



## BUSINESS DEVELOPMENT IN THE “NEW NORMAL”

FACTORS THAT CORRELATE WITH ORIGINATION FOR LAW FIRM  
MALE EQUITY PARTNERS AND FOR FEMALE EQUITY PARTNERS

*By Carol Frohlinger, J.D.*

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## EXECUTIVE SUMMARY

Since the Great Recession, several factors have converged to make the competitive market for outside counsel more challenging than ever before. At the same time, the pressure inside law firms to generate revenue has also increased. Few would disagree – the bottom line of originating business effectively and efficiently is no longer a “nice to have,” it is an essential survival skill for law firm equity partners.

Our research focused on two questions:

- 1. What activities, roles, resources and attitudes are successful to originate business in the “new normal”?**
- 2. Are there differences between these for male equity partners and female equity partners?**

Data collected from 437 male and female equity partners in law firms of all sizes across the U.S. during the period from 2011 to 2013 offers answers. We categorized sixteen factors that result in origination into one of two classifications – those derived from association with a firm (firm-based factors) or those resulting from individual engagement with the business development process (self-generated factors).

We then analyzed the results separately for male equity partners and female equity partners and we found that male equity partners’ originations were positively correlated with five of the eight firm-based factors whereas female equity partners’ originations were correlated with two of the eight firm-based factors, one being negatively associated.

When self-generated factors were analyzed, the results showed that male equity partners’ originations were positively correlated with three of the eight self-generated factors and that female equity partners’ originations were positively correlated with five of the eight factors.

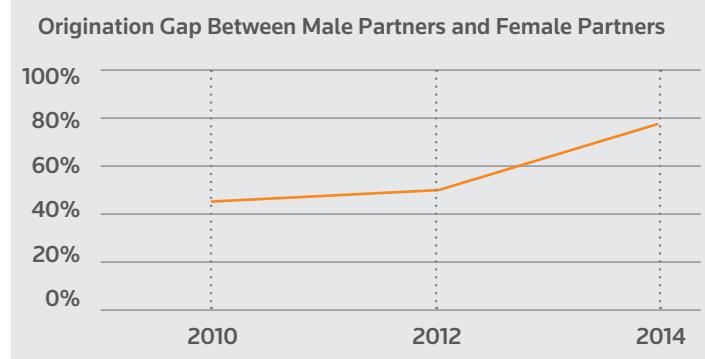
Only two factors, one firm-based, the other self-generated, were correlated with origination for both male equity partners and female equity partners. Finally, we found that two factors did not correlate with origination for either male equity partners or female equity partners.

Supplementing the quantitative data with a thorough review of gender-related social science research, qualitative data and a comprehensive examination of current trends in the selection of legal counsel, we offer commentary to provide insights about the findings. Our conclusion is that men and women can learn from each other about what works – and what doesn’t – with regard to origination.

Despite the fact that the respondents were exclusively equity partners at law firms, we believe that these findings can be extrapolated to those in other professional services firms because the opportunities and challenges they face are similar. The paper concludes with recommendations professional services firms should consider to achieve optimal business development success. Winning, not only in the “new” normal but in the “future” normal, depends on it.

## INTRODUCTION

The business origination numbers credited to women partners in law firms are decidedly lower than those of male partners – and the trend clearly shows the gap is widening. Women partners reported average originations of \$1.24 million in 2014, down 12% from 2012, and 77% lower than origination numbers reported by men. This gap is significantly higher than the 44% gap reported in 2012 or the 50% number reported in 2010.<sup>1</sup>



Not only do women originate less business, they comprise only 17% of equity partners in the Am Law 200,<sup>2</sup> are paid considerably less,<sup>3</sup> are less likely to be recruited laterally<sup>4</sup> (which often leads to a substantial increase in compensation) and are less likely to be appointed to important firm committees<sup>5</sup> such as the management or compensation committees. Clearly, despite the fact that women comprise almost half the pipeline<sup>6</sup> entering firms, they fall behind their male colleagues in every important metric. And, if that isn’t enough, it seems that “advancing women in law firms is not a universal goal in the Am Law 200”!<sup>7</sup>

Our research clearly supports the conclusion that female equity partners do not receive the level of business development support male equity partners get from their firms, and, as a result, are disadvantaged. The data we report here provides considerable insight regarding root causes which can be attributed to “second generation gender issues”<sup>8</sup> (SGGI). Unlike “first generation gender issues,” resulting from intentional acts and actionable in court,<sup>9</sup> SGGI are the powerful yet rarely examined barriers women face that arise from either cultural beliefs about gender (gender stereotypes) or embedded workplace structures, practices and patterns of interaction that inadvertently favor men. Because they are so subtle, established in a workplace time and place built to accommodate white men, SGGI are difficult to address and remedy – they are “the way things are.” To make things even more complicated, both men and women believe the stereotypes<sup>10</sup> ascribed to men and women. Finally, women often deny that they have been disadvantaged by either stereotypes or workplace practices.<sup>11</sup>

It is clear that the prevailing business case<sup>12</sup> has not been enough to compel change. The three most common arguments supporting the business case are that:

- 1 Under-representation of women in the equity partner ranks results in an unrealized return on investment for the dollars and effort firms spend
- 2 An outcome of attrition of mid-level and senior women is the loss of role models and mentors/sponsors for younger women
- 3 Clients suffer harm when they are not afforded the opportunity to work with these talented lawyers

The question of whether law firms are willing and able to tackle these systemic issues has largely been answered by inaction. In fact, some research has concluded that we now suffer from "gender fatigue."<sup>13</sup>

The situation is very different now; the Great Recession created all kinds of disruption for the legal industry.<sup>14</sup> One commentator, using Porter's Five Forces<sup>15</sup> as a framework for analysis concludes that "law firms today are not just competing with firms." Rather, they are grappling with the increasing power of buyers, decreasing firm leverage, the threat of new entrants (e.g., companies that provide services that traditionally have been offered exclusively by law firms) and the threat of substitutes (e.g., technological alternatives that replace the work that lawyers used to do).

As a result, clients have altered the methods they use to select outside counsel and the ways they assess value received from firms on an ongoing basis. Additionally, because of the pressure to contain costs, law departments are keeping more work in-house<sup>16</sup> resulting in a greater need to demonstrate that using outside counsel is justified.

In response, law firms have been forced to pay careful attention to cost containment and compelled to rethink the ways they need to evolve to generate revenue. This can be particularly challenging in light of a recent finding that a majority of new partners do not aspire to be rainmakers.<sup>17</sup> "Business as usual" is not an option for individual lawyers<sup>18</sup> either. Building a substantial book of business is required to become an equity partner – and to stay one.<sup>19</sup> Stronger reliance on individual activities and skills in conjunction with enhanced attention to and engagement with business development is essential to doing that.

This paper will report the data we gathered and analyzed to learn from both male equity partners and female equity partners about what works in the "new normal" with regard to origination. We also believe that our findings apply more broadly than to the legal industry. They are as relevant to professional services firms in other industries, particularly to those in consulting, accounting and architectural/engineering because those tasked with generating revenue in any of these fields are faced with comparable challenges and require attention to similar activities, resources and approaches.

