

**Scaling the Rainbow:  
The Future for Women  
and  
Business Development**

Carol Frohlinger and Margot B. Schonholtz



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# Scaling the Rainbow – The Future for Women and Business Development

By Carol Frohlinger, founder, *Negotiating Women, Inc.*, and Margot B. Schonholz, partner, *Willkie Farr & Gallagher LLP*

## Introduction

It is beyond dispute that the legal profession has undergone a seismic structural shift since 2007. Firms are facing shrinking demand for services, increased competition and clients under internal pressure to demand more for less. In order to retain existing business, no less capture new business in today's uncharted legal market, firms and individual lawyers must be innovative — not a trait ascribed to many firms or lawyers.

An inventive strategy is to unleash the latent business generation power of women partners and counsel. This is particularly timely since clients are regularly focused on gender composition of their outside legal teams<sup>1</sup> and in-house decision makers are increasingly women.<sup>2</sup>

Currently, women partners (equity and non-equity) are credited with originations at only 50% of the numbers men report.<sup>3</sup> According to a recent national survey, 84% of firms responding had two or fewer women on the “top ten” rainmaker list.<sup>4</sup> So what is preventing women from realizing their business development potential, and how can these obstacles be overcome?

Some blame the women themselves — they are not willing to get out there 24/7 to do what it takes,<sup>5</sup> are reluctant to ask for business,<sup>6</sup> and do not have the “correct” skills. This misguided focus, which is solely on “fixing” women, obscures a growth opportunity for firms. There is a market

driven need to develop programs and systems to enable women to make rain (a difficult task for many lawyers, male or female), despite deep-seated systemic issues that create hurdles.

A pragmatic approach to helping women generate revenue is to identify relevant market factors that leverage the strengths women bring to business development as well as pervasive factors that disadvantage them as a starting point and to build from there. The approach we take is grounded in:

1. Proven strategies and techniques appropriate for sophisticated business to business “buying decisions” tailored to meet the needs of law firms in today's economic climate;
2. Principles of negotiation essential to enhancing trust and loyalty between lawyers and their clients;
3. An understanding of *second generation gender issues*<sup>7</sup> (“SGGI”). These are the powerful yet often unexamined 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, SGGI are difficult to address and remedy — they are “the way things are;” and
4. The adult learning principle that practice is required to build skill; knowledge alone is not enough.

In this article, we discuss the components of the **Women Partners' Business Development**

**Program** we developed as well as how we negotiated the commitment of resources required to implement it successfully. It is our hope that sharing the research behind our approach and the methodology we used will position others to help their firms build business in a new way.

The business case could not be more clear — it is time to invest in women as rainmakers.

### Launching the Program

The program we developed consists of three highly interactive full group sessions (each running approximately five to six hours and separated by a month) and individual meetings between each participant and a trained coach before each group session. The individual meetings are designed to uncover each attorney's business development goals and to offer guidance regarding challenges that may impede progress.

### The Obstacle

#### *Getting buy-in*

The way in which law firms traditionally operate discourages participation in long-term non-billable investment activities. The model is based on the billable hour as the basis for production of revenue, and compensation systems reward short-term revenue generation. Couple these factors with the mystery surrounding business development and skepticism about a woman-focused program, and we encountered our first obstacle to surmount.

### Our Approach

In order to succeed, the program requires a major commitment from firm leadership and participants. How did we obtain those commitments?

After developing a general outline of the program and discussing it with certain members of firm management, the co-chairs of the firm's women's

initiative surveyed the women partners to gauge their interest in participating and willingness to devote the time and effort required. Not all women partners aspire to be rainmakers; some prefer to practice law as service partners working on client matters sourced by another partner. Women who did not have the requisite motivation to develop business were discouraged from participating in the program. Although business development knowledge and skill can certainly be acquired through the use of specially developed tools, commitment to do what it takes to develop business is an individual choice.

