

Getting Paid to Schmooze: Law's Next Big Thing

San Diego Boutique Seeks Associate to Find New Clients, Not Represent Them

By Pat Broderick
Daily Journal Staff Writer

SAN DIEGO — Wanted: associate attorney — client development. Big on schmoozing.

Welcome to a brand new marketing concept: the sales attorney — a position whose time has come, according to Pamela J. Scholefield, founder of Scholefield Associates, a San Diego-based construction-law and litigation firm.

Scholefield is posting ads for the entry-level associate attorney position, and the job doesn't involve writing briefs, doing research and racking up those billable hours. Instead, the sales attorney will be working for a salary, plus commission, and spending time drumming up business at trade events, dinners, seminars, even golf tournaments and "skeet and trap shooting events," the posting says.

"A good golf game is a plus, as is an interest in outdoor activities, such as fishing, hunting or motorcycles," the ad reads.

No, this isn't your traditional rainmaker job, that time-honored position in legal firms usually reserved for senior partners, winning new clients by mining their hard-earned connections in the community. By climbing up the corporate ladder, rung by rung, the elder statesperson usually has achieved a name and reputa-



TOM KURTZ / for the Daily Journal

"We are a boutique firm up against an impression that clients want one-stop shopping. It's a hurdle to get over, and we can, by having a sales attorney out there explaining it," said lawyer Pamela J. Scholefield.

tion guaranteed to pull in new business.

"Yes, it's unusual," Arnold S. Rosenberg, a professor at Thomas Jefferson School of Law in San Diego, said of Scholefield's concept. "In a corporate law practice, I think that it would be very difficult to be successful with this kind of model. In my experience, decision makers and businesses want to talk with a person who is going to do the work for them or at least be supervising the work for them."

Scholefield concedes her business model is unusual but said it is designed to give her two-lawyer firm an edge in competing against San Diego's Procopio, Luce Forward and other large law firms.

"We are a boutique firm," she said. "We are up against an impression that clients want one-stop shopping, that they are better-served by going to a larger firm that does it all."

"But that's not necessarily true. It's a hurdle we need to get over, and we can accomplish this by having a sales attorney out there explaining this."

There will be no billable hours, Scholefield said.

"You are going to cover the cost of this employee without expecting them to bill 2,000 hours a year," she said.

Some firms might be skittish about her approach, Scholefield said.

In the job, the salesperson is bringing in new business and making money for the company "but doesn't necessarily work on the product that will be sold to the end user," she said.

Scholefield decided to tap into her previous experience as a sales engineer, selling technical products to engineers and contractors.

"Why not sales attorneys?" she asked. "You have sales engineers. So I started talking to a couple of clients."

In 1984, Scholefield graduated from the University of Florida with an engineering degree and, 10 years later, enrolled at the Uni-

See Page 4 — BEING

Pellicano Co-Defendants Press Last-Minute Settlement Talks

By Robert Iafolla
Daily Journal Staff Writer

LOS ANGELES—Three of Anthony Pellicano's co-defendants are locked in last-minute settlement talks with federal prosecutors and a judge, which could allow them to avoid the long-awaited conspiracy and wiretapping trial set to begin next Wednesday.

Defendants Mark Arneson and Abner Nicherie, along with their attorneys, were in the Roybal Federal Building talking with prosecutors Tuesday. Rayford Turner also is negotiating, according to lawyers knowledgeable about the case, speaking on condition of anonymity.

gather information on investigation targets and litigation adversaries.

In the two years since the indictment was unveiled, a pair of those defendants has pleaded guilty. Fischer severed Christensen from the main case early last week, so he will be tried separately.

A major sticking point with two of the defendants in the current negotiations is the racketeering charge, according to lawyers knowledgeable with the case. Count 1 in the 111-count indictment says that Pellicano, Arneson, a former Los Angeles police officer, and Turner, a former telephone company technician, formed a "criminal enterprise" using illegally obtained intelligence for profit.

in a plea deal.

They said RICO is so special for two reasons: It is a complex charge that is difficult to prove, and it carries severe punishments.

Loyola law professor Laurie L. Levenson added that the Justice Department is concerned about accusations that prosecutors are using the act as a "hammer" to bully defendants into accepting plea deals on lesser charges in order to make the RICO charge go away.

"There was always a fear going back to when it was first passed that it could be used in a coercive manner," she said. "More than 30 years later, DOJ is still sensitive to that claim."

Both Thom Mrozek, spokesman for the U.S. attorney's office, and Lawrence J. Semenza, at-

stiffs shot back in their Judge Cooper took security concerns into drafting her "nuanced" injunction and argued the branch violated the separation of powers by behaving as if the dis- is a "test run" and with the order ulti- with the president, they their brief. This would rt's opinion "advisory," president "free to reject Constitution firmly bars

oper found the executive es constitutionally ques- avoided directly ruling She instead set down a g that planned training involving mid-frequency use are not "emergency es" justifying the Coun- ironmental Quality to Navy from the injunc- National Environmental ct.