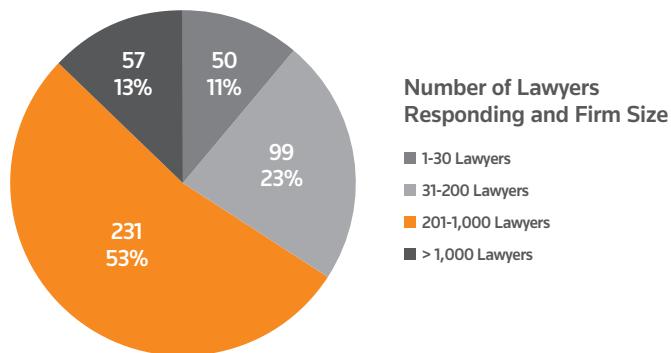
## METHODOLOGY

### ABOUT THE QUANTITATIVE DATA

The quantitative data was gathered by Harry Keshet, Ph.D. and Angela Meyer, Ph.D., P.E.<sup>A</sup> during the period from 2011 to 2013 using an online, confidential and anonymous survey. The data analysis was conducted by Gary Bess Associates.<sup>B</sup>

As is typical of many survey research projects, not all the respondents answered every question. Actual numbers of respondents are recorded for each question and all information is reported as aggregate data.

The data reported here has been excerpted from a larger study of data<sup>20</sup> and reflects responses from 266 male equity partners (MEPs) and 171 female equity partners (FEPs) in firms ranging in size from 1-30 lawyers to those of 1,000 lawyers or more. The chart following indicates the number of participating partners by firm size.



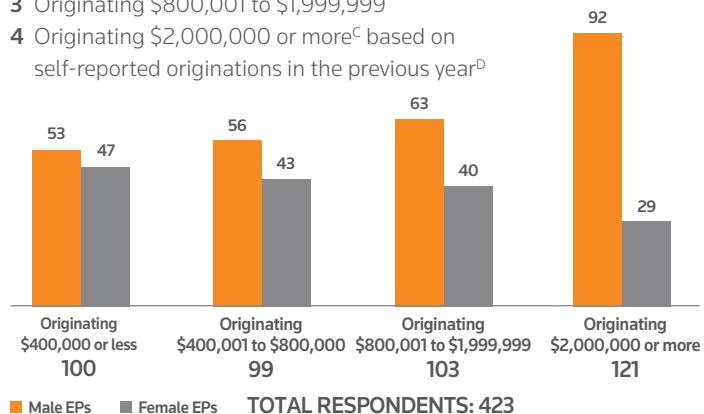
**Number of Lawyers Responding and Firm Size**

- 1-30 Lawyers
- 31-200 Lawyers
- 201-1,000 Lawyers
- > 1,000 Lawyers

### Amount of Business Origination

Respondents are grouped into four levels:

- 1 Originating \$400,000 or less
- 2 Originating \$400,001 to \$800,000
- 3 Originating \$800,001 to \$1,999,999
- 4 Originating \$2,000,000 or more<sup>C</sup> based on self-reported originations in the previous year<sup>D</sup>



■ Male EPs ■ Female EPs **TOTAL RESPONDENTS: 423**

<sup>A</sup> Harry Keshet, Ph.D. is President of Keshet Consulting, Inc. and Angela Meyer, Ph.D., P.E. is Vice President of Client Services at Exponent, Inc.

<sup>B</sup> The author wishes to thank Jim Myers, Director of Evaluation and Research at Gary Bess Associates for his invaluable help with the data analysis.

<sup>C</sup> Because respondents who did not state their origination numbers are excluded from this chart, the number of respondents is less than the 437 respondents reported in the chart above.

<sup>D</sup> Survey Item 12: "Regarding your business development efforts in the last year, please provide your best approximated figures: Origination (\$) generated in the last year."

### ABOUT THE QUALITATIVE DATA

The qualitative data was gathered by Carol Frohlinger during in-depth interviews with sixty Am Law 100 and Am Law 200 FEPs during 2013-2105 and as a result of conducting workshops on the topics of business development or negotiation with hundreds of other women in professional services over the last twelve years.

### THE FACTORS

Specific attitudes, activities, roles and resources affect business origination. They help attorneys to generate new work which, in turn, affects not only compensation but also their ability to assume leadership roles within their firms.<sup>21</sup> We label them "firm-based factors" (FBF) or "self-generated factors" (SGF).

#### FIRM-BASED FACTORS

Firm-based factors result from having a position in a law firm. The law firm role offers access to business development (BD) resources as well as the opportunity to perform BD activities. Firm-based factors are further categorized as either "direct" or "indirect."

##### Direct Firm-Based Factors

These activities connect attorneys with current clients, prospects and referral sources and can directly lead to new business. Direct FBF include:

- Participation in Requests For Proposals (RFPs)
- Participation in pitch groups
- Internal referrals from firm partners
- Receiving the "right" amount of financial support for BD activities

##### Indirect Firm-Based Factors

Although indirect firm-based factors do not put attorneys in situations that are likely to directly lead to new business, they are nonetheless very helpful to build revenue. Indirect FBF include:

- Holding leadership positions in the firm
- Building referral relationships
- Cross-selling opportunities
- Receiving BD training, coaching and mentoring

#### SELF-GENERATED FACTORS

Self-generated factors are relationship building and selling skills related to an individual's personality traits, skills and behaviors. Affiliation with a law firm, other than the indirect benefits resulting from the firm's overall branding and marketing efforts, is irrelevant.

Self-generated factors are further categorized as either "external" or "internal."

### EXTERNAL SELF-GENERATED FACTORS

External SGFs include:

- Focusing on client service
- Building client relationships by meeting regularly
- Asking clients for additional work
- Asking clients for referrals

It is an axiom that future business from clients depends on their satisfaction levels with past delivery of services. It is also true that people hire lawyers they like and trust. Finally, asking for work and soliciting referrals are among the behaviors incontrovertibly linked to building revenue.

#### Internal Self-Generated Factors

Internal SGFs include:

- Empathy
- Persuasiveness
- Resiliency
- Engagement with BD activities and motivation to succeed

Empathy is the ability to take the perspective of others. In other studies,<sup>22</sup> empathy, strong BD motivation and resiliency all correlate with rain-making. Persuasiveness is the skill of persuading clients and prospects that they will benefit from using the attorney's services. Resiliency refers to individuals who quickly rebound and continue BD activities even when they were not successful in their prior efforts; resiliency keeps the search for new business a continuous activity. Perseverance when BD efforts are unsuccessful is a form of resiliency. Resiliency and perseverance have been characterized as "grittiness," defined as "... *the tendency to sustain interest in and effort toward very long-term goals.*"<sup>23</sup> Finally, people are successful at BD when they are committed to make the requisite effort and are driven to succeed.

### FINDINGS

#### CORRELATION: FREQUENCY OF FACTORS AND BUSINESS ORIGINATION

Respondents' frequency of activity with regard to each BD factor was reported on the following five-point scale:

- 1 = Never
- 2 = Infrequently
- 3 = Neutral
- 4 = Sometimes
- 5 = Frequently

The amount of business origination was reported by each respondent as a dollar figure.