The result of this outreach was overwhelmingly positive. We then made the business case to the firm's executive committee to obtain funding for the program. We highlighted the benefits for the firm, not just the individual participants. These included participants obtaining skills to help practice groups develop and refine their marketing plans, cross-selling opportunities among participating partners, better integration of lateral partners, and a more conscious approach to selling business to women clients.

A critical step in the process was the rollout meeting for the program. There, the firm's co-chairs addressed the group of participants about the firm's excitement about and encouragement for the program. Management buy-in, not just financially, but by attending this meeting and requesting updates on the program progress was key.

### The Rainmaker Identity

Recent research<sup>8</sup> on personality characteristics of lawyers who generate business shows that rainmakers are more likely to seek dominance, become consumed by their work, effectively manage teams and take risks. These personality characteristics are traditional "male" characteristics, making it more difficult for women to see themselves as rainmakers. In addition, new research<sup>9</sup> shows that women do not receive the same amount of support from their firms as do

their male colleagues, making their business development success dependent on their own personality traits and activities.

## The Obstacles

### *A question of fit*

Because of historical male dominance in the rainmaking space, it is more difficult for women to be seen by others as expert at business development; it is also difficult for many women to see themselves in this role.<sup>10</sup> The mental picture of a rainmaker is as an independent, assertive and decisive power broker to whom the usual rules do not apply. These traits are not considered feminine; rather, women are thought to be communal — friendly, unselfish, care-taking. If a woman is assertive, she will likely be perceived as aggressive instead and what appears self-confident or entrepreneurial in a man often looks arrogant, or self-promoting in a woman.<sup>11</sup> This SGGI is referred to as the **double bind**; this "dammed if you do, doomed if you don't"<sup>12</sup> dilemma discourages many women from making the effort required to build a book of business.

### *A lack of role models*

This is exacerbated by the fact that there are so few women rainmakers as role models. It is hard to learn how to be successful at business development unless one sees successful women rainmakers demonstrate what works for them. Observing not just one, but a number of role models, affords women the opportunity to assess various styles, approaches and activities to determine which to adopt and which to avoid.

## Our Approach

Believing one can be successful at generating business requires self-reflection. We begin by providing participants with an opportunity to analyze where they currently are in relation to

three essential components of business development success:

1. Knowledge of the right business development activities to do as well as a snapshot of their current skill level at performing them;
2. Efficiency of their current business development process — this is an important issue for many women because there are so many demands on their time;<sup>13</sup> and,
3. Engagement level, i.e., how eager (or not) are they to do what is necessary to develop business.

An online self-assessment<sup>14</sup> provides participants with the individualized, written feedback they need to determine where to begin to build more business. The self-assessment is followed by an online tool that guides them to:

- Develop a profile of their practice: elements include identifying their "ideal client", tracking their business results historically as well as forecasting future business results given market conditions; and
- Inventory the types of business development activities they are currently doing as well as the frequency with which they perform them to provide a benchmark for measuring program results.<sup>15</sup>

The good news is that the women participating in the program are often pleasantly surprised by the results — they find they are doing many of the right things. This recognition encourages them to view themselves as having the ability to develop business.

Participants then create a detailed business plan blueprint informed by the previous work they have completed and supported by extensive research about how effective business development plans must be structured. The blueprint charts a specific course of action implementable in manageable chunks over time, again reinforcing the belief that developing a rainmaker identity is a real possibility for those who choose it and are willing to work at it.

## The Need for Grittiness

"Grittiness" has been defined as "...the tendency to sustain interest in and effort toward very long-term goals".<sup>16</sup> Women need true grit to develop business.<sup>17</sup>

## The Obstacles

### *Visibility matters*

Regardless of whether a woman sees herself as a rainmaker, the reality is that it is harder for women to develop business than it is for men. *In-group/out-group research*<sup>18</sup> shows that women are often excluded from informal networks, which channel referrals. According to one study surveying women attorneys about business development, referrals account for approximately 35% of new business.<sup>19</sup>

Since getting a referral involves someone else putting his/her own credibility on the line, it follows that they do not necessarily come easily. It is not that referrals are intentionally withheld from women. Referrals result from relationships built over time, often nurtured on the golf course. Women are often not playing that same course.

