

Demystifying Rainmaking: A Practical Guide to Building Your Book

By *Kristin Housh*

The term *rainmaking* conjures up visions of shamans communing with deities, willing rain to fall with song and dance. Indeed, that is where the term originated—from the rain dances performed by Native Americans in the southwestern United States, particularly during times of drought.⁶ In the business context, a “rainmaker” is someone who fosters new streams of cash flow by what appears to be, at least for most of us, pure magic.⁷ Let me assure you, however, that rainmaking (at least in business) does not require any magical powers. Anyone can become a rainmaker with targeted community involvement, consistent social engagement, and a dash of confidence.

When I was a junior associate at one of the highest grossing law firms in the world, my idea of a rainmaker was a gray-haired partner (let’s face it, a male partner) who generated tens of millions of dollars in origina-tions each year based on his social connections alone. He did not perform the actual day-to-day grunt work of being an attorney. He surrounded himself with an army of more junior “workhorse” partners and their asso-ciate underlings to do that. He was usually off hobnobbing with C-suite executives and general counsel of Fortune 500 clients, playing golf at the country club or at his second home in Palm Springs. How did he manage to amass all this social capital? Maybe he was born with some supernat-ural pull, or maybe it was just luck. Regardless of the source of his suc-cess, he was revered by the firm as a proliferator of business. And when he deigned to grace the hallways of our office, we lowly associates were awash with a mixture of awe and resentment. Business just seemed to fall effortlessly into his lap. And he profited off the blood, sweat, and tears

6. *Rain Dance*, INDIANS.ORG, <http://www.indians.org/articles/rain-dance.html> (last visited December 19, 2022); Lisa Earle McLeod, *What Sales Rainmakers Do Differently*, FORBES (Apr. 16, 2020), <https://www.forbes.com/sites/lisaearlekleod/2020/04/16/what-sales-rainmakers-do-differently/?sh=1b693625f144>.

7. Barclay Palmer, *Rainmaker: Definition, Traits, How to Become One*, INVESTOPEDIA, <https://www.investopedia.com/ask/answers/08/rainmaker.asp> (last updated December 28, 2022).

of the rest of us. (Okay, no blood, but definitely a lot of sweat, tears, and late nights in the office.) Based on this (mis)perception of a rainmaker, I would have never imagined that I, a female attorney in my 30s (and just recently elected to the partnership), would ever be considered one, let alone be asked to write an essay on rainmaking.

The idea of myself as a generator of business began to form when I was a fifth-year associate. I had just lateraled to a different law firm—another Am Law 100 firm, however smaller in terms of both the number of attorneys and annual revenue than the behemoth law firm where I embarked on my legal career. Upon making that career move, I finally made time to do something else—something important that kickstarted my eventual rise to partner: I involved myself in the San Diego community. For the first 5 years of my career, I barely took a day off. My life was all but completely consumed with work. When I finally emerged from the work pit I had buried myself in, I embedded myself in several local organizations. I sat on a couple of nonprofit boards and presented regularly to other attorneys and judges at a local inn of court. I also joined a peer-to-peer advisory group made up of a variety of professional women from attorneys and accountants to news correspondents, business owners, and everything in between. We met monthly to process and find solutions for roadblocks we were facing in our respective careers and lives. I took solace among this brethren of successful women. We not only bettered each other emotionally and spiritually, but we also helped each other in more tangible ways—by becoming a booming referral network.

In addition to involving myself in community organizations, I got out of the house and spent time with (drumroll please . . .) **actual people**. I said “yes” to social invitations, even when I would have rather stayed at home. I really listened to people and became their sounding board.

My first origination came from an unlikely source—my financial planner. He and I spent time together not only studying my finances, but also straying off topic into a variety of professional and personal matters. During one of our working sessions, I (finally) told my financial planner about my legal practice, which, at the time, consisted largely of health care fraud investigations and litigation. To my surprise, he revealed that his mom worked for a cardiology medical group and that they had just received a government subpoena. This medical group became my very

first client. A tiny flicker of an idea flashed in my mind—maybe I could generate my own business? I liked that thought.