## BUSINESS DEVELOPMENT IN THE "NEW NORMAL"

### DIRECT FIRM-BASED FACTORS<sup>E</sup>

Statistically, three of the four direct FBFs activities positively correlated with origination for male equity partners (MEPs); one direct FBF was positively correlated with origination for female equity partners (FEPs).<sup>F</sup>

Direct Firm-Based Business Development Factors	MEP N	MEP Correlation (R Statistic)	Significance	FEP N	FEP Correlation (R Statistic)	Significance
I participate in RFPs.	281	$r(279) = .145, p < .05$	Significant	173	$r(171) = .171, p < .05$	Significant
I participate in firm pitch teams. <sup>G</sup>	275	$r(273) = .164, p < .01$	Significant	174	$r(172) = .083, p > .05$	NOT Significant
I receive referrals from other firm partners.	281	$r(279) = .024, p > .05$	NOT Significant	178	$r(176) = .047, p > .05$	NOT Significant
I receive the right amount of resources to pursue business development.	285	$r(283) = .163, p < .01$	Significant	176	$r(174) = .070, p > .05$	NOT Significant

### INDIRECT FIRM-BASED FACTORS

Male equity partners (MEPs) reported receiving two indirect FBFs that positively correlated with origination. Female equity partners (FEPs) reported one indirect FBF that correlated with origination, however the correlation was negative rather than positive.<sup>H</sup>

Indirect Firm-Based Business Development Factors	MEP N	MEP Correlation (R Statistic)	Significance	FEP N	FEP Correlation (R Statistic)	Significance
I hold a leadership position in my firm. <sup>I</sup>	283	$r(281) = .182, p < .005$	Significant	172	$r(170) = .088, p > .05$	NOT Significant
I build referral relationships with those outside the firm. <sup>J</sup>	275	$r(273) = .022, p > .05$	NOT Significant	167	$r(165) = .182, p < .05$	Significant
I have received training and mentoring for BD activities and skills. <sup>K</sup>	291	$r(289) = .128, p < .05$	Significant	180	$r(178) = .027, p > .05$	NOT Significant
I cross-sell to existing clients.	281	$r(279) = .023, p > .05$	NOT Significant	176	$r(174) = .118, p > .05$	NOT Significant

### EXTERNAL SELF-GENERATED FACTORS

Male equity partners (MEPs) reported one external SGF that correlated positively with origination. Female equity partners (FEPs) reported two external SGFs that correlated positively with origination.<sup>L</sup>

External Self-Generated Business Development Factors	MEP N	MEP Correlation (R Statistic)	Significance	FEP N	FEP Correlation (R Statistic)	Significance
I ask clients for new matters.	277	$r(275) = .114, p > .05$	NOT Significant	172	$r(170) = .222, p < .005$	Significant
I ask clients for introductions to prospects within their company or outside who might need my services.	276	$r(274) = .107, p > .05$	NOT Significant	169	$r(167) = .221, p < .005$	Significant
I meet with my clients in person annually or more often.	276	$r(274) = .149, p < .05$	Significant	172	$r(170) = .090, p > .05$	NOT Significant
My clients are aware of all our team members to call if they can't reach me.	272	$r(270) = .112, p < .05$	NOT Significant	169	$r(167) = .080, p > .05$	NOT Significant

<sup>E</sup> Excluded from analysis are those respondents who did not provide an amount of business originated.

<sup>F</sup> This analysis does NOT compare the association between direct firm-based factors and origination between men and women; it assesses the association between direct firm-based factors and origination for Male Equity Partners (MEPs) and Female Equity Partners (FEPs) separately. Bivariate correlation analyses were run assessing the association between origination (dollars generated) and a frequency ranking of participating in/receiving direct firm-based factors – based on a scale from 1, "Never," to 5, "Frequently." See Appendix B, Table 1 for further detail.

<sup>G</sup> For this item, MEPs reported significantly higher mean participation scores than FEPs. See Appendix B, Table 1 for further detail.

<sup>H</sup> For FEPs there was a statistically significant negative (inverse) association reported in the frequency of building referral relationships outside the firm and origination. We post an explanation for this finding later in the paper.

<sup>I</sup> Surprisingly, statistically there was NO difference in the frequency of holding leadership positions at their firm reported between MEPs and FEPs. See Appendix B, Table 2 for further details. This finding is incompatible with other research, for example, with the National Association of Women Lawyers and The NAWL Foundation, [Report of the Eighth Annual National Survey on Retention and Promotion of Women in Law Firms](#), 8 (February 2014) cited earlier in this paper. See Endnote #2 for the full cite.

<sup>J</sup> Statistically there was NO difference in the frequency of building referral relationships outside their firms reported between MEPs and FEPs. See Appendix B, Table 2 for further detail.

<sup>K</sup> For this item, FEPs reported significantly higher mean participation scores than MEPs. See Appendix B, Table 2 for further detail.

<sup>L</sup> We have also assessed differences in mean participation scores between MEPs and FEPs concerning the statements comprising external self-generated factors and found for all four (4) statements mean scores were statistically NO different. See Appendix B, Table 3 for further detail.

### INTERNAL SELF-GENERATED FACTORS

Male equity partners (MEPs) reported two internal SGFs that correlated positively with origination. Female equity partners (FEPs) reported three internal SGFs that correlated positively with origination.<sup>M</sup>

Internal Self-Generated Business Development Factors	MEP N	MEP Correlation (R Statistic)	Significance	FEP N	FEP Correlation (R Statistic)	Significance
When BD activities do not work out, I go on to my next marketing opportunity without losing much time.	280	$r(278) = .174, p < .005$	Significant	177	$r(175) = .182, p < .05$	Significant
I am good at taking the perspectives of clients, referral sources and prospects and I am able to effectively "walk in their shoes."	282	$r(280) = .067, p > .05$	NOT Significant	174	$r(172) = .164, p < .05$	Significant
I am strongly motivated to generate significant new work for others and myself.	290	$r(288) = .126, p < .05$	Significant	180	$r(178) = .141, p > .05$	NOT Significant
I am skillful at persuading clients and prospects that they will benefit from my services.	289	$r(287) = .108, p > .05$	NOT Significant	180	$r(178) = .196, p < .01$	Significant

### ANALYSIS

#### WHICH FACTORS CORRELATE WITH ORIGINATION?

Female Equity Partners	Both	Male Equity Partners
External Self-Generated Factors • Asking clients for new matters • Asking clients for introductions	Direct Firm-Based Factors • Participating in RFPs	Direct Firm-Based Factors • Participating in firm pitch teams • Receiving the right amount of BD resources
Internal Self-Generated Factors • Taking the perspectives of others • Being skillful at persuading clients and prospects they will benefit from services	Internal Self-Generated Factors • Bouncing back quickly when BD activities fail	Indirect Firm-Based Factors • Holding a leadership position • Receiving training and mentoring for BD activities and skills
		External Self-Generated Factors • Meeting with clients in person annually
		Internal Self-Generated Factors • Being strongly motivated to generate significant new work for others and myself

#### WHAT WORKS (AND WHAT DOESN'T) FOR FEMALE EQUITY PARTNERS?

##### Firm-Based Factors

The only direct FBF that correlates with origination for FEPs is the participation in responses to Requests for Proposals (RFPs). Issuing RFPs are a relatively recent yet fundamental change to the purchasing behavior of law departments. Recent studies report that procurement professionals are involved in the selection of outside counsel at a dramatically increasing rate – from 18.6% in 2010 to 26% in 2014. And, perhaps most surprising, in 4.5% of the cases, procurement professionals make the final decision.<sup>24</sup> This “disruption” in the market for legal services has benefited FEPs; further analysis of this data shows that FEPs who report more frequent participation in RFPs report higher mean origination numbers.<sup>N</sup>

The data also shows that FEPs participate in firm pitch teams at significantly lower rates than do MEPs. Findings from our qualitative research as well as other research<sup>25</sup> support the proposition that FEPs may not be “on the radar screen” when pitch teams are being assembled; rather, invitations to join may be extended to “the usual suspects” – those with whom the partner assembling the team has successfully pitched before.

*“Business development opportunities are collaborative, and the culture of the firm promotes informal arrangements. Business development opportunities go to the cluster of white men who look out for each other. It is very hard to break into that group, and there is little institutional support for changing that model.”*

– Female equity partner

*“I often feel that women and minorities are kept from pitches and business development opportunities, unless a client or opportunity blatantly calls for our inclusion. For example, pitching a female client, a female attorney would be invited to the pitch.”*

– Male equity partner

<sup>M</sup> We have also assessed differences in mean participation scores between MEPs and FEPs concerning the statements comprising internal self-generated factors and found for three (3) of the four (4) statements mean scores were statistically NO different. See Appendix B, Table 4 for further detail.

<sup>N</sup> The data referenced here is the subject of a forthcoming paper.