Participating in pitch meetings and panel "beauty contests" are also situations where women are often left out.<sup>20</sup> Why? Most firms do not have established policies that govern who is included; it is left to the discretion of whomever has the relationship with the potential client. That tends to be a white man who rounds up the "usual suspects" — other white men with whom he has shared the thrill of victory or the agony of defeat. These are the people top of mind, those he knows and trusts. He does not mean to be exclusionary, but a woman who has not participated in other pitches with him is not even on the radar.<sup>21</sup>

In addition, women are expected to and often do *invisible work*—work that contributes to the organization's success but does not get much, if any, notice or recognition. Consequently, it is neither highly valued nor rewarded.<sup>22</sup>

In a business development setting, invisible work can play out in different ways. If a woman is fortunate enough to be invited to participate in a pitch, she may be asked (explicitly or tacitly) to take up the administrative and logistical tasks. That may involve organizing the planning meetings, preparing the deck and customizing associated glossy handouts, as well as catching up those team members who may have missed a preparation meeting because of more pressing matters. If the business development task involves responding to client Requests for Proposals<sup>23</sup>, the woman on the team may be tasked with getting information and coordinating with the marketing department to make sure the proposal gets done well and in a timely manner.

### *Congeniality matters*

Many firms have origination credit policies that are neither coherent nor transparent. If women want credit for the work they bring in as part of a team, they are put in the awkward position of having to initiate conversations that can invite backlash because their behavior violates behavioral norms. On the other hand, if they wait for others to "do the right thing" and allocate credit fairly, they will probably be waiting a long time. According to a recent study, a shocking 30% of women partners reported that they had been threatened, bullied or intimidated to back down in a dispute over origination credit.<sup>24</sup> Many women come to the realization that time devoted to business development is better spent sourcing and cultivating their own client relationships.<sup>25</sup> Although this is desirable from an individual partner's point of view, it may be a missed opportunity for firms to cement relationships with clients in a variety of areas, making it much less likely that the client will move its business to another firm.

Many women work as "service partners"<sup>26</sup> on client matters sourced by another partner. As a consequence, they do not control the client relationship. One study surveying women attorneys about business development reported

that the women attributed most new business (57%) as coming from existing clients.<sup>27</sup> Women, therefore, are at a distinct disadvantage unless they negotiate with the relationship partner for a share of the billing credit. But to do so might be considered "ungrateful" given the billable hours that the partner has enabled them to work. After all, billable hours are also meaningful when it comes to compensation decisions; it is risky to put them on the line.

### Our Approach

To deal effectively with the challenges described above, women partners must be gritty when it comes to business development. Using the University of Pennsylvania's **Grit Survey** and **Optimism Test**<sup>28</sup> as a basis, participants generally discuss their reactions to their scores in the group session (no one is asked to reveal her individual scores) as well as the link between grit, mindset<sup>29</sup> and optimism with business development success.

We also acknowledge the reality that successful rainmakers are excellent at networking in a variety of ways. We differentiate **strategic networking** from the usual forms that networking takes — either a scatter-shot effort (for example, collecting business cards at events while drinking bad chardonnay and failing to follow-up because no authentic connection was established) or, alternatively, a "take no prisoners" approach that encourages networking focused only on the networker's unilateral needs (sometimes called, "working the room").

Women are often reluctant to engage in these kinds of networking because they experience them as inauthentic and uncomfortable. We redefine networking to include reciprocity and real connection; we find that this reframing makes it more likely that women will engage in it. We encourage an examination of three network components: internal, external and personal networks to assess what elements of each is working well and what needs to be improved.

