunities are limited. How can you best position yourself to get such a speaking slot? Insider secret: it is very (repeat very) unlikely that you will be considered to speak at one of these conferences as an associate if you are not involved in the organization. The conference organizers are not likely to be wowed by the submission of a third year associate they have never met. But, if you are involved in that organization, you have attended their conferences in the past, and have given them your time and effort, you are much more likely to be considered for a speaking slot.

Another hidden benefit of being involved in these organizations (partners read no further) – if your firm is not a good fit, you have a chance to meet other attorneys at other firms who might want to hire you after seeing your stellar presentation or reading your compelling article.

So your firm won't pay for you to be involved? Look, you already spent a [insert appropriate descriptor here] of cash on law school. The personal investment by you in your network will be worth the investment.

Train Yourself

A common concern of young litigators is the lack of opportunities for those on-your-feet litigation experiences—court appearances of any kind, mediations and settlement conferences, depositions, etc. Yes, in a defense-oriented practice, it may take some time to get client approval for a new associate to handle a court appearance or deposition. But there are great opportunities for you to get valuable on-your-feet experience while making a difference in your community through pro bono opportunities. I know successful attorneys who, early in their careers, invested non-billable hours into representing clients in domestic violence matters, criminal matters (through the Criminal Justice Act panel), administrative hearings, and the like. They received the benefit of invaluable experience while also serving causes that matter. Talk about a win-win.

Toot Your Own Horn

If you're speaking on a topic relevant to client interests, if you've written an article, received an award, or achieved some other accomplishment (like a good result in a pro bono case), make sure others know about it. Keep your bio (firm and LinkedIn) up to date, share this news on social media, invite clients or send articles and other materials to clients who may find them helpful.

Don't Fall Victim to Imposter Syndrome

A lot of young lawyers have a tendency to think that they don't have enough experience or are underqualified to go after what they want—whether that is taking on leadership roles in organizations, volunteering to write or speak, or pitching work to potential clients. No one ever gained experience or qualifications by waiting on the sidelines. Ask for help, teach yourself what you need to learn, or otherwise figure out how to gain the knowledge or experience you need to take on challenges that may feel out of your league.

Final Thought

The most important tip of all is that when your marketing efforts pay off and that client gives you the opportunity to work for them, make the most of it. All of these tips pale in comparison to the importance of doing excellent and efficient work for the clients who put their trust in you. Also, clients talk to each other and they change jobs and take promotions in different companies. Good work for a client will spread among the industry—and the opposite holds true as well. Not one of these tips is going to have clients banging down your door tomorrow. But you will start to plant seeds that will lay the groundwork for your successful practice. Start planting those seeds now.

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