When FEPs do participate in pitch teams, they do not enjoy a significant positive association between this activity and origination. One factor that may explain the lack of significant correlation for FEPs between participation in pitch groups and origination is the difficulty that women report in gaining origination credit for their pitch group contributions. One study<sup>26</sup> reported that 50% of women report being denied origination credit they believed they were due. In another unpublished study,<sup>27</sup> FEPs reported that pitch group participation led to significant origination, yet their assistance did not inure to their benefit.

Receiving the right amount of resources to pursue BD did not correlate with origination for FEPs although there was no difference reported in the frequency of receiving the right amount of resources between MEPs and FEPs.<sup>o</sup> One possible explanation to consider with regard to this finding supported by the qualitative data is that receiving the "right" amount of resources to pursue BD is subjective. It is possible that FEPs had smaller numbers in mind when they responded to this item.

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*"I had to make a big issue of it before my firm would purchase a table at an event that was honoring me. I have to admit I wondered if a male partner would have had an easier time to get the firm to agree to pay."*

– Female equity partner

With regard to indirect FBFs, building external referral relationships is negatively correlated to business origination for FEPs. This finding is inconsistent with other studies that report successful rainmakers build relationships with those outside the firm who have the potential to identify and refer new clients.<sup>28</sup> An explanation for this discrepancy may be that because we asked about networking externally to create referral relationships and their correlation to origination for only the year the data was collected rather than for a longer time period. Yet building external referrals networks requires activity over a period of two to three years before it is reasonable to expect results; it is a strategy for longer term business generation. Not surprisingly, our findings demonstrate that referral building activities do not bear fruit immediately for FEPs.

The qualitative data adds another possibly causal factor:

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*"If someone else at the firm has an existing relationship with a 'Center of Influence' (e.g., an accounting firm), they 'own' that referral source. Even if the referral comes directly to me, I don't get origination credit for it if we close that business."*

– Female equity partner

Although FEPs participate in training and mentoring for BD activities and skills at significantly higher levels than MEPs, these activities do not correlate to origination. Again, the qualitative data offers insight:

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*"The ways men tend to network don't work for me. I don't play golf, I don't drink and I don't smoke cigars and I'm not going to start. I build relationships in my own way – by being helpful to people who can be helpful to me and that works for me."*

– Female equity partner

### Self-Generated Factors

FEPs reported two external SGFs that correlated significantly with origination. These are asking clients for new matters and asking clients for introductions to the clients' contacts who may be potential clients. These strategies leverage existing relationships to reduce the tendency people have to distrust those who are not "like them."<sup>29</sup> In-group favoritism leads to greater trust and leniency; members of the in-group receive the benefit of the doubt. Related to this is the "Prove It Again"<sup>30</sup> phenomenon (others refer to it as "hyper-scrutiny") which demands that women demonstrate their competence over and over again so that others can be convinced they are really up to the task; this SGFI is mitigated by consistently delivering excellent solutions to clients.

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*"I worked hard to become known as a 'go-to' person in my field and make a point of letting my clients know that I will always have their backs. It's been effective because many of my clients have become my friends. I often get calls from clients asking me for counsel regarding things outside my area of expertise; I put them in touch with people who can help them and they appreciate it."*

– Female director, consulting firm

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One internal SGF that is associated with origination for FEPs is taking the perspective of clients to empathize with and respond to their concerns. This is not surprising given the pressure in-house counsel face to do more with fewer resources, keep their internal business clients happy and support their company's strategy.<sup>31</sup> Also correlated to origination for FEPs is "being skillful at persuading clients that they will benefit from the services they provide" – again, perhaps related to the issue of hyper-scrutiny discussed above. These internal SGFs findings for FEPs reflect their interpersonal skills; many studies find that women have stronger emotional intelligence than do their male counterparts.<sup>32</sup> Our findings suggest that FEPs use their interpersonal and persuasion skills to demonstrate sensitivity to their clients' point of view and business and personal needs to successfully originate new work.

Finally and not unexpectedly, quickly bouncing back from disappointment when BD activities don't succeed is also correlated to building business for FEPs. As [discussed below](#), although "grittiness" is also correlated to BD success<sup>33</sup> for MEPs, arguably it is even more important for FEPs because they do not derive as much firm support as MEPs do.

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*"You have to take risks, get outside your comfort zone. Sometimes you fail but you have to brush yourself off and try again."*

– Female equity partner

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Surprisingly, meeting with clients at least annually and making clients aware of other people at the firm who are able to help them when the lawyer is unavailable did not correlate with origination for FEPs. One possible explanation for this is that FEPs may have considered these behaviors related to client service and discounted their importance to BD.

<sup>o</sup> See Appendix B, Table 1.

### WHAT WORKS (AND WHAT DOESN'T) FOR MALE EQUITY PARTNERS?

#### Firm-Based Factors

Three direct FBFs correlated significantly to originations for MEPs:

- 1 Participating in RFPs
- 2 Participating on pitch teams
- 3 Receiving the "right" amount of BD resources supplied by the firm

As [discussed above](#), participating in RFPs is a threshold BD activity for an increasing number of clients and continues to grow in importance. Further analysis shows that MEPs who report more frequent participation in RFPs report higher mean origination numbers.<sup>P</sup>

MEPs participate in pitch teams more frequently than FEPs<sup>Q</sup> and, for those who report frequently participating, origination was substantially higher.<sup>R</sup>

*"Attorneys 'chosen' by senior rainmakers at our firm (white males) to receive opportunities tend to be similar – i.e., white males."*

– Male equity partner

Clearly, as long as opportunities to pitch present themselves, it makes sense to take advantage of them. It seems likely, however, that market changes discussed earlier will raise the bar considerably on what will be required to conduct a successful pitch meeting. Effective and persuasive pitch teams must demonstrate a deep knowledge of the prospective client's industry and understanding of its business challenges, to differentiate the firm by clearly explaining the firm's brand and, perhaps most critically, articulate the value proposition the firm offers. To do this will demand more sophisticated skills than ever before.<sup>34</sup> And, as [discussed below](#), part of the client consideration set includes whether or not pitch teams are diverse.

*"Diversity becomes important when the client has initiatives that demand diversity is a factor. I work with two major clients who demand female and minority attorneys on their matters and I pay attention to that when we pitch them or staff their cases."*

– Male equity partner

Finally, receiving the right amount of resources to pursue BD also correlates with origination for MEPs.

*"I feel certain my male partners would not perceive women to be less likely to have business development support than the men in my firm – but I see that differently. There are subtle but important differences between support for men and women; this may be the case along racial lines as well."*

– Male equity partner

Building external referral networks did not significantly correlate to origination for MEPs. As [discussed above](#), this finding reflects the longer time required for network building to produce new work for MEPs.

With regard to indirect FBFs, holding leadership positions in their firms as well as receiving training and mentoring for BD activities and skills correlated significantly to originations for MEPs. The halo effect that positional power conveys is certainly a boon to a lawyer's credibility. One of the limitations of the data is that respondents did not define what they considered to be a "leadership position." If, however, the definition is limited to roles on important firm committees (e.g., Executive Committee or Management Committee) or management roles (regional office manager or practice leader), these positions are not plentiful. As a result, relatively few MEPs would derive benefit from this FBF. Receiving BD training and mentoring is more widely accessible.

#### Self-Generated Factors

One external SGF correlated with origination for MEPs is meeting with clients in person at least on an annual basis. There's no surprise that a strong client service orientation leads to more business.

With regard to internal SGFs, possessing the motivation to generate work for themselves and others is significantly correlated with developing new business<sup>35</sup> as is bouncing back quickly<sup>36</sup> when effort expended on BD activities doesn't produce the desired outcomes.