Our focus is pragmatic — given that the goal is generating new business, one question is whether the network is large enough?<sup>30</sup> Another question is who is in the network? What gaps exist currently and what steps can be taken to close them? How can the relationships with those in the network be strengthened? We introduce tools<sup>31</sup> developed to help participants increase the number and quality of referrals they receive, emphasizing the need to build strong reciprocal relationships.

We tackle the thorny issue of **invisible work** using a three step process. The first step is to identify the invisible work one is routinely performing that takes time away from independently developing business. Identifying invisible work is not done in isolation but is considered as one factor among others that may not be yielding the desired results including speaking on panels or writing. Embedded in a one-to-one coaching conversation and again in a group discussion of what to start doing, continue doing or stop doing is guidance that helps women recognize that they should make a conscious decision to take on invisible work (or not) rather than simply allow it to be imposed on them. Clearly, there is a requirement that one must do her fair share for the team. At the same time, a woman should not be unfairly burdened with tasks that are not rewarded with anything more than a perfunctory thank you (if she is lucky) and the opportunity to do these things again and again because she does them so well. Using a **negotiation framework**, we offer women the tools to manage situations like these in a way that is personally authentic and culturally compatible.

### Gender Neutral Sales Process and Tools

Regardless of gender, certain sales processes and tools commonly used in business have not been adopted by many law firms. Given the need for a new law firm paradigm, firms should consider applying these historically successful processes and tools to their businesses.

## The Obstacle

### *"Sales" is not what lawyers do*

The contrast between the traditional view of the practice of law — as a profession — and the modern definition of it as an "industry" requires a fresh look at the business development process. Even today, many firms are unable to differentiate marketing strategies and tactics from business development activities. Law firm leaders, although often painfully aware of the need to increase revenue, are often unsure of how to adapt proven sales processes used by business to their firms. Relevant management practices (including coaching, sponsorship and appropriate communication), meaningful measurement and tracking systems, and well-designed reward and recognition systems are absent in most firms.

## Our Approach

Recognizing that the leadership commitment required to support the organizational change described above is more aspirational than attainable, we instead focus on what the individual can do herself. We de-bunk the myth that selling is something only done by people wearing plaid jackets at used car lots by reframing it as solving client problems. We introduce a number of tools to support a rigorous planning process for initial client acquisition as well as ongoing relationship growth. We also discuss how participants can leverage these tools and processes to lead business development strategies for targeted clients more broadly at the practice group and firm levels as appropriate.

The group sessions are highly interactive and incorporate a great deal of practice as demanded by experiential learning principles.<sup>32</sup> Participants practice describing their ideal client, using "engaging introductions"<sup>33</sup> and asking for business opportunities. Using a proven meeting management model, participants use their own upcoming prospective client meetings to apply the model and associated skills through role-play. These simulations are video-taped, and

participants receive feedback from their colleagues in session as well as in individual coaching sessions. A second simulation, using case studies, enables participants to practice a collaborative meeting management model and skills in a team pitch situation. We also discuss strengths women tend to bring to business development to reinforce their use.

As ongoing sustainment strategies, we initiate peer coaching and monthly group breakfasts to continue the work of this program. Peer coaching teams are arranged to bring together partners from different practice groups and seniority. The goal of these groups is to invest the time and effort to collaborate on continued skill building and collectively generating business opportunities. The monthly group breakfasts bring together all the participants and counsel in various formats to discuss business development tactics and issues identified by two partners who set the agenda for each meeting. Responsibility for organizing and running the breakfasts rotates among partners.

## Conclusion

By any definition, this program was an unqualified success. What's good for women has been good for business. The women partners who participated have been able quickly to garner additional revenue and have organized themselves as an effective business development cohort. We are confident that the relationships built during the program will continue to grow over time, and the outcome will be enhanced engagement as well as increased business.

