

# OF COUNSEL

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## *Of Counsel Interview . . .*

### **H&K's Schiff Leads the Firm's Real Estate Practice & "Rising Stars" Program**

The Food Network's celebrity cooking star Rachael Ray has built an empire around her persona, much of which centers on distinctive catch phrases. To her, extra virgin olive oil is always EVOO, and sandwiches are never "sandwiches." They're "sammies." In addition to her perky personality, such taglines have helped Ray stand out in an ever-increasing crowd of television glitterati-chefs.

Holland & Knight fifth-year associate Lauren Rabbitt compares her mentor, Janis Boyarsky Schiff, to Ray because of Schiff's dynamic personality and, especially, because of her Schiff-isms, if you will, which help slice through the typical, circumlocutious legalese so prevalent in the profession.

"Just like Rachael Ray has her own way of speaking that brings you into her world, so, too, does Janis," Rabbitt says. "She has an arsenal of metaphors and illustrative catch phrases that get us to understand what we do in a normal-person way. For example, when someone just doesn't get it, she'll say, 'You're trying to nail Jello to a tree.' Or in another situation, she'll say, 'If I had wheels, I'd be a trolley car.' She brings you into her world, which is one of the many things that makes her such a great lawyer and a great communicator."

With 25-years of experience as an attorney, including several as H&K's marketing partner, Schiff also has a knack for breaking down the barriers that often impede successful partner-associate relationships. And that makes her a favorite among the megafirm's junior lawyers.

"Janis strips away the traditional associate-partner hierarchy and boundaries," Rabbitt says. "She goes out of her way to show associates the business side of law

very early on. She brings associates to business pitches, encourages them to build relationships with her clients, and creates other opportunities for them to get out there in the marketplace."

Schiff, who became the head of Holland & Knight's real estate department on January 1, has gained a name for herself as one of the nation's top retail real estate practitioners, as well as for her role in founding and managing the firm's Rising Stars program, a training, mentoring, and marketing program for women attorneys.

"Thanks to Janis, Rising Stars is known nationally," Rabbitt says. "You're talking about a woman who has both local and national practices and knows a lot of people who she brings into the program. It's invaluable, and so is Janis. People gravitate toward her."

It seems that Schiff's real estate clients have a similar affinity for her and particularly value her dedication and work ethic. "A couple of years ago, we were involved in a major transaction, and Janis and her husband, Phil, had bought a boat and were sailing up the East Coast," recalls Scott Spector, managing member of Bethesda, MD-based Kodiak Properties, which has a 20-plus-year relationship with Schiff.

"But she kept in touch with us throughout her trip," Spector says, "and when her wireless wouldn't work, Janis would contact us from the ports that she'd sail into. She'd plug in and email or call us from the backroom of a small restaurant in Fisherman's Wharf in New York or a dive bar in Newport, Rhode Island. Usually when someone takes two weeks off to go sailing, you don't hear from them. Not Janis. She's incredibly devoted to her clients. To us, she's like family."

## Of Counsel Profile

Recently, Schiff talked to *Of Counsel* about, among other things, her career, H&K's real estate practice (with nearly 250 attorneys it's likely the nation's largest such practice), the effect of the current credit crunch on her department's business, and the subject about which she exudes passion: the Rising Stars program. The following is that excerpted interview.

### First Real Estate, Then Law

**Of Counsel:** As may you know, we start all of the *Of Counsel* interviews with the same question. So here goes: What attracted you to the legal profession; why did you choose a career in law?

**Janis Schiff:** I think I less chose a career in law than I chose a career in commercial real estate. The most effective way for me to be involved in it, in a way that I could contribute, was to be involved on the legal side of it. My father is a real estate broker and appraiser, and I used to do title searches for him when I was a kid in high school. In law school, I did some real estate work as well.

I knew I didn't want to do litigation. I wanted to do something transactional, and I headed toward real estate because it was something I knew.

**OC:** That's atypical, in that you knew the practice area you wanted to enter before you knew for certain that you wanted to become a lawyer.

**JS:** That's correct.

**OC:** Where did you go right after law school? You didn't go right to Holland & Knight, right?

**JS:** Right. After I graduated from Suffolk Law School in Boston, I clerked for Judge Alan Wilner, on the Court of Special Appeals in Maryland. When I finished clerking, I got a job with [a regional real estate firm]. I was there for seven years and made partner. The year after I became a partner, I ventured out into the bigger world of national practices. I worked for [Minneapolis-based] Robins, Kaplan, Miller & Ciresi. I didn't enjoy it as much. I worked on some wonderful projects for wonderful clients, but I realized that the old adage is correct: All real estate is local.

