

## Rainmaker Q&A: Bradley Arant's Kay Bains

*Law360, New York (July 25, 2013, 3:37 PM ET)* -- Kay K. Bains is a partner in Bradley Arant Boulton Cummings LLP's Birmingham, Ala., office. She has represented banks for more than 30 years, specializing in three areas of critical importance: documenting and negotiating commercial real estate loans, selling distressed assets (both notes and OREO properties), and buying, selling, leasing and developing bank branches, headquarters and operations centers throughout a bank's footprint.

Bains has implemented a full-service approach to the real estate needs of bank clients. To provide the client with a consistent, uniform approach, she handles all sales, acquisitions, leasing, easements, signage rights, estoppels and SNDAs in all states in which a bank operates. She has been recognized by Best Lawyers since 1995, and annually in Chambers since 2006.

### **Q: How did you become a rainmaker?**

A: It was by necessity. Early in my practice, the senior banking partner to whom I was assigned left to start his own firm. I either had to find my own banking clients or pursue another area of law that did not interest me as much as banking and real estate. For me, the choice was easy. This did not mean the implementation of the "bring in your own clients" plan was assured.

In what turned out to be an ironic twist, the partner left behind on my desk a file that he laughingly described as "belonging in a kennel." The matter was a small loan, with more "opportunities" than a small loan merited. He admitted that he could not effectively and economically handle it for the client. However, to the young bank officer in charge of the matter, it was an opportunity to advance his career. I viewed that file the same way he did — as a chance to advance my career.

Without question, I did not make any money on that loan. I became, however, that loan officer's "go-to" lawyer, and from that relationship, I met a dozen similarly situated loan officers. Now, 30 years later, those officers are in senior management positions, in multiple different financial institutions, and all remember, as do I, how we helped each other in those early days and thereafter throughout our careers.

### **Q: How do you stay a rainmaker?**

A: A rainmaker is not only self-supporting, but brings in new or additional business for the firm. A primary factor in remaining a rainmaker is developing a team for each client's specific needs. Although I maintain key relationships and have a good understanding of legal issues involved in each matter, I often entrust the details and implementation to team members. Our clients appreciate the team approach, knowing matters are handled efficiently and economically, by a regular team member who knows the client's representatives, business and goals. You must also keep current on both the legal and business realities of your clients. Finally, flexibility is a necessity in rainmaking. When financial institution clients

drastically reduced commercial loan production in 2008, the market shifted to the sale of toxic loans. Once the closer of large commercial loans, I quickly morphed into the seller of distressed assets.

**Q: What advice would you give to an aspiring rainmaker?**

A: Stay lean and hungry, never assuming the phone will ring. Develop personal relationships with your clients and potential clients. Learn who and what are important to them. Identify and develop an area of expertise, realizing that you need to be identified with a specific niche and practice area. Be a source not only of legal advice, but share trends, shifts in markets and references — in summary, know the client's business and bring value. View every representation as an honor and a privilege. Someone has entrusted you with a matter that is significant to them. Let the client know of your appreciation. Last, do your best and provide excellent client service.

**Q: Tell us a tale of landing a big client.**

A: Birmingham has lovely residential areas, many situated alongside heavily wooded spots. One site in particular was on a hillside, subdivided into "estate-sized" lots (i.e., very large lots, each consisting of several acres). A small number of those lots had been built, but others remained for sale. The developer, well-known and well-connected, decided to re-subdivide the remaining unsold lots to make room for over a dozen smaller homes. The adjacent homeowners, as a group, were upset and sought legal counsel. Virtually every local lawyer or firm said they conflicted out. Some were truly conflicted; others did not want to oppose the developer. I accepted the representation.

After the matter was resolved, one of those homeowners called me. I had no idea what he did professionally, but I learned that he was in senior management at a regional bank and looking to hire a lawyer to handle the development and construction of the bank's new headquarters. This story shows how rainmaking works. A small personal matter for an individual grew into a major engagement — followed by a client relationship that has lasted for more than 20 years.

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