As importantly, the program and ongoing sustainment efforts have focused the participants and the firm on reframing the definition of "success" of business development efforts. Although instant revenue generation has been welcome, long term sustained efforts to build and support internal referral networks, to serve existing firm clients in new areas and additional ways, and to tap senior resources to aid younger



colleagues in their business development efforts have also been recognized as important achievements.

## About the Authors

### **Carol Frohlinger, Esq.**

Carol Frohlinger is the founder 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 negotiation and leadership programs for executive women. Using social science research about the systemic factors that impact female leaders as the context, Ms. Frohlinger's approach to leadership 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 attorneys must negotiate to succeed at business development. On the organizational change side of the gender parity challenge, Ms. Frohlinger consults with senior leaders about gender issues, 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 UC 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. 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 has been honored by The International Alliance for Women with its "World of Difference Award" and was named to Top 50 Most Influential Women List by the Irish Voice. 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 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 a son. She negotiates with each of them often!

### **Margot B. Schonholtz**

Margot B. Schonholtz is a partner in the Business Reorganization and Restructuring Department of Willkie Farr & Gallaher LLP. Through an in-depth understanding of her clients' business goals, Ms. Schonholtz offers financial institutions, funds and asset managers creative solutions in complex debt restructurings, litigation, bankruptcy matters and asset sale transactions. Ms. Schonholtz handles all aspects of bankruptcy and creditors' rights litigation, prepares and negotiates complex corporate documents, and organizes and manages large lender syndicates. She has particular knowledge of the structured products, financial services, merchant energy, online marketing, retail, cable and broadcast, telecommunications, manufacturing, mining, and health care industries. She has led several engagements on behalf of financial institution clients involving distressed structured products (including SIVs, CDOs, market value swaps, and repurchase agreements).

Ms. Schonholtz has been recognized as a leading practitioner in *Chambers Global* since 2004 and *Chambers USA* since its inception in 2003. Ms. Schonholtz has also been listed in *Best Lawyers in America* since 2006 and in the *Guide to the World's Leading Women in Business Law*, and *New York Magazine's* "The New York Area's Best Lawyers." In 2013, she was named "Best in Insolvency & Restructuring" at *Euromoney Legal Media Group's* - Americas Women in Business Law Awards. Ms. Schonholtz also currently serves as Co-Chair of Willkie's Women's Professional Development Committee. Ms. Schonholtz is admitted to the New York Bar; the United States Supreme Court; the United States Court of Appeals for the Second Circuit; and the United States District Courts for the Southern and Eastern Districts of New York.

## References

<sup>1</sup> For example, UPS's chief legal officer, Teri McClure, moderated a panel at Emory Law's Diversity Speaker Series that included Teresa Roseborough, GC of Home Depot, DuPont's general counsel, Thomas Sager, and the retired chairman, president and CEO of MetLife, C. Robert Henrikson. Sager stated, "To effect change, corporate law departments must require firms to demonstrate a commitment to diversity by reporting the numbers of diverse lawyers in their organizations in some way. That's where the dialogue begins. If you are not relentlessly doing assessment and giving feedback, they're not going to take you seriously. We have the power of the purse." See Meredith Hobbs, [Corporate Law Departments Lead Firms in Diversity Push](#), Daily Report Online (January 29, 2014).

<sup>2</sup> Client decision-makers are more likely than ever before to be women and women like to work with other women. See [Women General Counsel at Fortune 500 Companies Reaches New High](#), 2012 Minority Corporate Counsel Association Survey (September 2012). See also Cathy Benko and Bill Pelster, *How Women Decide*, Harvard Business

Review (September 2013), discussing Deloitte's experience with training partners and managers to become more "gender aware" in the sales process. "...They (women) also make up 41% of employees with authority to make purchasing decisions. Recognizing that the majority of our partners and managers, including those who were female, had honed their skills selling to men, and that a rapidly growing percentage of our potential clients were women, we realized it was time to reexamine our assumptions about how to explore opportunities and close deals."

