

Chapter 1

GETTING STARTED

“Never mistake motion for action.”

—Ernest Hemingway

If, like many lawyers, you’re tempted to rush headlong into business development by picking up the phone and making a lunch date with a prospect, my advice is simple: don’t. Sitting down with a prospect comes much later in the process—after you’ve fully prepared in ways large and small that will dramatically increase your chances of success. Hastily seeking meetings with prospects and clients is, in Hemingway’s words, to mistake motion for action.

Before you take to the field, you must know where you are, where you want to go, and what you need to get there. As the following chapters explain, you must thoroughly assess the state of your firm’s business, your resources, and the clients you wish to pursue within the context of your strategic objectives. You will need to put in place a business development framework, and, before anyone makes that first phone call, you must plan meticulously who your firm will approach and how. Before the first meeting, you must understand and acquire the business and interpersonal skills you will need to succeed. Through it all, remember: Preparation is also an action. It begins with an attitude adjustment—replacing myths about business development with facts.

MYTHS VERSUS FACTS: REFRAMING BUSINESS DEVELOPMENT

From my work with lawyers all over the world, it's clear to me that many of them hold tightly to intensely negative beliefs about business development that reduce their effectiveness with clients or prospects. Many of these beliefs are simply mistaken, a combination of half-truths, myths, and professional lore that have no basis in fact. Under the spell of these beliefs, you are likely to dread encounters intended to win business and to evade, whenever possible, undertaking face-to-face meetings. Further, if you don't like to do business development, you are at the mercy of the buyer and your competition. Can you learn to like it? The answer is a resounding *yes*. Especially if you keep in mind this simple precept:



How you think is everything. Reframe your beliefs about business development.

The discussion of myths and facts that follows is intended to help you do what cognitive psychologists call *reframing*. By substituting facts for myths, you can reframe business development more positively—and more accurately. Just as negative framing can be a self-fulfilling prophecy of failure, positive reframing can be a self-fulfilling prophecy of success.

Myth 1. Clients and prospective clients dislike business development and marketing.

Fact: Business development and marketing help clients and prospective clients understand how to establish and grow trusting, long-term relationships. Clients and prospective clients *want* to buy, but they emphatically do not want to feel that they have been sold. Most surveys of sophisticated clients reveal that the vast majority would be interested in knowing more about you and your firm.

Myth 2. Business development and marketing are not part of the “true” practice of law.

Fact: Identifying and fulfilling clients’ and prospective clients’ legal needs are parts of the process of helping people achieve their goals—to protect assets or to grow assets. Without business development and marketing, most lawyers would simply be “order takers,” acquiring only the business that clients identified. Lawyers also do clients a disservice by not helping them uncover other needs of which they might not be fully aware. Business development and marketing help identify additional opportunities for both the client and outside counsel.

Myth 3. Clients and prospective clients are seeking the smartest lawyer to do their work at the lowest price, and I don’t fit that profile.

Fact: Clients and prospective clients are, of course, seeking smart and cost-effective lawyers. However, they also want someone they trust, which may be the most important factor in their hiring decision. Bringing confidence, conviction, and passion about your clients and their organizations goes a long way toward overcoming their concerns about smarts and price.

Myth 4. The quality of the work product determines the value of your services. Everything else is unimportant, comparatively speaking.

Fact: Clients place a value on solutions to business challenges by measuring the upside. A lawyer who unlocks enormous new value for the client’s business or prevents huge new threats to the business—especially one who discovers the solutions on his or her initiative—will prove far more valuable and deserving of premium fees than one whose work merely meets a lawyer’s concept of substantive excellence. What’s more, even when clients cannot distinguish

gradations of quality between two firms' work, they know or can sense when they are not getting good service. Feedback from The WJF Institute's clients during business development workshops indicates that their clients had the following concerns and expectations about outside counsel, in order of importance:

1. Commitment
2. Integrity
3. Competence
4. Fee issues

Proving commitment with new clients is always a challenge. Initially, by far the best way to prove that you will be committed to the client is through your references.

Myth 5. Rainmakers are born, not trained or created.

Fact: Business development skills are *learned* skills; they are not inborn. Daniel Goleman's work on emotional intelligence clearly indicates that the socialization skills acquired in early childhood create opportunities for individuals to become successful business developers and leaders. Conversely, can some people be viewed by their actions as client killers, death-wish marketers, or drought makers? Sure. Nevertheless, even those who are viewed as client killers can learn business development skills and become, if not rainmakers, at least drizzle makers. There is no reason that lawyers can't acquire business development skills if they are provided with such basic tools as a business development process and help with self-monitoring their conversations and body language in meetings with clients and prospective clients.



People can be trained to be better at business development, marketing, building trust, and managing profitable client relationships.

Myth 6. Lawyers who need to do business development are probably not good lawyers, and that is why they do not have a solid, big “book of business.”