My next client was a lot bigger and, again, arose from an unexpected place. One Saturday afternoon I dragged myself, begrudgingly, to a good friend's daughter's birthday party. I did not have any children, so the idea of spending a coveted weekend day watching children play pin-the-tail on the donkey, or whatever kids do at birthday parties these days, was not very enticing. Also, I am an introvert, and social gatherings tend to drain me. Despite this, I went. And I am sure glad that I did. At the party, I ran into a friend whom I had not seen for a few years. While the kids played in the front yard, my friend and I caught up. She shared with me some good news and then some bad news. The good news: she had created a burgeoning liquor brand. The bad news: Her company was the target of multiple lawsuits brought by plaintiffs who had come out of the woodwork claiming that they were entitled to equity, as is typical when a venture becomes successful. As President John F. Kennedy famously noted: “[V]ictory has 100 fathers, but defeat is an orphan.”⁸ I recall telling her: “This is literally what I do.” (My practice had changed after I lateraled to a new firm. I was now representing parties in what I refer to as “business divorces”—lawsuits involving, among other things, breach of contract, corporate governance issues, and partnership and shareholder skirmishes.)

For weeks, I mulled over whether or not I should follow up with my friend and ask for her business. She was already being represented by another firm. What could I possibly offer that the other firm could not? And at the time, the idea of asking someone for business was downright cringeworthy. Finally, I mustered up the courage to send a text to my friend offering to give her a second opinion on the lawsuits, if she was interested, and reiterating that business disputes are my specialty. I very much expected her to tell me, “thanks, but no thanks.” To my surprise, however, she said yes. That happenstance reunion at a child's birthday party and a follow-up text message spawned a multiyear-long business relationship and several litigation and transactional matters. The tiny flicker of an idea had officially morphed into a full-fledged belief: “I can actually do this.”

8. John F. Kennedy, News Conference (Apr. 21, 1961).

Other referral source and client relationships blossomed thereafter, for example:

- I befriended a husband-and-wife team who own and manage a small boutique law firm in Orange County. I referred a family law matter to their firm a few years ago. They returned the favor in spades. Every few months, I receive an email from one of them asking if my firm can handle a matter for one of their clients. It does not always pan out. But it is a numbers game—eventually something lands.
- I found my way into a San Diego circle of young entrepreneurs, largely by way of a close friend who owns a local printing company and has clout in the entrepreneur community (notably, she also became a client). I attended the group's events and parties—again, despite my introversion. And I worked the room: I asked questions and took a genuine interest in their businesses, and they told me about their problems, which sometimes included their legal issues. I offered advice if the legal issue fell within my area of expertise, or, if not, I introduced them to one of my colleagues who could help.
- I made mental notes of attorneys I had litigated against who were professional and effective, and whom I respected (a remarkably short list—but I will save that for a different essay). Whenever I needed co-counsel or my firm was conflicted out of a matter, I referred the business to one of the attorneys on my short list. And, slowly but surely, they began to put my name on their respective short lists of attorneys to whom they referred business.

In the spirit of full disclosure, building my book of business has not been all puppy dogs and rainbows. Sexism is unfortunately alive and well in the legal profession. I have lost business because of my gender. I have been told, in essence: “I would love for you to handle this matter but . . . it would be more effective if we had [fill in the blank older man] representing us because . . .” “the judge is a sexist” or “opposing counsel does not respect women.” These potential clients always assure me that *they* are not sexist, but, unfortunately, this is the world we live in; so, regrettably, they are forced to kowtow to the patriarchy this time. There are days when I almost feel like they are right—for example, the time when opposing counsel repeatedly interrupted me while I was deposing a witness to tell me how

to take a deposition (because clearly I was not able to do it on my own—insert eye roll), or the time when the judge allowed opposing counsel to berate me while pointing aggressively at me for 30 minutes in open court. On those days, I swallow my anger, tears stinging the corners of my eyes, and I wonder if this profession is for me. And then I remember that I am really good at this, and better, more fulfilling days are ahead. I hope you, reader, remember this too, even in the darkest of your professional hours.

