

The Keys to Successful Business Development

By Brad Nahrstadt and C. Barry Montgomery

Four is a magical number. For centuries it has been a number of completion, stability, and predictability. There were four classical elements in the Greek world: earth, air, fire, and water. There are four basic states of matter: solid, liquid, gas, and plasma. There are four seasons: spring, summer, autumn, and winter. There are four cardinal directions: north, south, east, and west. There are four parts to the day: night, morning, afternoon, and evening. And there are four cardinal rules to mastering the art of legal marketing: **Reputation, Exposure, Ask, and Persist (REAP)**.

1. Reputation

One of the most important rules to successful legal marketing is to develop a reputation as an excellent lawyer. Make a name for yourself. Raise your personal profile. Prospective clients must perceive your expertise before you are hired. To paraphrase Lord Chesterfield, an acclaimed British statesman, a good (or bad) reputation arrives before you wherever you go.

Building an excellent reputation begins with honing your skills. Identify a practice area that you like and in which you feel you can excel. Take the hard cases and use your intelligence, passion, and dedication to obtain great results. Don't be afraid to try cases. Clients and your opponents need to know that you can *and will* try any case.

Then, you must actively show the legal community the skills you have mastered. Seek out listings in *Leading Lawyers*, *Super Lawyers*, *Best Lawyers*, and Martindale Hubbell®. Write articles about your practice area. Contribute to online journals or industry publications and highlight your expertise. Seek out and obtain opportunities to speak before legal groups, industry organizations, and trade meetings. Develop your own blog to showcase your knowledge and talents. Have your firm send news of your legal victories to local legal publications. Cultivate relationships with those who author the "People in the News" columns in state and local legal magazines. Post your speeches, articles, and major news items on your firm Web site.

Part of developing your reputation as an excellent lawyer means constantly improving your ability. Keep abreast of legal developments. Attend programs that are designed to enhance your trial skills, such as those sponsored by the National Institute for Trial Advocacy (NITA) and other groups. Take advantage of continuing legal education programs to develop your knowledge of the law, technology, and state and federal rules applicable to your practice.

By engaging in these activities, you can develop your reputation as an excellent lawyer and fulfill cardinal rule number two: exposure.

2. Exposure

Once you develop your reputation as an excellent lawyer, you must gain exposure. You can be the best lawyer in the world; however, if no one knows that fact, you will not be able to turn your expertise into business origination.

How does one gain exposure? By going to where business opportunities exist. That means dealing with the people who can give you business: prospective clients, existing clients, and referring lawyers. To obtain business from prospective clients, you must seek them out. Join a club or civic organization. Actively participate in church and school activities. Entertain at lunches and dinners. Family members can be a tremendous asset—don't be afraid to use them to sell your worth to prospective clients. Don't just attend your son or daughter's soccer game. Talk to the other parents. Work con-

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versations around to who you are and what you do. Sell yourself.

Remember, you can catch an awfully big fish with a little worm. You may have to take a small case, with little or no monetary return, to demonstrate your ability to land the big case.

When it comes to developing business from existing clients, ask to tag along with senior partners when they meet with clients. Be introduced to clients to have them know who you are. Cross-sell your firm and its lawyers. Let clients know all the areas of your practice. Sign up for computerized systems like ClientFinder, CourtBriefs™, and First Notice for notification of when a new lawsuit is filed against clients. When notice is received of a new lawsuit, let clients know and ask for the opportunity to defend them. Never forget that you have to keep your name *and the name of your firm* in front of clients. When my fellow co-owner and I met with the general counsel for a large manufacturing company that we had done work for in the past, he told us that to receive business from his company we had to “stay on [his] radar screen.”

When it comes to developing relationships with other lawyers, don't forget to treat opposing counsel the way you would like to be treated. Remember that today's opponent could very well be tomorrow's referral. Seek out leadership positions in legal groups such as the American Bar Association, state bar associations, the Defense Research Institute, or the American Association for Justice and actively participate in the business of those groups. Join organizations that foster relationships and collegiality between members of the bar, such as the American Inns of Court or the American Judicature Society.

3. Ask

It is not enough for lawyers to develop a good reputation and to gain exposure to those who can provide them with business. You have to *ask for the business*. If you don't ask for the business, you likely will not receive it.

To be in the position to ask for business, you need to: understand prospective client's needs; understand your firm's capabilities to recognize an opportunity and explain those capabilities; and present such information to prospective clients and *ask for the opportunity to help*.

How will you know and understand prospective clients' needs, such as corporate clients? Do some homework. Read company materials, visit corporate Web sites, peruse media coverage (in mainstream and industry/trade publications), and talk to others in the industry. Learn as much as you can about companies (e.g., its business, operations, and facilities), the legal issues facing companies (e.g., lawsuits, recent problems, legal needs, and current counsel), and who is responsible for assigning legal business (e.g., general counsel, assistant general counsels, CEO, and board members). Track matters involving other companies or clients in the same line of business or industry. Attend seminars or open houses sponsored by such prospective clients.

Once you identify prospective clients' needs, you must determine if you or your firm can be of assistance. You must position yourself as the person and the firm that can meet prospective clients' legal needs. You must be able to speak knowledgeably to such clients about the cases your firm has handled, the matters that have been resolved, the results that have been obtained, and your firm's industry expertise.

Consider this example. You are conversing with the general counsel of a prospective client when she asks: “Is there anyone in your firm who has handled cases involving environmental contamination?” You respond: “I think we do, let me check into it and get back to you.” Not exactly a confidence-inducing response. Contrast that with the following response: “Absolutely. My partner Tom Adams has defended these types of cases for years. In fact, he recently wrote a

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chapter about Superfund sites in a book about the defense of environmental cases. Can we set up a time for you two to talk?" In this response, you have expressed confidence in the firm's ability to handle the client's legal problem and possibly have seized a business development opportunity.

After areas of client need are identified and you have determined that your firm can be of assistance, ask for the business. You must put on your salesman's hat and sell yourself and your firm. Call prospective clients, discuss the area(s) of need, and explain how you and/or your firm can help meet that need. *Then, ask for the business directly.* "Mr. General Counsel, I understand that your company is being sued for manufacturing an allegedly defective diet drug. I have represented more than a dozen pharmaceutical companies in similar litigation. I would appreciate the opportunity to defend your company in this case."

4. Persist

"If at first you don't succeed, try, try again." Enough said.

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