

Rainmaker Q&A: Kilpatrick Townsend's James Gilliland

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James G. Gilliland Jr. is a partner and trial lawyer in Kilpatrick Townsend & Stockton LLP's San Francisco office who specializes in complex commercial and intellectual property litigation. He has been trying cases in federal and state courts around the country for 35 years.

From 2013 to 2015 Gilliland was chairman of Kilpatrick Townsend's litigation department. With longtime clients such as Oracle Corporation, Sony Interactive Entertainment, Ross Stores, Williams-Sonoma and others, Gilliland has been a prolific rainmaker for many years.



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He also has served as an arbitrator for the American Arbitration Association and the International Chamber of Commerce, as well as a mediator for the federal court in the Northern District of California.

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

A: I think my most important skill as a rainmaker is the ability to listen. As a trial lawyer, clients are coming to me when a problem already exists or is looming on the horizon. Consequently, to best serve the client (or potential client) it is essential to fully understand the problem and be 100 percent committed to solving it. If solving the problem means winning the case, then the client must be confident my team and I can do that. If it means finding a prompt, beneficial resolution to end the dispute, then we need to be ready and able to do that too. In every instance the client's needs must be first and foremost at all times.

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

A: For every pitch — either for an existing client or a potential new one — I mentally switch chairs and ask myself what I would want to know, and what I would want to discuss, if I were the client trying to decide who to hire for this lawsuit. Then I try to be sure each of those questions is answered in either the written materials we submit or the oral presentations made by our team.

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

A: For many years I have tried to be guided by William Shakespeare's advice in Act 1, Scene III, of Hamlet: "This above all: to thine own self be true ..." That has meant, on occasion, telling clients that I am not the right person for a job. In a breach of contract case one potential client said he was looking

for the meanest SOB in town. I said he should not hire me, because that is not how I handle cases. He didn't.

Another potential client in a partnership dispute told me another lawyer had provided an estimate that was half of ours. I said we could not meet that price, but she should hire us if she wanted a team fully committed to winning. She did. If you don't have the right skill set for the job then acknowledge that fact and help the potential client find the right person or firm. Someday that client may well come back to you with the right project.

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

A: It is crucial to realize, from the first day in the office, that we are in a service profession and that every person you work with is a potential client someday. This is especially true in a law firm where the odds are high that some of the young partners or senior associates you are working with will move in-house later in their careers. Likewise, the young in-house counsel you are interacting with early in your career will be the people making hiring decisions in the future. Demonstrate to those people today that you are a capable, responsive, problem solver and then stay in touch with them as their careers progress. When they have the opportunity to decide who to hire in the future, they will remember you. Nurture those relationships!

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

A: Today many large companies are making hiring decisions based upon responses to requests for proposals issued by their purchasing offices. In those instances there is no opportunity to suss out the client's particular concerns or goals on a specific matter, or to craft a proposal tailored to those needs. No doubt someone has decided this is an efficient way to make hiring decisions, but I am not convinced it is the wisest way.

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