<sup>P</sup> The data referenced here is the subject of a forthcoming paper.

<sup>Q</sup> See Appendix B, Table 1.

<sup>R</sup> The data referenced here is the subject of a forthcoming paper.

## RECOMMENDATIONS FOR FIRMS

### FOR ALL PARTNERS: IMPROVE RESULTS FROM CROSS-SELLING AND REFERRALS

The data shows that receiving referrals from their partners is not correlated with originations for either MEPs or FEPs. Nor is cross-selling. This is ironic given that the “urge to merge”<sup>37</sup> has been fueled to some degree by the need to be able to make a broad buffet of legal services available to clients.

It has been previously reported that the probability of selling to an existing client was 60-70%<sup>38</sup> and that winning a new client costs as much as ten times more than retaining an existing one. Recent research<sup>39</sup> goes one step further to prove that when more practice groups and different offices are involved with a client, average revenue increases. It also demonstrates that firms that are able to differentiate themselves from the competition by collaborating<sup>40</sup> to proactively identify risk earlier and to provide “foot of the bed” (multidisciplinary) advice, build client loyalty, making them harder to replace.

Even if they are not prepared to collaborate in the way suggested by the article cited above, at a minimum, firms should examine the reasons why although over 90% of the MEPs and FEPs reported cross-selling,<sup>5</sup> these efforts are not significantly correlated with origination. In addition, firms should better understand why although 69% of survey respondents reported sometimes or frequently receiving referrals from other firm partners,<sup>7</sup> there was no significant correlation with origination. These findings are hard to explain. Either survey respondents considerably overstated their participation or their participation is not producing the desired results. Assuming the latter, examining both potential systemic issues as well as barriers to individual success is the appropriate course of action.

### Systemic Issues

From an organizational development perspective, firm leadership should ask itself the following questions:

- 1 Do partners understand the activities and behaviors that drive success in relation to cross-selling and making the most out of referrals?
- 2 Do partners have the requisite skills needed to make the effort successful? If not, are we supporting them with the right training and coaching?
- 3 Do we have the right systems in place to track the efforts made as well as to accurately measure the results of those efforts?
- 4 Are we rewarding and recognizing the people that have been successful? Do any disincentives exist?
- 5 Are we learning from our successes and incorporating those lessons into the ways we manage and lead the firm?

### Barriers to Individual Success

Skill deficiency is the most likely reason for our findings. In our experience, BD training fails for two reasons:

- 1 It is directed to individuals, not to teams – and converting referrals to origination or cross-selling are “team sports.”
- 2 Rather than getting tactical with regard to “how,” it remains at the level of “what” to do.

Exacerbating a potential skills deficiency is the possibility of a lack of true engagement vis a vis cross-selling. Unlike converting referrals into origination which *is* in the interest of partners, cross-selling may not be. Implicit in the systemic issues discussed above is the question of “ownership”; introducing others to one’s existing clients may, depending on the firm’s practices and policies, interfere with the credit derived from the relationship.

Principles of negotiation contribute to assessing possible resistance to cross-selling because it is clear that individuals must agree to change behaviors to create a “win-win” for themselves and their firms. The bad news is that there is no universal strategy; each partner will have his/her own interests and require different approaches. The good news is that once the firm invests in a negotiation framework to guide these conversations, people do engage and make the requisite behavior changes. Attitude shift can take longer but is also possible. The following guidelines are salient:

- 1 Begin by assuming good intentions. Perhaps partners would more effectively cross-sell if they knew enough about other partners’ practices to confidently and comfortably do it. If they don’t, correct the situation.
- 2 Use the carrot to get people to the “negotiating table.” It is our experience that partners rarely refuse outright to make introductions to their clients on behalf of other partners; when asked, most nod in agreement. Some will then ignore the request. Others will engage in passive-aggressive behaviors that undermine the effort. Partners have to understand the benefits they will personally enjoy when they engage. It is not enough to communicate how the firm will benefit.
- 3 If the carrot isn’t working, raise the cost of the status quo by using the stick. Clearly communicate the rewards of compliance as well of the costs of inaction.
- 4 Enlist allies. Approach those who effectively cross-sell and ask for their support.
- 5 Appreciate their situation. Probe subtly about concerns people may have – and solve them. Might they be uneasy about losing control of the client relationship? Might they be worried that other partners may not deliver the level of service they perceive they do to the client? Perhaps they are uneasy about how their compensation may be affected. Or that if they make an introduction for one partner, they’ll have five others asking for an introduction to the same client. Are they just too busy?

This is not an exhaustive list but does highlight many of the causes of resistance we have encountered.

<sup>5</sup> See Appendix B, Table 2.

<sup>7</sup> See Appendix B, Table 1.

### FOR ALL PARTNERS: INVEST IN GRIT AND RESILIENCY TRAINING

Because grit and resilience are correlated to business origination for both male and female equity partners and these are teachable,<sup>41</sup> it makes sense for firms to train all partners to enhance their ability to demonstrate these traits.

### FOR ALL PARTNERS: TAKE CHARGE OF THE NARRATIVE

Data<sup>42</sup> from the larger study showed that MEPs, as a group, do not believe that FEPs are effective at rainmaking. Some of that thinking is no doubt linked to the fact that business origination numbers credited to women are considerably lower than the numbers credited to men. Nonetheless, some women are big rainmakers, generating over \$10,000,000 in revenue.<sup>43</sup> The upshot is that using the low generators discounts the success of highly successful women rainmakers and perpetrates the cycle.<sup>44</sup>

Firms should take charge of the narrative by proactively publicizing success women have, not only with regard to business actually booked but also relative to BD activities. The benefits will inure not only to women but to men and to the firm.

### FOR FEMALE EQUITY PARTNERS

#### Include Women in Pitch Meetings

The fact that participation on pitch teams by FEPs does not correlate to origination is not a surprise; it has been reported before.<sup>45</sup> It is, however, something that firms can and should address in the "new normal" for reasons more than it is the right thing to do. Women comprise 22.6% of General Counsel slots in the Fortune 500<sup>46</sup> and increasingly in-house counsel are female. It makes smart business sense to include women in pitch meetings and to give them credit for their contributions.<sup>47</sup>

#### Ensure that Business Development Resources Are Allocated Equitably

Another opportunity for firms to better support FEPs in their efforts to develop business is to examine how budgets for BD activities are allocated. Resource allocation can be done haphazardly and, as a consequence, has an unintended negative impact on women trying to build business.

BD dollars are often spent in a "usual and customary" manner (e.g., golf club memberships and tickets to sporting events). This problem is complicated by the fact that these resources are then distributed to the "usual suspects." Although these kinds of events do not appeal to some women, gendered<sup>48</sup> beliefs as discussed earlier that they wouldn't be interested or don't belong can mean that other women who would be delighted to invite clients are inadvertently excluded.

If, however, women chose to negotiate for their fair share of the firm's giveaways, they may encounter surprised reactions or even backlash<sup>49</sup> because their behavior violates gender expectations.

Consequently, firms should do a thoughtful review of both the types of events they include in their repertoire to ensure a range of interests are considered and the methods used to distribute access to them.

