

## Rainmaker Q&A: Sheppard Mullin's Richard Simmons

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Richard J. Simmons, partner at Sheppard Mullin Richter & Hampton LLP in Los Angeles, represents employers in various labor and employment relations matters involving state and federal wage and hour laws, wrongful discharge, employment discrimination, employee discipline and termination, employee benefits, affirmative action, union representation proceedings and contract arbitrations.

Chambers USA has named Simmons a leading lawyer in labor and employment (2006-2016) and describes him as a "wage and hour guru."



Richard J. Simmons

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

A: My situation may well be unique and features a combination of writing, public speaking and oral advocacy skills along with one of the best recognized reputations among employment attorneys in California. I have authored over 20 publications in the employment law field, including the text that many refer to as "the bible" in its space, the "Wage and Hour Manual For California Employers." It sells thousands of copies, has often been cited and is used by numerous plaintiffs' and defense attorneys as well as employers.

My books translate difficult legal concepts into understandable language that readers can use and implement on a day-to-day basis. I also deliver many dozens of speeches each year to thousands of people, including defense and plaintiffs' attorneys, judges, accountants, HR officials, general counsel and payroll professionals. Many of those who attend my presentations are individuals who retain counsel or are in a position to refer talented attorneys to others looking for counsel.

My fast-paced and passionate presentational style and ability to amuse listeners have inspired many to retain or recommend me. Thus, my well-recognized writing and presentational skills as well as oral advocacy skills are instrumental to my success as a rainmaker. Being unafraid to "sell" by candidly describing your skills without going over the line is also a talent. (Having great Lakers seats at center court has never hurt either.)

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

A: Without giving away trade secrets, unlike many firms, I typically do not pitch major cases with teams of attorneys to show off my firm's resources, which are well known. I usually attend a pitch alone and am armed with my relevant publication, which is the treatise in the area. I am sometimes armed with a Lakers championship ring, which is always an attention getter.

I explain that the company has choices and is free to select those who read my books and attend my lectures, as many of the firms competing for the work have. Or, the company can select the person who writes the books and delivers the knowledge that other attorneys pay to hear. I very much believe that we are the best horse in the race. The choice is usually easy.

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

A: We have a very large, international client whose name will not be identified. We never represented the client before it was sued in a wage-hour class action. They asked me to appear for a presentation before about 15 to 20 company officials who are serious, but work in a culture that dresses casually. So, the in-house counsel who contacted me suggested that I not dress formally and explained they would be interviewing many teams of attorneys from a variety of different firms the day they were scheduled to meet me.

Coincidentally, I was giving a speech on class action litigation to the bar that morning and wore a suit for my presentation. Before I met with the prospective client, I changed out of the suit and into jeans. I attended the meeting with a room full of company officials whom I had never met before. They were scattered around a horseshoe-shaped table and were amused that I was the only person from a law firm who appeared by himself, i.e., without a team of attorneys. I brought my book, dissected the lawsuit and shared the strategy I proposed to defeat class certification, while discussing the court, the plaintiff's attorneys and my approach.

The participants in the room were invited to ask any questions they wished. The president of the company ended the search for counsel and announced that I was the attorney they wanted. After persuading the trial court at the hearing on certification that a seven-page tentative ruling that would have certified a class was incorrect, the court issued a 12-page ruling denying class certification. We have now represented the client for more than a decade.

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

A: Understand the law better than anyone else in the room. Give yourself no excuses to fail. And, above all, respect and honor your clients and your client relationships.

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

A: Maintaining the hunger and energy to win and be a great attorney.

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