Fact: The presumption that the most talented lawyers are busy and therefore do not have to do business development and marketing is simply not true. In fact, watching those talented lawyers make a point of doing business development even while busy brings to mind the words of President John F. Kennedy: “The time to repair the roof is when the sun is shining.” I have also observed that the most talented legal minds have a strong sense of how to interact with people and are always looking for new opportunities. Some of the best rainmakers I have ever seen compulsively seek unique added-valued ways to help their clients and prospective clients. These individuals are passionate about their clients, their practice, and their firm.



Passion is a great motivator and can play a significant role in helping you become proactive about your clients’ needs.

OVERCOMING NEGATIVE ATTITUDES

In addition to the myths that abound about business development, other negative attitudes can make seeking new business much more difficult than it has to be. Some of the most common of these attitudes, along with some suggestions for overcoming them, include the following:

“There is not enough time available to do the work *and* get the work.”

Suggestion: We as lawyers do what is urgent, not important. You may want to seek training on goal and time management. If your office looks like it has been hit by a paper blizzard, with files and documents everywhere, then you are clearly a candidate for

rearranging your priorities. If you want great work, you will have to find it. It will not fly through your window like a bluebird with a sack of gold attached to its leg.

"I don't like salespeople; I don't like getting cold calls from brokers and financial planners, and I'm sure that my clients feel the same way about me."

Suggestion: How do you know how they feel? Have you ever discussed this with clients or prospects? Try asking them how they feel about lawyers who do business development really well—and ask them what lawyers do in business development that puts them off. Many lawyers are professional, empathetic, good listeners, and skilled in client care—some of the qualities that separate the winners from the pack and that most clients greatly appreciate.



Successful business developers seek to understand the clients' needs before offering solutions. As Stephen R. Covey, the author of *The 7 Habits of Highly Effective People*, says, "Seek first to understand, then to be understood."

"I went to law school to avoid 'sales.' Some of my family members are in sales, and they are too pushy and aggressive."

Suggestion: The legal profession generally looks down on sales, business development, and marketing as being crass, boorish, unseemly, and unprofessional. Remember, though, that many clients have salespeople and marketers as part of their organizations and therefore recognize the necessity of business development. Further, they know that the best sales and marketing efforts deliver useful information that can be of great value to potential customers. In a larger sense, clients and prospects likely have to "sell" their ideas to superiors, colleagues, suppliers, and investors. In fact, most of us are involved in selling in many aspects of our lives. Looking down on sales is therefore not only snobbish but also self-deluding. When

you are in the field, however, it's helpful to distinguish between business development (offering clients a service because you know they need it) and sales (attempting to persuade clients to buy a service regardless of their needs).

“Our firm markets through numerous media and channels; I don't need to be involved.”

Suggestion: Most lawyers and law firms spend far too much time and too many resources “broadcasting” solutions in hopes of finding a new client with needs that correspond to the services they provide. They send out letters, client alerts via e-mail, newsletters, practice group descriptions, and firm brochures. They conduct new client seminars. They advertise. A friend of mine calls this the “smorgasbord approach.” If you talk enough about what you do, either face-to-face or using these devices, perhaps clients or prospective clients can sift through the flack and find the silver bullet on their own. But don't bet on it.

“That's all well and good, but I have tried business development and marketing and have had poor results; it just doesn't work for me.”

Suggestion: Read the remainder of this book, especially the chapters that provide a step-by-step guide to the business development process. Absorb the techniques you will learn there. Try them. You have nothing to lose but the false beliefs that hold you back.

THE RIGHT BEHAVIORS AND THE RIGHT SKILLS

Once you have reframed your approach and swept away negative attitudes, you will be far more receptive to making the effort to practice the behaviors and develop the skills that will enable you to excel at business development.

The right behaviors include

- thinking like a client;
- focusing on where you are likely to get business;
- acting energetically, remembering that, as the old adage suggests, “the early bird gets the worm”; and
- developing empathy to understand and relate to clients’ or prospective clients’ pressures, internal politics, budgetary constraints, management, and the risks they take in hiring you.

Above all, you will need to be persistent. Persistence is best defined as discipline. If the opportunity does not come immediately, don’t give up. It may be “no” for now; however, through your persistence you can turn that “no” into a “yes” later.

The right skills include the ability to

- establish face-to-face rapport to develop trust and long-term relationships;
- write a concise, readable, and solutions-based proposal;
- justify the cost of your services, providing the clients and prospective clients with a business case for comparing cost and value received; and
- negotiate in a manner that allows both parties to feel that they have benefited from the deal.

There’s one final negative attitude that you should jettison immediately: “I don’t have the aptitude to learn so many new things that lie so far outside of my specific legal skills.” Nonsense. For more than thirty years, I’ve seen thousands of lawyers learn to practice these behaviors and develop these skills. So can you.

Rule: Persistence can turn “no” today into “yes” tomorrow. Never give up.