### Invest in Business Development Training Tailored to Women:

Our findings clearly showed that traditional BD training did not correlate with origination for FEPs, despite the fact that they participated at significantly higher levels than MEPs did.<sup>50</sup> Firms should support women partners by investing in BD training that has been designed with SGGI in mind so that it reflects the strengths women generally bring to BD as well as the pervasive factors that disadvantage them.<sup>51</sup>

### FOR MALE EQUITY PARTNERS

Negotiation research has shown that "perspective taking"<sup>52</sup> – considering what people are thinking – is more effective than empathy when trying to move people to agreement. Yet, linguistics experts have found that men tend to be less likely to ask questions than women are<sup>53</sup> and that when they do ask questions their questions are more likely to be narrowly focused.<sup>54</sup> Training men to understand this and to ask questions that enable them to better ascertain client needs will help them to win more business, particularly as noted above, when women control or influence the decision-making process. At least one professional services firm, having researched the buying behaviors of men and women, has gone so far as to invest in training partners and senior managers about how to sell more effectively to women decision makers.<sup>55</sup> Anastasia "Stasia" Kelly, a former general counsel at American International Group Inc. and currently DLA Piper Americas co-managing partner noted, "Women in-house counsel are looking at outside counsel and saying, 'I don't want to see all men.'"<sup>56</sup>

### CONCLUSION

A certain degree of success at rainmaking is indispensable to endure for those in professional services firms and an even greater degree of skill is required of those who aspire to leadership roles. Excellence at client service is necessary but no longer sufficient in the post-Great Recession world. Our analysis of fourteen of the sixteen factors that correlate to originating new business demonstrates these are gendered insofar as some work for MEPs, others work for FEPs; only participating in RFPs and resilience are common to both.

Men and women can learn from one another to adopt the behaviors and attitudes successfully correlated with origination. Our findings add to the growing field of literature focused on professional services firms<sup>57</sup> and are consistent with other research on the topic of business development strategies for professionals.<sup>58</sup>

### ENDNOTES

- <sup>1</sup> Jeffrey A. Lowe, Major, Lindsey & Africa, "[2014 Partner Compensation Survey](#)"
- <sup>2</sup> National Association of Women Lawyers and The NAWL Foundation, [Report of the Eighth Annual National Survey on Retention and Promotion of Women in Law Firms](#), 8 (February 2014). This survey does note a difference between one tier and two tier firms; one tier firms report 22% of equity partners are women whereas two tier firms report only 17% of women equity partners.
- <sup>3</sup> Lowe, *supra*, note 1. The survey also reported that female partners are compensated 47% less than male partners. Note that this survey included both non-equity and equity partners; our data includes only equity partners.
- <sup>4</sup> National Association of Women Lawyers and The NAWL Foundation, *supra*, note 2 at 9.
- <sup>5</sup> *Id.* at 12.
- <sup>6</sup> Despite losing ground recently, women still comprise 44.8% of associates. See The National Association for Law Placement press release, December 11, 2013. "[Representation of Women Associates Falls for Fourth Straight Year as Minority Associates Continue to Make Gains – Women and Minority Partners Continue to Make Small Gains](#)."
- <sup>7</sup> *Id.* at 6.
- <sup>8</sup> Susan Sturm, "Second Generation Employment Discrimination: A Structural Approach" Columbia Law Review, Vol. 101, No. 1, April 2001. See also Deborah M. Kolb, Judith Williams & Carol Frohlinger, *Her Place At The Table: A Woman's Guide To Negotiating Five Key Challenges To Leadership Success*, Jossey-Bass/John Wiley (2010). Stereotypes include both what women are like (descriptive stereotypes) and how they should behave (prescriptive stereotypes). See also M.E. Heilman, "Description And Prescription: How Gender Stereotypes Prevent Women's Ascent Up The Organizational Ladder," *Journal of Social Issues*, 57, 657-674, 2001. For a detailed analysis of ways SGCI affect women vis a vis business development, see Frohlinger, Carol and Schonholtz, Margot B., "Scaling the Rainbow: The Future for Women and Business Development," originally published in *Breaking Barriers: Promoting and Retaining Women in the Legal Profession* by Ark Group in association with Managing Partner, 2014.
- <sup>9</sup> *Id.*
- <sup>10</sup> Corinne A Moss-Racusin, John F. Dovidio, Victoria L. Brescoll, Mark J. Graham and Jo Handelsman, "[Science Faculty's Subtle Gender Biases Favor Male Students](#)." *Proceedings of the National Academy of Sciences*, 2012, 109 (41) 16474-16479.
- <sup>11</sup> E. K. Kelan, "Gender Fatigue – The Ideological Dilemma of Gender Neutrality and Discrimination in Organizations," *Canadian Journal of Administrative Sciences*, 2009, 26,3, 197-210
- <sup>12</sup> National Association of Women Lawyers and The NAWL Foundation, *supra*, note 2 at 2.
- <sup>13</sup> E. K. Kelan, *supra*, note 11.
- <sup>14</sup> Georgetown University Law Center and Peer Monitor® "[2014 Report on the State of the Legal Market](#)," January 2014. See also Andrew Strickler, "GCs Smell BigLaw's Desperation," *Law 360*, October 30, 2014.
- <sup>15</sup> Frank Strong, "[Porter's Five Forces for the Legal Industry](#)," LexisNexis Business of Law Blog, May 7, 2014.
- <sup>16</sup> Laura Chung, "Secrets to In-House Cost Control," *Law 360*, January 7, 2015.
- <sup>17</sup> MP McQueen, "New Partners Ambivalent About Rainmaking, Survey Finds," *The American Lawyer*, November 3, 2014.
- <sup>18</sup> Frohlinger, Carol and Schonholtz, Margot B. *supra*, note 8.
- <sup>19</sup> Nathan Koppel, "Partnership Is No Longer A Tenured Position." *The Wall Street Journal*, July 6, 2007.
- <sup>20</sup> The larger study collected data from 1689 partners and associates in firms throughout the United States and was comprised of 67 questions within three major categories:
  - Demographics
  - Business Development Activities
  - Gender, Race and Ethnicity Perceptions
- For more detail on the information included in each of these categories, please see Appendix A. If you wish to learn more about the larger data set collected, please contact [Harry Keshet](#) at Keshet Consulting Inc.
- <sup>21</sup> Carol Frohlinger, Andrea Kramer and Jane DiRenzo Pigott, "[What You Need to Know about Negotiating Compensation](#)," presented by the ABA Presidential Task Force on Gender Equity and the Commission on Women in the Profession, The American Bar Association, 2013.
- <sup>22</sup> Dawn R. Deeter-Schmelz and Jane Z. Sojka, "Developing Effective Salespeople: Exploring The Link Between Emotional Intelligence and Sales Performance." *International Journal of Organizational Analysis* 11, no. 3 (2003): 211-220.
- <sup>23</sup> Angela L. Duckworth, Christopher Peterson, Michael D. Matthews and Dennis R. Kelly, "[Crit: Perseverance And Passion For Long-Term Goals](#)," *Journal Of Personality and Social Psychology* 92, no. 6 (2007): 1087-1101.
- <sup>24</sup> The Altman Weil, "[2014 Chief Legal Officer Survey](#)" See also Citi Private Bank and Hildebrandt Consulting, [2014 Client Advisory](#).
- <sup>25</sup> Carol Frohlinger and Margot B.Schonholtz, *supra*, note 8.
- <sup>26</sup> Joan Williams, the Project for Attorney Retention, & Veta T. Richardson, the Minority Corporate Counsel Ass'n, "[New Millennium, Same Glass Ceiling? The Impact of Law Firm Compensation Systems on Women](#)" (2010), 41-43. Even more disturbing, "roughly one-third of the women surveyed reported having been bullied, threatened or intimidated out of origination credit ..."
- <sup>27</sup> Harry Keshet, 2010.
- <sup>28</sup> Carol Frohlinger and Margot B. Schonholtz, *supra*, note 8.
- <sup>29</sup> Almost a hundred studies have documented people's tendency to automatically associate positive characteristics with their ingroups more easily than outgroups (i.e. ingroup favoritism) as well as their tendency to associate negative characteristics with outgroups more easily than ingroups (i.e. outgroup derogation). See, for example, Nilanjana Dasgupta, "Implicit Ingroup Favoritism, Outgroup Favoritism and Their Behavioral Manifestations," *Social Justice Research*, Vol.17, No. 2, June 2004.
- <sup>30</sup> Joan C. Williams and Rachel Dempsey, *What Works for Women at Work*. New York: NYU Press, 2014.
- <sup>31</sup> ALM Legal Intelligence, "[Corporate Counsel: Agenda 2103" and "Corporate Counsel: Agenda 2104](#)."
- <sup>32</sup> Daniel Goleman, "[Are Women More Emotionally Intelligent Than Men?](#)," May 2011. Goleman makes the point that the gender behavior bell curve overlaps; many men are highly emotionally intelligent too. See also Herminia Ibarra and Otilia Obodaru, "Women and the Vision Thing," *Harvard Business Review*, 75-82 (January 2009) and Dana L. Joseph and Daniel A. Newman, "Emotional Intelligence: An integrative meta-analysis and cascading model," *Journal of Applied Psychology*, Vol. 95(1), January 2010, 54-78.
- <sup>33</sup> See Milana Hogan's research on grit and mindset as success factors for women lawyers; although this work does not directly address business development, it is applicable nonetheless. "Non-Cognitive Traits That Impact Female Success in BigLaw" (2013). For more on mindset, see Carol Dweck, *Mindset: The New Psychology of Success*, New York: Random House (2006).
- <sup>34</sup> 2015 Client Advisory: What It Takes to Be a Successful Firm. Hildebrant Consulting and Citi Private Bank, p. 12. See also "[Corporate Counsel: Agenda 2103" and "Corporate Counsel: Agenda 2104](#)," *supra*, note 35.
- <sup>35</sup> Altman-Weil Drake, Monique and Parker-Stephen, Evan. "The Rainmaking Study," *Lawyer Metrics*, LLC. (December 2013).
- <sup>36</sup> Dr. Larry Richard first linked the personality trait of resilience (or ego strength) to success as a rainmaker. See *Herding Cats: "The Lawyer Personality Revealed,"* Report to Legal Management, Vol. 20, No. 11, August 2002. Resilience was also found to be a behavior linked to rainmaking by researchers in a recent study although it was not as highly correlated as some other behaviors. See Monique and Parker-Stephen, Evan. "The Rainmaking Study," *Lawyer Metrics*, LLC. (December 2013).
- <sup>37</sup> Ward Bower, "[A Growing Problem?](#)," Altman Weil, Inc., 2014. See also [Altman Weil MergerLine™](#).
- <sup>38</sup> Frank Strong, "Putting the Legal Market into Perspective," LexisNexis Make More Rain Blog, August 2013.
- <sup>39</sup> Heidi Gardner, "When Senior Managers Won't Collaborate," *Harvard Business Review*, 75-82 (March 2015).
- <sup>40</sup> *Id.* at 76. Gardner distinguishes cross-selling "... when partner A introduces partner B to her own client so that B can provide additional services" from collaboration. "True multidisciplinary collaboration requires people to combine their perspectives and experience and tailor them to the client's needs so that the outcome is more than the sum of the participating individuals' knowledge."
- <sup>41</sup> Martha Middleton, "[ABA's Grit Project Aims To Help Women Advance In The Profession](#)," ABA Journal, November 1, 2014, quoting Milana Hogan, *supra*, note 32. See also Angela Duckworth, *supra*, note 25 at 1100.
- <sup>42</sup> Harry Keshet, *supra*, note 20.
- <sup>43</sup> Vivian Chen, "Women With \$6 Million in Business Are Closing the Pay Gap," *The American Lawyer*, February 10, 2015.
- <sup>44</sup> Frohlinger, Carol and Schonholtz, Margot B. *supra*, note 18.
- <sup>45</sup> Lauren Stiller Rikleen, "[Closing the Gap: A Road Map for Achieving Gender Pay Equity in Law Firm Partner Compensation](#)," ABA Presidential Task Force on Gender Equity (2013), 35-36. See also Williams & Richardson, *supra*, note 26.
- <sup>46</sup> Julie Triedman, "[A Few Good Women](#)," *The American Lawyer*, May 28, 2015.
- <sup>47</sup> Among others, Denise Keane, General Counsel at Altria Group, Inc. has been outspoken about her desire to see women at pitch meetings. "Don't pitch to us without a woman or a person of color. That sends a bad message." Chambers and Partners General Counsel Seminars, U.S. Clients Talk About Their Law Firms," February 2012. See also Erin Fuchs, "Top GCs Tell Female Lawyers How to Reel in Clients," *Law 360*, September 21, 2011.
- <sup>48</sup> The etymology of the word "gendered" is in social science research. As explained by Deborah M. Kolb and Jessica Porter in "Negotiating at Work: Turn Small Wins Into Big Gains, Jossey-Bass/John Wiley (2015)." ... Sex refers to biological differences and traits that are male or female, whereas gender is widely understood to describe the social construction of what is considered masculine or feminine, definitions of which can vary among different cultures. In the popular view, gender is an individual characteristic. It is reflected in who people are, how they behave, and how they see themselves." They cite Amy Wharton for the proposition that gender is not only an individual characteristic but also a system of practices and assumptions that can become embedded in organizations. See also, Deborah M. Kolb, Judith Williams & Carol Frohlinger, *supra*, note 8.

