

play to win

Sharing Origination Credit: Be a Cross-Selling Team Player

By [Sally J. Schmidt](#)

As 2020 winds down, I seem to be getting a lot of questions about origination credit. This has been a challenging year for many lawyers and they are understandably concerned about their numbers as they go into compensation discussions.

While there are still the rare firms with lock-step systems, the vast majority of law firms reward the generation of business in some fashion. In firms with “eat-what-you-kill” systems, business origination represents a very significant part of the calculation; in most others, whether using an objective formula or a more subjective system, it still matters. Conflict can arise when lawyers work together to generate a new piece of business and have to place a value on the contributions the various parties made to landing the client. The person who had the contact often feels that is the ultimate factor; the lawyer whose expertise will be tapped often feels that element should be rewarded handsomely.

As my husband likes to say, “No matter how thin the pancake, there are always two sides.”

Allocation Considerations

There are no hard and fast rules about when or how to share, and every firm’s system adds nuance to this discussion. However, whether you are a cross-seller or a cross-sellee, here are some factors that should be considered when lawyers try to divvy up origination credit.

- **Original relationship.** Most new clients spring from someone’s contact but the strength of that relationship is key. Did the lawyer go to kindergarten with the new client or is it a friend who is giving the firm a shot based on a long-standing personal relationship? The latter deserves a greater reward.
- **How much work the cross-sellee puts into the effort to generate business.** Was it an introduction over a one-hour Zoom meeting or did the colleague fly across the country for a pitch and then follow up with the contact for two years, providing substantive updates?
- **What I call the “but for” factor.** If the client wouldn’t have become a client but for the expertise or experience of the cross-sellee, this is significant. It’s one thing to generate routine contract reviews that any number of firm lawyers can handle; it’s another to bring in business in a new practice or geographic area due to a colleague’s unique credentials.
- **Ongoing relationship.** Will the originating lawyer be involved in matters going forward or turning the client over to someone else to manage, service, bill and cultivate? Continuing to maintain a personal relationship is a given; expecting a colleague to be the primary business contact moving forward is another issue altogether.

Sharing the Origination Credit

In a recent discussion about teamwork, someone shared a quote attributed to Ronald Reagan:

“There is no limit to the amount of good you can do if you don’t care who gets the credit.”

Not every collaboration deserves to be rewarded, of course. There are many efforts lawyers should make to be good firm citizens and generous colleagues. But, as the originating lawyer, if you do reward fairly and share the credit, others will be more willing to team with you to grow both your book of business and the firm’s bottom line.