I then went to work for another firm, David & Hagner, which doesn't exist anymore, where I expanded my client base. But when David & Hagner merged with [Winston-Salem-based] Womble Carlyle [Sandridge & Rice], I knew that I'd have a problem working for a firm that was so steeped in the tobacco industry. So I left, along with the retail group at David & Hagner, to Holland & Knight. I've been here 10 years.

**OC:** I could guess your rationale for staying away from a firm that so heavily represented the tobacco industry, but I'd rather you tell me.

**JS:** Well, first, with my prior experience with Robins Kaplan, I knew that a national firm that doesn't really focus on real estate as much was going to be a little bit of a problem. Second, it was at a time during the tobacco litigation when I didn't agree philosophically with a lot of the positions taken. While I'm not what one would call a social activist, I just didn't feel comfortable being involved [with some of those positions]. I take very seriously who I work for and how involved they get in an industry. I was also really attracted to Holland & Knight.

**OC:** Good for you. When you think of some of the matters that you've worked on in recent years at Holland & Knight, what comes to mind as those that have been the most satisfying or most important?

**JS:** I guess what comes to mind is my work for our client CVS [the retail drug store]. In the last 10 years, I've represented CVS all over the country. For example, I helped with their expansion in Florida. They're one of the most wonderful clients that we've worked for.

**OC:** What makes them wonderful?

**JS:** They're terrific people. The business is a sound business. Everyone I've worked with at their company out of Rhode Island has been fantastic. They've been loyal to us, and we've been loyal to them.

In terms of the projects that I've worked on, I've particularly enjoyed the mixed-use projects. There's a number of them that I've worked on over the years, including Gallery Place in Washington, DC, and Santana Row in San Jose, California. I could name a number of them. It's the concept where we're combining or redeveloping locations on which you're putting hotels and residential and office space with retail. My practice is probably 75 percent retail-oriented, and I really get satisfaction from fully knowing and understanding an industry. That's exciting and vibrant. I really like what I do. I know the business not just the law.

The key, for me, is to be at the beginning of a project. For example, today we pitched a new project and got the work and gave them a questionnaire about everything from how they're going to structure the deals to what's the storm water management look like. I love serving as a partner with the developer. I don't look at it like I'm their technician but rather their partner and advisor.

## Taking Command of RE Department

**OC:** As you take the leadership of the real estate department, what will be the biggest challenge in running such a large number of attorneys and what are you looking forward to?

**JS:** I'm looking forward to the challenge [laughs]. I don't mean to be glib. I'm looking forward to being able to strategize and advance the department and help develop it for the future. One of the things that I think law firms need to do in real estate is to sell the services the way the buyers buy them, and not the way lawyers think of them.

**OC:** What do you mean by that?

**JS:** Well, for example, a hotel chain that we serve will buy our services in many areas. Just because we're separated by real estate department or litigation department or corporate department or government department; a purchaser of services, a company, will look at us and say, "Well, I can buy employment out of the litigation department." They're looking to say to somebody, "We're your client. We're going to buy all these services from you. Figure it out for us."

So we need to be sure that this is all seamless. We need to be service providers par excellence. We need to cross-sell both geographically and by expertise. And, I'd like to spend more time getting the other departments more integrated with real estate and getting real estate more integrated with the other departments. I think that's really the trend, to make it easier for our clients and more profitable for us by providing services more seamlessly.

**OC:** To shift gears here, since the subprime markets collapsed, a lot of people have talked about an imminent recession and what might be busy and not-so-busy practice areas in the legal profession. In real estate, what's hot, or will be hot, and what's not, or will not be hot?

**JS:** Time-sharing, resort, and hospitality development are all very hot. We see these as real growth areas

in the firm. Obviously, lending is somewhat sporadic. I wouldn't say that it's non-existent. In some markets, lending is strong, and in others it's not. Clearly, single-family residential has seen a fall-out, but multi-family rental has seen an increase. Projects that were slated to be high-end condos are now being developed as rental units.

We see a strong increase in Fair Housing lawsuits, and we do a lot of that; we've been hired by many multi-family developers to perform the Fair Housing component. Our condo practice is actually still strong, but heading a little toward litigation. Our retail is very strong. We've taken some lawyers who tended to do other work and eased them into the retail practice. Hopefully, the retail sector, after Christmas, will stay strong.

