

Rainmaker Q&A: Cooley's Michael Rhodes

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Michael G. Rhodes is a litigation partner based in Cooley's San Francisco and San Diego offices. He is co-chairman of the firm's privacy practice, which has been named a Privacy Group of the Year by Law360 four times, and he has formerly served in numerous management roles at Cooley, including chairman of the firm's national litigation department and member of its management committee.



Michael Rhodes

Rhodes represents technology and internet companies in matters involving patents, copyrights, privacy, trade secrets and trademarks for clients such as Facebook, Google, eBay, Nintendo, NVIDIA, ServiceNow and LinkedIn. He is co-chairman of the firm's internet practice and speaks publicly on matters ranging from social media law to the Communications Decency Act Section 230 Safe Harbor for interactive web companies.

Rhodes has a leading privacy practice, having handled multiple privacy class actions for Facebook, Google, Time, Conde Nast, The Weather Channel, LinkedIn, Sony, HTC and Provide Commerce. He also has an extensive class action practice outside the privacy area, involving e-commerce, internet advertising, copyrights, consumer rights, online payment processing, the California Auction Act, the California Credit Card Act and RICO.

Q: What skill was most important for you in becoming a rainmaker?

A: Learning to focus solely on what is in the best interest of the existing or prospective client. We operate in a competitive ecosystem, with a myriad of rankings of lawyers and firms and profits per partner, etc. As such, in seeking out new business, it is important to constantly remind yourself to ask, "What can I be doing that advances the client's interest?" rather than thinking about how the engagement will make you look good.

Q: How do you prepare a pitch for a potential new client?

A: I start with three basic notions. First, are we really the right firm for the matter? Sometimes the most effective way to earn new business is being honest when you aren't the right fit. Assuming we are, then, second, I immediately focus on who the team will be. The most successful "rainmakers" understand that it is a team enterprise and thus you have to approach business development from the standpoint of forming the best team. Third, I tailor the pitch to fit the unique interests at stake. I don't believe in a one-size-fits-all approach, but rather, I try to customize a strategy that best maps to the client's unique legal, economic, regulatory, consumer and public relations interests.

Q: Share an example of a time when landing a client was especially difficult, and how you handled it.

A: I won't name the specific companies, but twice in my career I have spent one to two years chasing prospective institutional clients, for which I now act regularly, without success. I learned that relationships, particularly with large sophisticated companies, can take a long time to incubate and that patience is key. Don't view submitting a pitch, when you don't get the business, as a failure. Each time that you get the chance to talk with a prospective client, you are being given an opportunity to discuss your firm and its capabilities. So take the long view and persevere.

Q: What should aspiring rainmakers focus on when beginning their law careers?

A: View each interaction as an opportunity for business development. If, for example, you are a litigator, view your business lawyer colleagues at your same level as potential future clients (many will leave the private practice and work as in-house counsel). Treat everyone with respect — I once landed a substantial matter from a referral from an opposing lawyer whom I had bested in a major class action. He turned out to be a good friend of the general counsel of the company who hired us.

Another time, a secretary of a client's GC moved cities and mentioned us to her new boss. The golden rule really does work. Develop a simple way of explaining what your firm does. Don't rely on slick marketing materials. Everyone has those. At the end of the day, you need to make the case for why you and your firm are the right folks to handle a matter. Finally, understand that it is a people business. Clients don't live in your office so get out and network.

Q: What's the most challenging aspect of remaining a rainmaker?

A: Overcoming the natural tendency to feel rejected when you don't get the business after you've put together a lengthy submission that took a lot of time to prepare. Remember my point about taking the long view. Also, don't be afraid to ask for feedback on why you didn't get the business. Like baseball, if you are hitting over .300 you are doing well when it comes to pitches. And, most importantly, remember the axiom that you won't get the business if you never ask for it. So don't be afraid to let the clients you want to work with know that you want their work. Then demonstrate that you or your firm brings something unique to the table.

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