### ENDNOTES (continued)

- <sup>49</sup> Emily T. Amanatullah & Catherine H. Tinsley, "Punishing Female Negotiators For Asserting Too Much ... Or Not Enough: Exploring Why Advocacy Moderates Backlash Against Assertive Female Negotiators." *Organizational Behavior and Human Decision Processes*, Volume 120, Issue 1, January 2013, Pages 110–122.
- <sup>50</sup> *Supra*, see footnote N on page 8.
- <sup>51</sup> Frohlinger, Carol and Schonholtz, Margot B. *supra*, note 18.
- <sup>52</sup> Adam D. Galinsky, William W. Maddux, Debra Gilin, and Judith B. White, "Why It Pays to Get Inside the Head of Your Opponent: The Differential Effects of Perspective Taking and Empathy in Negotiations," *Psychological Science* 19 , no. 4 (April 2008): 378– 84.
- <sup>53</sup> Deborah Tannen, "The Power of Talk: Who Gets Heard and Why," *Harvard Business Review* 73 (1995):5.
- <sup>54</sup> Deborah Tannen and Shari Kendall, "Gender and Language in the Workplace," *Gender and Discourse*, ed. by Ruth Wodak. pp. 81-105. London: Sage, 1997.
- <sup>55</sup> Cathy Benko and Bill Pelster, "How Women Decide," *Harvard Business Review* (September 2013).
- <sup>56</sup> Julie Triedman, *supra*, note 44.
- <sup>57</sup> David M. Brock, Hüseyin Leblebici and Daniel Muzio, "Understanding Professionals and Their Workplaces: The Mission of the Journal of Professions and Organization," *Journal of Professions and Organization*, 2014, 1, 1-15.
- <sup>58</sup> Forrest Briscoe and Andrew von Nordenflycht, "Which Path to Power? Workplace Networks and the Relative Effectiveness of Inheritance and Rainmaking Strategies for Professional Partners," *Journal of Professions and Organization*, 2014, 1, 33-48. This study analyzed two different strategies law firm partners use to generate originations – "inheritance," which focuses on developing relationships inside the firm and "rainmaking," which focuses on developing relationships outside the firm. The results demonstrated that gender (and race) impacted the successful implementation of each strategy. The inheritance strategy had positive effects for male partners but negative effects for female partners. The converse was true with regard to the rainmaking strategy; female partners were much more successful at generating new business than were their male colleagues.

