

Rainmaker Q&A: Atkinson Andelson's Nate Kowalski

Law360, New York (August 25, 2016, 4:45 PM ET) --

Nate J. Kowalski is an equity partner at Atkinson Andelson Loya Ruud & Romo and the head of its public entity labor and employment practice group in Cerritos, California. He has successfully litigated hundreds of complex labor and employment cases on behalf of employers, including The Kroger Company, Ralphs Grocery Company, Metropolitan Water District of Southern California, the City of Long Beach, and the Orange County Transportation Authority.



Nate J. Kowalski

He has developed an expertise concerning the application of California's wage and hour laws to public agencies and was lead counsel in a groundbreaking appellate case, *Johnson v. Arvin-Edison Water Storage District* (2009), which established that California's overtime and meal period requirements do not apply to the public sector.

Chambers USA named Kowalski on its list of the top labor and employment lawyers in California. Citing client feedback, Kowalski was described in the Chambers guide as "adept, forthright and analytical." Additionally, The Daily Journal has recognized him as one of the top municipal lawyers in California and top labor and employment lawyers in California, highlighting cases he handled on behalf of Ralphs Grocery Company (defense verdict in disability discrimination arbitration), the San Diego Superior Court (denial of writ of mandate after union challenged layoffs imposed by the court) and the Los Angeles Superior Court (summary judgment in a sex discrimination case brought by three court employees).

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

A: Perseverance. Getting clients to trust you to solve their problems doesn't happen overnight. I have actively courted some clients for months or even years. For instance, it took me about two years to get Ralphs Grocery Company to take a chance on me.

In 2003, shortly after joining Atkinson Andelson as a senior associate, I saw Ralphs' in-house labor and employment attorney at a local employment conference. After I introduced myself, we chatted and exchanged business cards. I kept in touch with him for months, reminding him that AALRR charged much lower rates than the big firms Ralphs was using for litigation and that our Cerritos, California, headquarters was close to Ralphs' headquarters.

Though my contact left Ralphs, my efforts weren't wasted. Steve Prough, the attorney who took his place, was familiar with my work. When he'd been in private practice, he had heard an appeal that I had argued and won. He knew he'd get excellent work from me for a relatively low rate. Also, fortunately,

Steve was familiar with my firm, as his mother was a principal at a school district AALRR represented and his father had worked for the National Labor Relations Board with one of our name partners. I emailed Steve whenever we won a summary judgment motion or got other favorable outcomes for our clients. Eventually, he invited us to pitch to him and his colleagues in person.

At the pitch, I asked Steve for just one low-risk case so I could prove myself to him. I got it. And I proved myself. Soon I got more and more cases from Ralphs. Steve Prough eventually recommended me to The Kroger Company, Ralphs' parent company. By now, we have represented Ralphs in dozens of cases and also do work for Kroger.

It took at least a dozen correspondences and two years of courtship before I got assigned one small case. As Christopher Morley said, "Big shots are only little shots who keep shooting."

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

A: Pitches to public entities usually require written responses to lengthy requests for proposals. It may be difficult to distinguish one law firm from another based on an RFP, so I think about how we stand out for that entity. I also ask around at my firm; usually someone has a personal connection with the potential client.

I think about a few main themes that will sell myself and my firm. Large firms have the advantages of a brand name, a zillion attorneys to cover big cases, and plush Los Angeles headquarters. But I am with a midsize, younger firm in Cerritos, California. I try to show that these attributes actually differentiate us in a positive way. My main themes are often the three P's of personal attention, price and proximity.

Courtrooms aren't the only places where good public speaking skills come in handy. At pitches, I try to speak vibrantly to keep clients interested. I also offer specifics to impress the particular client for its particular needs. It is one thing to say, "We are good litigators who don't drag out cases." It is much better to say, "We represented an entity similar to yours in a large wage and hour class action. We were able to defeat class certification, saving our client a potential \$10 million in damages and \$500,000 in attorney's fees."

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

A: As I mentioned, as a senior associate I spent two years courting Ralphs before my firm was invited to pitch to them in person. I assumed that Steve Atkinson would make the pitch or make it with me, since he had worked with the father of Ralphs' in-house attorney. But Steve said he had confidence in me and told me to go by myself.

I was nervous but excited. I tried to turn my potential liabilities into assets. I told Ralphs' attorneys that as a senior associate without a lot of my own clients, I would care deeply about their issues and be easily accessible to them. Plus, my rates were lower than partners' rates at my firm and lower than senior associates' rates at large firms they'd been using. Still, I knew that hiring an associate at a midsize firm would seem risky. So I asked for just one case to start with. I knew I could prove my value. They gave me that case and, eventually, many more.

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

A: Building personal relationships. There are many good attorneys out there. Negotiation and litigation

skills will get you only so far. People skills can set the rainmakers apart from the drizzlemakers. For many clients, seeing their lawyer may seem like one step up from seeing their dentist, but I want clients to enjoy working with me. I care about my clients and am genuinely interested in them. I talk to them about their lives outside their offices. I note how old their kids are, what their hobbies are, where they live. Many of my clients consider me a friend. One client told me about a home invasion robbery he and his family had suffered. He shared that harrowing story with me because we had become close friends.

If my client and I are in negotiations or trial all day, I will talk to them on a personal level during breaks and at lunch. It takes time to talk to clients in this manner. Instead of spending breaks catching up on work or answering emails, I'm usually chatting with my clients. But I find these conversations very rewarding.

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

A: Obviously, I have a lot more clients now than I had at the beginning of my career. More clients mean more demands on my time. But my clients are used to having me readily available like I was years ago when they first hired me. If they ask me questions that will take a lot of time to answer and I don't have that time right away, I will respond as quickly as I can with an email or call saying something like, "I'm in a depo today. Can I call you tonight?" Because I have built strong relationships with my clients, usually they are understanding.

Of course, it's not easy to find time to provide my existing clients with high-quality service and also try to get new clients. I've learned to delegate more and to work more efficiently. I enjoy meeting people and showing them what my firm and I can do for them, so I make time in my schedule for rainmaking.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.