<sup>3</sup> Jeffrey A. Lowe, [Major, Lindsey & Africa 2012 Partner Compensation Survey](#). Male partners reported averaged originations of \$2.03 million, which is about 50% higher than originations reported by female partners (\$1.41 million). Although this survey did not distinguish between equity and non-equity partners, according to a Wall Street Journal article on this same study, the average male equity partner reported getting origination credit for \$2.7 million in billings, while the average female equity partner reported \$2.3 million, or about 15% less. See also Jennifer Smith, [Female Lawyers Still Battle Gender Bias](#) (May 4, 2014). But the [Report of the Eighth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms](#), *infra*, found that women equity partners in AmLaw 100 were credited with only 80% of the origination credit attributed to male equity partners. Those in the AmLaw 200, however, fared better at 89%.

<sup>4</sup> Karen M. Richardson, [Report of the Eighth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms](#), National Association of Women Lawyers (February 25, 2014), finding that 34% of firms have no women in the top ten rainmakers, 57% of firms have 1 or 0 women in the top ten, and 84% of firms have 2 or fewer women in the top ten.

<sup>5</sup> KJ Antonia, [Why Don't Women Make Rain? Depends Who You Ask](#), Slate (October 28, 2009).

<sup>6</sup> Sara Randazzo, [At The Bottom, Where Few Women Rise](#), The National Law Journal (July 23, 2012).

<sup>7</sup> 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). See also Susan Sturm, [Second Generation Employment Discrimination: A Structural Approach](#), 101 Colum. L. Rev. 458 (2001).

<sup>8</sup> Monique Drake and Evan Parker-Stephen, *The Rainmaking Study*, Lawyer Metrics, LLC. (December 2013).

<sup>9</sup> Carol Frohlinger, Harry Keshet and Angela Meyer, *The Little Red Hen Effect: Women Equity Partners and Business Development Firm Based Factors* (forthcoming in 2015).

<sup>10</sup> Based on numerous interviews and focus groups Carol Frohlinger has conducted.

<sup>11</sup> Joan C. Williams and Rachel Dempsey, *What Works for Women at Work*, New York University Press (2014), which summarizes forty years of social science research about descriptive bias (assumptions about the typical woman) and prescriptive bias (beliefs about how women should behave).

<sup>12</sup> Catalyst, [The Double-Bind Dilemma for Women in Leadership: Damned if You Do, Doomed if You Don't](#) (July 2007).

<sup>13</sup> For example, the 2013 [American Time Use Survey](#) conducted by the United States Department of Labor Bureau of Labor Statistics reported that women spent considerably more time taking care of children and doing household tasks than men do. (June 18, 2014).

<sup>14</sup> The self-assessment is proprietary; copyright for it and other materials and tools described here is held by [Negotiating Women, Inc.](#), the consulting firm owned by Carol Frohlinger.

<sup>15</sup> This benchmarking process also allows sponsoring firms one way to measure program results.

<sup>16</sup> Angela L. Duckworth, Christopher Peterson, Michael D. Matthews and Dennis R. Kelly, [Grit: Perseverance and Passion for Long-Term Goals](#),

*Journal of Personality and Social Psychology*, 2007, Vol. 92(6), 1087–1101.

<sup>17</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*, Random House (2006).

<sup>18</sup> Miller McPherson, Lynn Smith-Lovin and James M Cook, [Birds of a Feather: Homophily in Social Networks](#), Annual Review of Sociology, 2001, Vol. 27, pp. 415-444.

<sup>19</sup> Harry Keshet, [Women Attorneys Business Development Study](#) (2007).

<sup>20</sup> Joan C. Williams and Veta T. Richardson, [New Millennium, Same Glass Ceiling? The Impact of Law Firm Compensation Systems on Women](#), Project for Attorney Retention and the Minority Corporate Counsel Association in collaboration with the American Bar Association Commission on Women in the Profession (July 2010).