## APPENDIX A: DATA GATHERED IN THE LARGER STUDY

### DEMOGRAPHIC INFORMATION

- Years as a practicing attorney
- Years practicing within the current law firm
- Partnership status (associate and partner levels)
- Primary area of practice
- Geographic location of practice
- Size of law firm
- Gender
- Race
- Ethnicity
- Sexual orientation
- Origination: Dollars generated in the past year
- Total billable hours for the past year
- Total compensation

### BUSINESS DEVELOPMENT ACTIVITIES

- Business generation status self-report (rainmaker, high originator, average originator, below average originator)
- Hours spent in business development monthly
- Main industries served
- Business development planning
- Participation in firm pitch groups, client service teams and RFP groups
- Business development training, coaching and mentoring
- Client service activities
- Client relationship skills
- Resiliency measures
- Business development resources
- Internal firm business development, referral sources
- External firm business development referral sources
- Types of business development referral sources
- Income generated from referral sources
- Business development motivation
- Membership in community organizations
- Types of business development activities (speaking, publishing, etc.)
- Identification of most important business development activities
- Identification of the most important personal factors that help and hinder business development
- Asking clients for new work and introductions to prospects
- Leadership positions within and outside the law firm
- Personal reactions to gaining new business and failing to gain new business
- Cross-selling
- Pursuing conflict work with attorneys outside the firm

### GENDER, RACE AND ETHNICITY PERCEPTIONS

- Gender as a factor in receiving resources and support for business development at your firm
- Race as a factor in receiving resources and support for business development at your firm
- Ethnicity as a factor in receiving resources and support for business development at your firm
- How race, gender and ethnicity affect business development resources and support for business development
- Firm factors that help and hinder business development
- Personal factors that help and hinder business development
- The most important business development activities
- Personal reactions to business development success and lack of success

**APPENDIX B: MALE EQUITY PARTNERS (MEPs) AND FEMALE EQUITY PARTNERS (FEPs) –  
LEVEL OF PARTICIPATION**

**TABLE 1: DIRECT FIRM-BASED FACTORS MEAN SCORES: MEP AND FEP**

Responses ranged from 1 = Never; 2 = Infrequently; 3 = Neutral; 4 = Sometimes; and 5 = Frequently

<b>I participate in RFPs.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	281	3.27	$t(452) = -.42, p > .05$	No
Female	173	3.32		
<b>I participate in firm pitch teams.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	275	3.60	$t(339) = -2.21, p < .05$	Yes
Female	174	3.32		
<b>I receive referrals from other firm partners.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	281	3.61	$t(457) = -.18, p > .05$	No
Female	178	3.63		
<b>I receive the right amount of resources to pursue business development.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	285	3.86	$t(459) = 1.44, p > .05$	No
Female	176	3.69		

**TABLE 2: INDIRECT FIRM-BASED FACTORS MEAN SCORES: MEP AND FEP**

Responses ranged from 1 = Never; 2 = Infrequently; 3 = Neutral; 4 = Sometimes; and 5 = Frequently

<b>I hold a leadership position in my firm.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	283	3.85	$t(453) = 1.54, p > .05$	No
Female	172	3.66		
<b>I build referral relationships with those outside the firm.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	275	3.23	$t(440) = -.91, p > .05$	No
Female	167	3.34		
<b>I have received training and mentoring for BD activities skills.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	291	2.44	$t(352) = -2.28, p < .05$	Yes
Female	180	2.73		
<b>I cross-sell to existing clients.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	281	4.42	$t(455) = -.32, p > .05$	No
Female	176	4.45		

**APPENDIX B: MALE EQUITY PARTNERS (MEPs) AND FEMALE EQUITY PARTNERS (FEPs) –  
LEVEL OF PARTICIPATION (continued)**

**TABLE 3: EXTERNAL SELF-GENERATED FACTORS MEAN SCORES: MEP AND FEP**

Responses ranged from 1 = Never; 2 = Infrequently; 3 = Neutral; 4 = Sometimes; and 5 = Frequently

<b>I ask clients for new matters.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	277	3.66	t(447) = -.07, p > .05	No
Female	172	3.67		
<b>I ask clients for introductions to prospects within their company or outside who might need my services.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	276	3.20	t(433) = 1.51, p > .05	No
Female	169	3.01		
<b>I meet with my clients in person annually or more often.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	276	4.63	t(334) = 1.53, p > .05	No
Female	172	4.51		
<b>My clients are aware of all our team members to call if they can't reach me.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	272	4.71	t(439) = -.87, p > .05	No
Female	169	4.76		

**TABLE 4: INTERNAL SELF-GENERATED FACTORS MEAN SCORES: MEP AND FEP**

Responses ranged from 1 = Never; 2 = Infrequently; 3 = Neutral; 4 = Sometimes; and 5 = Frequently

<b>When BD activities do not work out, I go on to my next marketing opportunity without losing much time.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	280	4.26	t(455) = -.31, p > .05	No
Female	177	4.29		
<b>I am good at taking the perspectives of clients, referral sources, and prospects and I am able to effectively “walk in their shoes.”</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	282	4.45	t(454) = -1.15, p > .05	No
Female	174	4.53		
<b>I am strongly motivated to generate significant new work for others and myself.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	290	4.44	t(468) = -1.55, p > .05	No
Female	180	4.56		
<b>I am skillful at persuading clients and prospects that they will benefit from my services.</b>				
Gender	N	Mean	t-test	Statistically Significant?
Male	289	4.30	t(467) = 1.97, p < .05	Yes
Female	180	4.14		

## APPENDIX C: AUTHOR BIOGRAPHY



### CAROL FROHLINGER, J.D.

Carol Frohlinger is the President of Negotiating Women, Inc., an advisory firm committed to helping organizations to advance talented women into leadership positions.

Coauthor of *Her Place at the Table: A Woman's Guide to Negotiating Five Key Challenges to Leadership Success*,

Ms. Frohlinger has over fifteen years of experience in designing, developing and delivering highly customized programs for executive women.

Using social science research about the systemic factors that impact female leaders as the context, Ms. Frohlinger's approach to skill development emphasizes practical skills that equip women to position themselves to best advantage. Among the topics she focuses on are leadership, business development, communication, strategic networking and, of course, negotiation. Her current research is focused on the systemic issues that women in professional services firms must negotiate to succeed.

On the organizational change side of the gender parity challenge, Ms. Frohlinger consults with senior leaders, designs diagnostic surveys, conducts focus groups with women at all levels and advises firms about how to launch and support women's initiatives that deliver a solid return on investment.

Ms. Frohlinger serves on the faculty of the University of California, Hastings College of the Law Leadership Academy for Women and as a Practitioner in Residence at the Women, Leadership and Equality Program at the University of Maryland Francis King Carey School of Law. She is also an affiliated faculty member of the Simmons School of Management and has taught at the Kenan-Flagler Business School at the University of North Carolina at Chapel Hill. Her advice has been featured by *The Today Show*, CBS MoneyWatch, NPR, and *The New York Times*, among other mainstream media. Frequently called upon to provide expert input by publications serving professional services firms, Ms. Frohlinger also contributes articles to professional and association journals such as *Managing Partner* and the ALM Law Journal's *Marketing the Law Firm*.

Ms. Frohlinger currently serves on the Women in the Legal Profession Committee of the New York City Bar Association. She served on the Model Compensation Working Group of American Bar Association's Presidential Task Force on Gender Equity. She has also served on the New York State Bar Association's Task Force on the Future of the Legal Profession. Ms. Frohlinger has been honored by The International Alliance for Women with its "World of Difference Award" and was named to the Top 50 Most Influential Women List by the *Irish Voice*.

Ms. Frohlinger holds a J.D. from Fordham University School of Law. She lives in New York City with her husband and is the proud parent of a daughter and son. She negotiates with each of them often!

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