Jan. 3 injunction, Co- set as many restrictions nentalists wanted, but er the Navy to stay at tical miles from shore, its monitoring for the marine mammals be- ing testing, to stop the ine mammal was spot- 200 yards of the vessels t sonar decibel levels n ocean conditions. rictions in "no way Navy from training ef- ertifying its troops for rneys for the environ- rote in their brief.

however, argued in its he injunction threatens train and deploy strike time of war and "ulti- s the lives of American arines at risk."

s using classified infor- latest round of filings nsistencies in its argu- Los Angeles attorney fall of Irell & Manella.

some disadvantage Navy loads up on these larations and we don't hat they contain, so we to respond to it," said

have sensitive hearing. The sonar interferes with the creatures' abilities to navigate, mate and find food and can kill them. It also has been linked to whale beachings.

While attorneys for the Navy would not comment, Lt. Mark Walton, spokesman for the U.S. Navy's Third Fleet in San Diego, said the Navy is "deeply concerned about the

Sims. "They're acting as if national security is a new issue in this case when it's been there all along and its arguments have been rejected."

The 9th Circuit has said it will issue a ruling by March 3 to leave the Navy enough time to petition the Supreme Court before its next scheduled round of training exercises start in mid-March.

on June 5, 2005, said 107 nonprofits have \$1 year leases with the city. Those organizations include several chapters of the Boys and Girls Clubs of America, both the Los Angeles police and fire historical societies, LAMP homeless services and the Japanese American National Museum.

Jack Scott, manager of the real es-

guideline. "It was a stunn- ment for me," he s Mike Bonin, Re staff, said the cor- pose a motion to ti- the end of the wee- lease for Beyond- motion will not a- of other nonprofit

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Continued from page 1

versity of San Diego School of Law. Even then, she kept her hand in as an engineering sales representative, savoring the adrenaline rush of the bidding process — even on the night before the Bar Exam, which she passed on the first try.

When she founded her firm in 1998, Scholefield, now 47, did most of the heavy lifting when it came to courting clients.

Scholefield declined to reveal her clients. But she made a name for the firm last year by getting \$456,000 for Atlas Inc. in a settlement with Financial 21 Community Credit Union in a landlord-tenant dispute over a commercial lease.

"A lot of my business comes from referrals," she said. "I also do legal seminars and trade organizations and offer myself up as a speaker."

The new sales attorney would lighten the load.

John C. Phillips, managing principal of Fish & Richardson's San Diego office, said Scholefield's approach isn't radical, because his law firm and others have marketing groups headed by attorneys.

But it does break with a tradition founded on the need for clients to have direct contact with attorneys litigating cases, Phillips said.

"It's important to have people who do the work and are knowledgeable about it," he said. "I question whether a sales attorney could close the deal."

"I mean, when you go to a doctor, you want to meet the person who is actually doing the work. As a client, I would want to be sold by a person actually handling my case."

According to the job posting, the sales attorney would interpret the law, provide legal advice, prepare legal documents and make occasional court appearances. But selling is the main driver.

"It is a professional sales position, and you have to talk the same language as your customers, whether they are engineers or architects or manufacturers," Scholefield said. "I would like to see somebody with professional sales experience, in medical devices, plastics, a construction firm — a person who had a company car and an expense account. And they need to be big schmoozers."

Who shouldn't apply? Those attorneys who are far more comfortable spending their time poring through law journals and writing briefs, who lack "people skills," Scholefield said.

"We want somebody who has a personality, who is able to interact with people," she said. "We are looking for someone with a law degree, who has passed the bar, but maybe doesn't want to get into the nitty-gritty technical work of being a lawyer."

Cara Mitnick, assistant dean for career services at the University of San Diego School of Law, agreed that attitudes in the legal community are shifting.

"With the relaxation of the advertising restrictions and increasing competition in the business of law, it makes sense that firms would begin to take business and client development to the next level," Mitnick said.

Most large- and medium-sized firms have attorney-run business

development committees or a business development professional in charge of training associates to develop new business, nurture current clients and expand the services they provide to clients, she said.

"As associate salaries rise, larger law firms want to make sure their associates understand and practice the 'business of law,'" Mitnick said.

There are also a growing industry and Web sites targeted specifically at helping law firms market and sell themselves, and they train their attorneys to do so, she said.

But Mitnick said a sales attorney position is a novel idea and probably will attract attention throughout the legal industry.

"While many small- to medium-sized firms will watch this new position closely to see if it is successful," she said, "they will also continue to encourage their own attorneys to be involved with community and bar activities, take them along on pitches to new and existing clients, look at the legal marketing Web sites for tips and, where possible, train them in-house to elevate their client and business-development skills."