So, back to the question at hand: If it is not magic or luck, how exactly do you build your own book of business? A book of business is built on three main pillars: (1) community involvement, (2) social engagement, and (3) confidence. Each pillar must not only be carefully crafted at the outset, but must also be regularly reinforced in order to maintain a successful and long-lasting book of business. In other words, once you build your book, you cannot rest on your laurels. You have to go back to the pillars and reinforce, reinforce, reinforce.

Pillar 1: Get Involved

Select one or two organizations that you have an interest in and that put you in front of the movers and shakers in your community. Look at the composition of the organization's board and leadership. Are there any executives or general counsel? How about other attorneys who could be referral sources? Be selective about the organizations with which you become involved (after all, we attorneys have limited time to spare). Then, be consistent and deliberate about your involvement—show up to the meetings and events, invite potential clients or referral sources in the organization to coffee or lunch, offer to present on a topic that highlights your legal expertise and will be useful to your fellow organization members, and so on.

Pillar 2: Say “Yes” to Social Engagements

This does not mean you have to go to everything—being able to say “no” to events that do not serve you is an important skill indeed. However, you should be aware that the more events you attend, the more likely you will connect with someone who will give you business. For example, if I had not attended that children's birthday party, I would probably not have reconnected with an old friend and won her business. If you have

to pick and choose which social events you say “yes” to, select those that will give you an opportunity to actually sit down and meaningfully chat with people who will likely have business to refer to you. For example, a seminar might not be the best event to sink your time into because the speaker will be addressing a captive audience and you will not have much of an opportunity (if any) to converse with other attendees.

Pillar 3: Be Confident

Or at least act like someone you admire who is confident (i.e., fake it until you become it). Tell others what you do, as specifically and memorably as possible, and then ask for their business.

- Explain your legal practice to your friends, family members, and acquaintances. What types of clients do you support? How specifically do you help them? Come up with a punchy opener to use when you are telling people what you do (often referred to as an “elevator speech”). A good friend of mine, and a powerhouse rainmaker, introduces her practice as follows: “I do birds and bunny rabbits.” This opener is more interesting and memorable than “I do environmental entitlement work.” Not to mention, this one-liner is far more likely to elicit follow-up questions and meaningful conversation. Always remember: People cannot refer business to you if they do not know or cannot remember what it is that you do.
- Do not be afraid to ask for work. Or be afraid but still ask for work. Had I given in to self-doubt and not sent that follow-up text to my friend, I would almost certainly have missed out on years’ worth of business.

Contrary to what I believed as a junior associate, there is no magic involved in rainmaking. You do not have to be lucky. Nor do you have to be blessed with innate business development prowess. The vast majority of the time, business does not just fall in someone’s lap. Top rainmakers do not become top rainmakers by sitting around waiting for someone to call. The ability to “make it rain” is available to anyone who, with some patience and grit, lays the foundation for and then consistently fortifies the three pillars of business development: community involvement, social engagement, and confidence.

Kristin Housh

Career

Partner in the Business Trial Practice Group, Sheppard Mullin Richter & Hampton LLP

Education

- ▶ JD, *cum laude*, University of Texas School of Law (2012), *Texas Journal on Civil Liberties and Civil Rights*, Submissions Editor
 - ▶ BA, *magna cum laude*, Sociology and English, University of Southern California (2009), Phi Beta Kappa
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Best Advice

The saying “it’s not personal, it’s just business” is nonsense. Business is deeply personal—so, embrace it. Do not be afraid to reveal your innermost self to your clients and business colleagues. Share your story and listen to theirs. Human connection is everything. It will get you ahead in life and in business, and you’ll feel better too.

Personal

Kristin Housh lives in Encinitas, California, with her two cats, boxer dog, and husband. In addition to representing her clients in complex business litigation matters, she represents a variety of pro bono clients, ranging from inmates denied constitutionally adequate medical care to a class of asylum seekers illegally turned away at the U.S.–Mexico border. She is also active in the San Diego community and is dedicated to public service and promoting diversity. She sits on the Advisory Board for the American Bar Association’s Immigration Justice Project and on the Host Committee for Equality California’s annual fundraiser. In her free time, Kristin enjoys shredding the powder (on skis), wine tasting, exploring national parks, and observing big cats (especially cheetahs).

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