<sup>21</sup> The exclusion of women from presentations for panel selection or pitch meetings often negatively impacts firm revenues as well. See *supra* notes 1 and 2.

<sup>22</sup> Joyce K. Fletcher, *Disappearing Acts: Gender, Power, And Relational Practice At Work*, (MIT Press 1999).

<sup>23</sup> [LexisNexis® RFP Activity Summary Report](#) reported 42% of respondents saw an increase in RFP activity over the last 12 months but another 42% saw no increase. The average time allocated to writing proposals was approximately 20 hours although it varied by size of firm (2012).

<sup>24</sup> Williams, *supra* note 20.

<sup>25</sup> Keshet, *supra* note 19.

<sup>26</sup> National Association of Women Lawyers, [Report Of The Sixth Annual National Survey On Retention And Promotion Of Women In Law Firms](#) (October 2011).

<sup>27</sup> Keshet, *supra* note 19.

<sup>28</sup> Available at <https://www.authentic happiness.sas.upenn.edu/>, registration required.

<sup>29</sup> Dweck, *supra* note 17.

<sup>30</sup> Arguably, the larger the network, the more business it will generate. Some believe that women tend to have smaller networks with stronger relationships whereas men favor larger, more shallow networks. See Roy F. Baumeister, *Is There Anything Good About Men?* American Psychological Association, invited address (2007).

<sup>31</sup> Both the Internal Referral Map and the External Referral Map emphasize the need to build strong reciprocal relationships.

<sup>32</sup> Linda H. Lewis and Carol J. Williams, *Experiential learning: Past and Present*, New Directions for Adult and Continuing Education, Volume 1994, Issue 62.

<sup>33</sup> These are ways to engage with others in a variety of networking situations; although others suggest people develop an "elevator speech", we do not believe this is adequate.

## Description of Tools Used in the Program

- **Business Development Self-Assessment**

Participants complete an online assessment that provides them individualized, written feedback across three dimensions of business development success criteria:

  - knowledge of the right business development activities to do as well as how to do them
  - engagement level, i.e., how eager (or not) are they to do what is necessary to develop business
  - efficiency; this is an important issue for many women because there are so many demands on their time
- **Grit Survey and Optimism Test Scores**

Available at the [U Penn Authentic Happiness](#) site. Although individual results are not shared at the group session, participants do discuss their reactions to their scores as well as the links between grit, mindset and optimism with business development success.
- **Practice and Activity Inventory**

Participants complete a 25 question online tool that guides them to:

  - develop a profile of their practice; elements include identifying their "ideal client", tracking their business results historically and forecasting future business outcomes
  - inventory the types of business development activities they are currently doing as well as the frequency with which they do them to provide a benchmark for measuring results
- **Business Development Blueprint**

Participants complete a detailed business plan informed by the previous work they have completed and supported by extensive research about how effective business development plans must be structured
- **Engaging Introduction Kit**

Using an innovative approach rooted in the belief that an effective "engaging introduction" is situational, participants prepare, get feedback on and practice one or more engaging introductions.
- **Internal Referral Map**

This tool is designed to help participants to increase the number and quality of referrals they receive from people within the firm as a result of strong reciprocal relationships.
- **External Referral Map**

This tool is designed to help participants to increase the number and quality of referrals they receive from people outside the firm as a result of strong reciprocal relationships.
- **Decision Maker Map Kit**

This tool is designed to help participants to navigate their present and future clients' highly complex decision-making process for the purchase of legal services.
- **Meeting Planning Worksheet**

This tool is designed to help participants plan a one-on-one or small group meeting with a particular client or prospective client or referral source. It can be prepared by one individual or used as part of a team planning session.
- **Account Strategy Worksheet**

This tool is designed to help participants plan an overall business development strategy for a particular client or prospective client or to plan an approach to win a particular piece of work. It can be prepared by one individual or used as part of a team planning session.