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REBECCA PAUL

**Rainmaking for the Newer
Plaintiff's Lawyer**
CHUCK GEERHART

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BY AMY BACH



Rainmaking for the Newer Plaintiff's Lawyer



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When you look at the more illustrious senior members of the plaintiff bar, you may wonder how they get all their great cases. Once you get to know these leaders, you know that their great case inventory is no accident— *they worked hard to get there*. Most of them started out with small cases and built their practices. But what of the rest of us, still scrapping and clawing our way up the mountain? This article is for you.

When we hear terms like “rainmaking” or business development, we may think of our friends in the defense bar, who need a steady flow of business from repeat clients in order to hit their billable hour targets. But plaintiff side lawyers also need to have a plan in place to attract and sign up worthy clients. In fact, we need a comprehensive business development strategy even more than defense lawyers – once they have a few high volume insurance carrier or corporations as clients, they may be set for life (if you like working the dark side). Our clients may not generally be “repeat litigants,” but they are potentially our most valuable source of new business – if we serve them properly.

You Need a Personal Connection

In my prior life as a defense lawyer, I was mostly a miserable failure at business development. I remember a senior rainmaking partner say that you had to have a “personal connection” with the prospective client in order to get their business. I used to write cold call letters to companies I thought might want to hire me or my firm. It never worked. When I finally did land a significant client to call my own, it was because I had taken the time to meet the people I wrote

letters to, and I talked to them on the phone frequently.

Over the past decade doing plaintiff-side work, I have tried to remember that lesson whenever I am trying to develop a referral source. Which brings up another lesson: you don't get business if you are merely “trying to develop a referral source.” I am convinced that you have to enjoy what you do, enjoy meeting new people, and enjoy the company of other people for its own sake. The business comes when you are *not* trying to cultivate referrals. But enough karmic musing. Here are some real life tips I think work.

People Need to Know What You Do

Another old mentor of mine once asked a room full of junior lawyers what percentage of their time they spent rainmaking. Then he asked if anyone spent 100% of their time doing it? He raised his own hand His point was that everything we do in life is an opportunity to find new legal work. Everyone we meet, especially as plaintiff lawyers, are all potential sources of referrals, because eventually almost everyone knows someone who will suffer misfortune, either in the personal injury, consumer, or employment arenas. And those people need to know that you practice in that area.

In a brief, casual conversation, you must be able to tell someone you meet in one or at most two sentences what you do. For example, when asked, I say, “I'm a trial lawyer. I help injured people get fair compensation.” I may add the types of cases I do, such as auto, industrial accidents, and slip and falls. The key is that the lis-

tener remembers that I help injured people, and will remember this when she has an injured friend who needs help.

Try Cases

Trying cases tells insurance carriers and other companies that you are not a settlement mill. By trying cases, you simultaneously gain respect and improve future settlement offers from your opponents. You can also tell prospective clients, on your website and in your initial face to face meeting, that you have tried cases like theirs.

Develop a Referral Fee Policy

It's a fact that many referred cases come from other lawyers, to whom you may legally pay referral fees, provided you follow the ethical rules and disclose the referral fee to the client. I use a sliding scale running from 10% to 25% of the fee actually collected. *It's vitally important that other lawyers you meet know that you pay referral fees.* You are more attractive to referring attorneys if they know they may be paid for their largesse in referring cases to you.

While some of your referred cases may come from other lawyers practicing in your area (let's use personal injury as an example), you have even better odds of getting referrals if you let lawyers outside the PI realm know about your practice and your referral fee policy. These include lawyers practicing in areas such as family law, criminal, probate and general business. Most lawyers who practice outside of PI either don't have the expertise or don't want to handle PI cases. You can become their go-to attorney for PI cases, and you will gladly pay a fair referral fee.

The Most Important Business Development Work You Do is Sitting on Your Desk

Once you get referred cases, you have to work them hard. My partner often tells the story of his earliest days on his own in practice. He had five (5) cases. But boy did he work those five cases! He knew that if he did excellent work on those five cases, he would eventually develop a more successful practice, and he did.

We have to excel on our referred cases, whether they came from another attorney or from a former client, because the current client will be turning in a report card on our work. We can't have clients going away unhappy— that's called reverse business development. So we must do everything possible to meet, or exceed, the client's expectations. This can include cutting the fee so the client will feel like the outcome was even better than the settlement she approved. Most important is that the client leaves the relationship happy and is happy to refer her friends to you, the best lawyer she knows.

Cases Come From Unlikely Sources

Believe it or not, those defense lawyers who torment you in long depositions may one day refer a great client to you. That's because most defense lawyers can't really do a plaintiff's case without offending their client base. I've gotten many referrals from defense lawyers, and lawyers who simply cannot legally do a plaintiff's case, such as DA's and public defenders. But I never knew exactly *when* the case was coming down the pike, which, in addition to pointing up the need for a diverse referral pool, leads to the next area.

Seeds Planted May Take Years to Sprout

I have sent out a holiday calendar card every year for the past decade since becoming a plaintiff's lawyer. One lawyer I sent the card to was a very good plaintiff's lawyer I had opposed

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in a hard fought case when I was a defense lawyer. I liked and respected her, and tried to refer a few med-mal cases her way. Eight years went by, and I gave up on ever getting a referral. Then she called me up one day and said she was retiring from law, and asked if I would look at five of her cases. I was flattered and honored. One of those cases led to a very large settlement. I gladly paid the referral fee.

Here's the point: many times I get a call with a referred case from someone I've known for many years, and tried to keep in touch with, but who has never before referred any work. There's can be no expectation of immediate results. The relationship itself must be intrinsically valued. If it leads to work, great. If not, well, wait a few years and maybe it will. We never know when the seeds sown will sprout.

To Meet People, You've Got to Get Out There

This may seem obvious, but this piece wouldn't be complete without saying that to do all the things we talked about here, you have to join up, go to events and put yourself out there, even if you feel uncomfortable doing it. Get on a local bar committee (SFTLA has many). Volunteer with the bar's legal

services program. Come to our events – arrive early and leave late. Become a judicial arbitrator or volunteer mediator for the bar. I guarantee you'll meet a lot of interesting people, who may someday want you to be their lawyer. Plus, you'll have fun being of service.

Apply for the BASF Lawyer Referral and Information Service (LRIS) Panel

If you have two trials under your belt, you can qualify to get referrals from the LRIS (they have a sliding scale referral fee). There is a \$75 annual fee. Although you may turn down 9 out of 10 cases they call you on, I have been referred at least six cases valued at six figures or above.

Conclusion— Enjoy Yourself

They say you can't be anyone other than yourself in trial. It's the same with the people you meet in your professional life: be yourself, and let them know what you do. Let go of expectations. Trust that your needs will be provided for. The seeds you plant will flower -- but rarely when you expect.

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