



**CLE**

Alaska Bar  
Association

## Rainmaker, Rainmaker, Make Me Some Rain

Thursday, May 5, 2011

3:30 p.m. – 5:00 p.m.

Jade Room

Fairbanks, AK

Alaska Bar Convention

CLE #2011-706

1.5 General CLE Credits

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## FACULTY

**Jay Foonberg** has served in the ABA House of Delegates; he is on the Advisory Council for the ABA Commission on Evaluation of the Rules of Professional Conduct and he was a founder of the ABA Law Practice Management Section. His book, *How To Start and Build a Law Practice* (5<sup>th</sup> edition), is the book that is most frequently stolen from law libraries in the United States and it has earned more than \$1 million for the ABA, and has been their best seller every year since 1977. Mr. Foonberg is the author of three other important books, all available from the ABA: *How to Get and Keep Good Clients* (3<sup>rd</sup> edition); *Finding the Right Lawyer*, and the *ABA Guide to Lawyer Trust Accounts*. A much sought after speaker, Jay has led seminars and taught client relations, malpractice prevention, legal ethics and client development in every one of the 50 states and as far afield as Europe, South America and Asia in English, Spanish and Portuguese.

Jay earned his JD from UCLA Law School and has received the prestigious Harrison Tweed Award, CLE's highest honor. He lives and practices in Beverly Hills, California. Recognition of his skills has resulted in his being perhaps the only person even honored for lifetime achievements with awards from 4 American Bar Association entities including the following:

1. Harrison Tweed award from the ABA-PLI Consortium on Continuing Legal Education for being the Most Outstanding CLE Educator in the United States.
2. Sam Smith Medal for Lifetime Achievement by the Law Practice Management Section of the ABA.
3. Don Riklis award for Lifetime Achievement by the General Practice Solo and Small Firm Division of the ABA.
4. Law Student Division of the ABA for Life Time Achievement.
5. Lou Goldberg Award as the Most Outstanding Attorney-CPA in the United States by the American Association of Attorney-CPA's.

Jay has also been decorated by the nations of Argentina and Brazil for his work in International Trade as well as having been accepted by the Knights of Malta for his work with hospitals throughout the world.

"Jay Foonberg, He has successfully practiced Business Law, Business Litigation, Estate and Probate Litigation, Legal Ethics and Aviation Law.

Jay is also a runner. He has run marathons and half marathons on all seven continents, and is a member of the 7 continents club."

ALASKA BAR ASSOCIATION  
2011 ANNUAL CONVENTION

- THIRD SESSION -

- “ **RAINMAKER, RAINMAKER,  
MAKE ME SOME RAIN**”

FAIRBANKS PRINCESS RIVERSIDE  
LODGE

May 5, 2011 -

Presented by Jay G Foonberg

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**ETHICAL RESTRICTIONS-  
CURRENT PRACTICES**

1. Origin of Roman Law and Common Law Ethical Restrictions on “Solicitation of the Laity”
2. Definitions of Rainmaking, Mistmaking and Wet Blankets.
3. Common Ethical Requirements and Restrictions:
  - Websites are considered COMMUNICATIONS
  - ADVERTISING aimed at specific Jurisdictions. Dealing with people already represented by counsel.
  - Direct Mail
  - Email SPAM
  - Capping (Paying Runners)
  - Fee splitting with non lawyers
  - Referral fees in excess of those allowed

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**“RULE OF 50-30-20”**

- Traditional Sources of Clients
- Summary of “TEN STEPS TO PROFESSIONAL SUCCESS”

FORMER CLIENTS, REFERRALS, DIRECTORIES,  
GENERAL WORD OF MOUTH, ARTICLE WRITING,  
CLUBS AND ORGANIZATIONS.

- NEW SOURCES- WEBSITES, THE INTERNET, WEB SEARCHES, SOCIAL NETWORKS, BLOGS.

- INCREASING REFERRALS

QUESTION ABOUT R.O.!

- QUESTIONS AND ANSWERS

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