**OC:** Speaking of shifting attorneys around, that brings up another question. Of course, when business cycles go up and down, you'll see law firms moving attorneys from, for instance, corporate to bankruptcy, if that's what the market demands. Do you feel that maybe Holland & Knight has too many real estate lawyers? Will you have to start shifting attorneys, not only from one section to another within the real estate department but also out of the department to other practice areas?

**JS:** I don't see any shifting out of the department right now at all. We have a very lean, mean machine. We have attorneys who have strong credentials and capabilities in a number of areas. While we've seen certain sectors slow down, we've not seen, nor do we have any plans for, any retrenchment in that way.

## Women Shine in "Stars" Program

**OC:** Let's talk about the Rising Stars program. There have been 25 graduates of the program. Could you talk about how it got started and what you think its virtues are?

**JS:** Well, this is my absolutely favorite topic. I started the program six years ago. When I came out of law school [the male-female graduate ratio] almost hit 50-50. But as you progress, the percentages go way down, for a number of reasons.

Women have different ways of approaching problems, different ways of approaching the practice of law. Some of this is good and some is bad. By bad, I mean that [some of the differences] inhibit women's ability to operate in the way traditional institutions have operated.

On seeing this over the years, I talked to a couple of people in the firm. This is one thing that is fabulous about Holland & Knight (I want get this plug in): If you want to do something innovative, you can do it. My partners are very supportive.

So I developed this one-year program, and part of it has a Harvard Business School component. We read a number of business-related books to focus on the fact that this is, indeed, a business. We also have a life coach who works with the participants for three months. We have a marketing coach. We work with a group out of New York that does a presentation-skills program. The concept is that this is a management, leadership, and marketing training program.

We take five women a year. They apply [toward the end of the year]. Sometimes we've had 10 applicants, sometimes 12, sometimes seven. You have to have been with the firm for three years. You have to be at least a six-year attorney. You must submit recommendations, and we evaluate the applicants and how the group would work.

Once the program gets going, we talk every two weeks, either about the books we've read or a topic of interest in the firm. The syllabus agenda is known in advance, so you'll know what we'll be talking about. So, for example, one week we may discuss the book *Nice Girls Don't Get the Corner Office* [by Lois Frankel, PhD], and the next time we'll discuss a marketing strategy.

## Key Recruiting Tool

**OC:** How long do these meetings last?

**JS:** They're about an hour, 12:00 to 1:00. Some of the other important things that the women get are: They go to one directors' meeting. They have lunch with our managing partner. They have lunch with the chairman of the board of the firm. They get a lot of attention.

My goal when I started this, and I think that it's happening, was, if I get five women to go through the program a year, we'll have a pipeline of potential women leaders. What I've often heard is that there are not enough women from which to choose. But soon we'll have a lot. We have 21 of the 25 women [who have

graduated] still with the firm; in a couple of instances the women realized that this firm life wasn't for them, which is fine as the program serves as an off-ramp for them.

The point here is to build perception—I'm a firm believer that perception becomes reality—to build confidence and skills, to create a track for marketing, and to really have the women learn how to use their best skills.

In terms of results, while we haven't done a statistical analysis of the program, last year two of the former Rising Stars became equity partners. Of the 15 people who made partner, five were women and two of those had been Rising Stars. That's tremendous.

**OC:** I imagine this helps with recruiting.

**JS:** It's been wonderful for recruiting. Some people have joined Holland & Knight and said, "I've specifically joined the firm because you have a program like this." We have a women's initiative as most firms do, of some sort. But this is specifically geared at leadership training.

When I read the applications every year, I'm struck with these women's credentials. They're graduates from Harvard, Yale, Michigan. They have talents. They're harp players; they run marathons; one of our Rising Stars this year climbed Mt. Everest. We're talking about incredible women. And on top of it, almost every year we have women who have had their children or are pregnant.

You can hear how excited I am about this program. If I had to give up everything I do at the firm, this is the one thing I wouldn't give up. I love it, and it's my way of giving back. I gain a tremendous amount of knowledge from the women each year. I think that I'm a better leader for having listened to them. I'm more in touch with what's going on and have a better sense of the generational shift that's occurring.

Now some might say that these women "are just looking for a work-life balance." But no, most of these women work well beyond 5:00 each day and are just looking for respect for what they do. I think this program helps them attain the respect they deserve. ■

—Steven T. Taylor