

**WHY LAWYERS  
DON'T SELL**

**AND WHAT  
TO DO  
ABOUT IT**

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## About the Authors:

Since 1983 the Kohn brothers have assisted lawyers in business development in over 1000 firms. They pioneered the technique of business development coaching and have conducted over 75,000 one-on-one coaching sessions. They have written over 100 articles on business development and co-wrote the best-selling book published by the American Bar Association, *Selling in Your Comfort Zone*. They created a proprietary app, BizDevCoach®, which helps lawyers identify better business development ideas and stay engaged in the process. This book contains many of the most essential elements they teach.

For additional tips on business development, you will find articles and podcasts at [www.kohncommunications.com](http://www.kohncommunications.com).

Here is a sample:

<b>Articles</b>	<b>Podcasts</b>
<i>Business Development Innovation</i>	<i>Counter-Intuitive Tips for Working a Room</i>
<i>Developing Charisma</i>	<i>How to Market When You're Too Busy</i>
<i>Biz Dev Breakthrough!</i>	<i>Business Development Tips for this Holiday Season</i>
<i>Building Your Practice of the Future</i>	<i>Client Service Through Technology</i>
<i>Building a Rainmaking Culture</i>	<i>Even Non-Marketers Can Make it Rain</i>
<i>Strategies for Planning and Executing a Satisfaction Survey</i>	<i>Rainmaking Essentials Webinar</i>
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<i>Doing Business with Friends</i>	<i>Client Satisfaction Survey Panel Discussion</i>
<i>Create Achievable Marketing Plans</i>	<i>Digital Engagement for Lawyers Conference Call</i>

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# Why Lawyers Don't Sell And What to Do About It

You've tried everything. You've had meetings. You've offered compensation. You've pressed, pushed, and pleaded. Maybe you've even threatened or begged - all with unsatisfactory results. So, you've come to the conclusion that "You either have the skills to sell or you don't." But, you're mistaken because selling is a learnable skill and we can help you teach it.

We've been helping lawyers improve their business development since 1983. We wrote the best-selling book: Selling in Your Comfort Zone, published by the American Bar Association. We've helped thousands of lawyers and we know that they can be successful at business development.

In this short read, we'll explain what you need to know to implement a practical, affordable program. The information in this booklet is not limited to those who don't sell. It can also help lawyers at every level of rainmaking skill.

## Why lawyers don't sell

But first, you will **never** be able to teach lawyers to sell unless you understand what stops them.

The most common excuse is “I don't have the time.” And, this sounds reasonable. When someone is already feeling too busy, the notion of adding anything more to their schedule seems impossible.

**But not having enough time is not the real obstacle.**

The real obstacle is that lawyers have made a **decision to dismiss selling**. They probably don't realize it. They may verbally support selling and agree that everyone needs to do it. They may even agree to participate in your firm's business development effort. But deep down, they have decided it's not for them. They have a deeply entrenched belief that selling is not in their future. It's not their self-image. It's not their world view. They are **convinced** that no viable options exist – or ever will.

Here's why:

While forming their self-image in their youth, many

people slowly become aware of the unattractive aspects of selling. The accumulation of these negative perceptions ultimately forms a definitive opinion that selling is unappealing for them. At some point, they decide it for certain. Then, that decision is constantly reinforced. This process is called **Confirmation Bias**.

Over many years, fears, failed attempts, misleading advertising, invasive telemarketers, pushy salespeople, movies, plays, books, and opinions expressed by role models provide a barrage of unattractive messages that reinforce the decision to not sell. Every time a non-marketer receives a negative reinforcement, they consciously and/or unconsciously confirm their decision to not participate in selling. They think, “That’s repulsive. I’ll never do that!”

The result is that lawyers become **proud** that they don’t sell. The decision seems right. It feels good to avoid doing what they don’t want to do!

And, there’s one more thing. Not only have they made a decision that they are proud of, but lawyers are trained to fight for and defend their positions. They practice it every day. They enjoy it. This

combination of being proud of their decision and the highly developed ability to defend a position is ***confirmation bias on steroids.***

Unfortunately, by having this predisposition to not sell, lawyers avoid paying any attention to it at all.