Scholefield is posting her ad on the Web site for Career Resources Center at the University of San Diego's School of Law. The information is directed at students and graduates of law schools around the country. She also may run the ad on Craigslist, the free Internet advertising site.

In the meantime, Scholefield is optimistic but concedes that it's not an easy fit.

"We are not getting a flood of résumés right now," she said. "Our posting is very particular and calls for a very particular person."

Records Remain

From The Associa-

PORTLAND, O the arrest of a of driving under intoxicants turns mistake, the recor permanent and ca find or keep a job.

Lance Briggs w his new job at the when a sheriff's him for speeding him for allegedly influence after a sc suspicions.

But Briggs blew test at the Polk C urine sample, ser came back negati- ficials never filed kind. Two weeks fired Briggs.

He was never ev a crime, let alon agency officials required to notify mere fact of his ar.

Briggs, 22, had a says he did not cor- traffic arrest a repo-

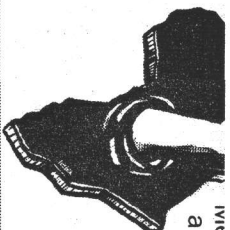
"I've been pena- nothing wrong," feel like I'm living country."

But once a traffic a driver's record in there forever -- even subsequent charge

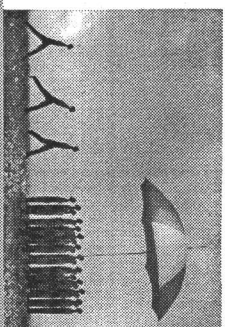
By contrast, ste people found guilt- tempted kidnapping other serious crim- wipe their records called expungement



Torrance Judge Mark S. Arnold attributes his smooth adaptation to his job to the wildly different earlier chapters of his life. **JUDICIAL SPOTLIGHT PAGE 5**



Interview with a significant role in solving the humanitarian crisis in Africa, Roger D. Hartstone writes. **FORUM PAGE 6**



Kirk Pasich reviews appellate decisions that went against insurance companies in 2007. **FOCUS PAGE 7**

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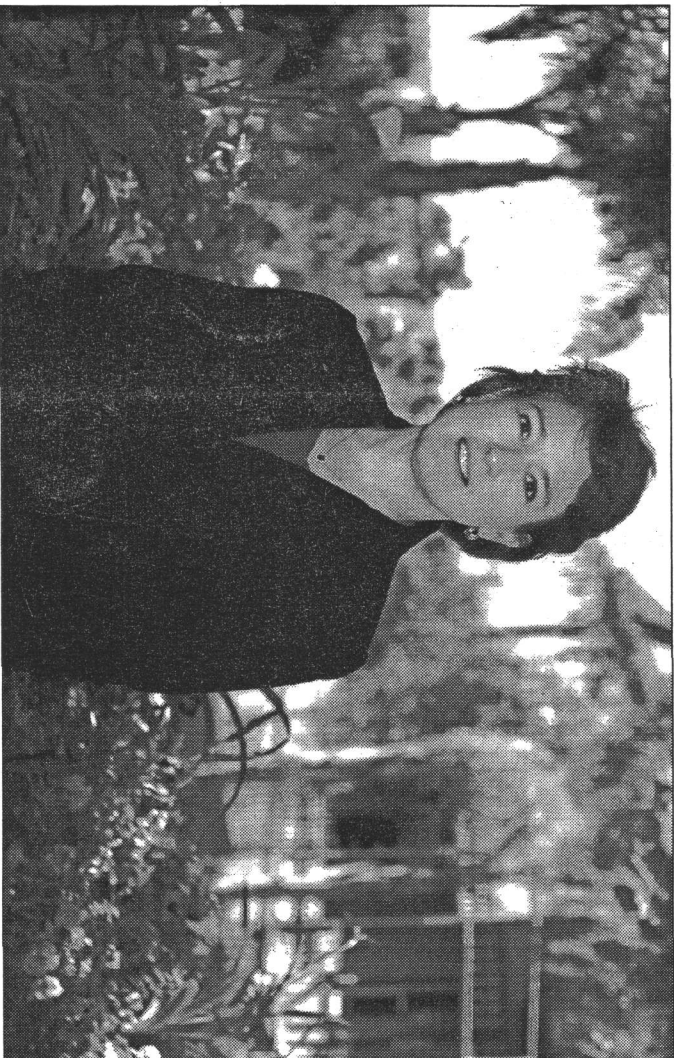
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Irate Kozinski Seeks Review Of Fraud Case
Panel's Refusal to Rehear Matter Incites Chief Judge 'Loosey-Goosey Standard'

By John Roemer
Daily Journal Staff Writer

SAN FRANCISCO — A securities-fraud ruling by a 9th U.S. Circuit Court of Appeals panel turned into a judicial brawl Tuesday as Chief Judge Alex Kozinski and fellow conservatives blasted the court's refusal to reconsider the case.

"Here we are, out in left field again," Kozinski wrote in the first of his trademark flaming dissents to be published since he took over