**And, if they don't pay attention to it, they will never improve.**

# What to do about it

Helping lawyers to sell requires changing their minds about selling. You need to present selling as something very different from what they are expecting. The good news is that if you are successful in changing their minds, lawyers often become exceptional at selling. This is because lawyers are smart. And, when smart people remain engaged in a project, they are more likely to identify and implement good ideas. The challenge is keeping them engaged.

We have been successful in helping lawyers change their minds and stay engaged in selling by using the following structure:

- 1. Reduce the fears**
- 2. Provide reasons to sell**
- 3. Provide achievable steps**
- 4. Teach targeting**
- 5. Build a business development culture**

# 1. Reduce the fears

First, you must address the fears that stop them from changing their minds. The fears feel real, but they are often based on false assumptions and can be substantially reduced.

We've identified two categories of fears: **The fear of futility and the fear of humiliation.**

## **The fear of futility**

The fear of futility is the concern that no effort will succeed. Futility means wasting time and money. For example, lawyers have invested countless hours in preparing for and delivering speeches with no results. They have suffered boring and time-consuming lunches with potential referral sources that didn't lead to new business. Alternatively, lawyers are highly rewarded for successfully serving clients. They've learned that the more time they spend on clients, the more they can bill and/or the more they can mull over ideas that will support the relationship. This focus on serving clients also

reduces the fear of getting sued for malpractice.

When confronted with the decision to possibly waste time and money on selling, or instead receive a bounty of benefits by tending clients, they will invariably choose the latter.

One remedy for the fear of futility is to only invest time and money in quality contacts. Quality contacts are **the people who can benefit you and who are most likely to be responsive to your outreach.**

While this seems obvious, so many lawyers waste their resources on non-quality contacts. This is because they are unclear about who their best quality contacts are or where to find them.

Quality contacts fall into three categories: **Clients, Referral Sources, and Resources.**

**Clients** are individuals who have hired you and will continue to have needs for your services. Also, they are individuals who haven't yet hired you, but have the authority to do so.

**Referral Sources** are individuals who have referred business in the past and also individuals who haven't yet referred but are in a position do so.

**Resources** are individuals who can provide access to people who would be valuable for you to meet or provide access to opportunities such as publishing and speaking.

We can tell you with great confidence that it will never be a waste of time when you are interacting with quality contacts. Therefore, from now on, you need to make sure that every action you take focuses on interacting with quality contacts. We'll go deeper into this topic later in this booklet.

Another reason lawyers feel that selling is a futile effort is the belief that lawyers who are successful in business development are born with certain qualities that help them sell. They seem to be more outgoing. They appear to inherently know how to get business. But many lawyers don't have this type of personality. The majority of lawyers we have worked with consider themselves to be **introverts**. They look at rainmakers and think to themselves, "I'm not like that. I don't want to be like that."

The method for changing this belief is to prove that selling is a skill that can be learned and mastered **by any type of personality**. In fact, introverts can

become great business developers. This booklet describes the process they need to learn.

## **The fear of humiliation**

The fear of humiliation is the concern that one will be judged harshly for their outreach. We've identified three categories of humiliation that will stop a business development effort: **Seedy, Greedy, and Needy.**

**Seedy** is the fear that your actions will appear sleazy. Common concerns associated with selling include appearing conceited, invasive, manipulative, insincere, transparent, and even predatory.

The cure for the fear of appearing seedy is having a strategy in which you **offer value** in almost every interaction with your prospects long before they hire you. When you offer value, you won't be seen as seedy. You will be seen as valuable.

In a well-designed selling effort, you will reveal your value by making a variety of offers. These offers include:

1. Superior service offers – you explain how you provide the best deal.
2. Lead generation offers – you provide reasons why prospects will *want* to meet you.
3. Relationship maintenance offers – you arrange ongoing interactions that prospects want to experience. As you interact, you will have the opportunity to build a trusting relationship.
4. Closing offers – you make it easy for your prospects to *want* to start working with you.

Quality offers are keys to successful selling and will be discussed in greater detail throughout this booklet.

**Greedy** is the fear that you will appear to want more than you deserve. You may not feel confident that the benefits you offer justify your fees. You may have been taught that “The love of money is the root of all evil.” **So, having an interest in and subsequently**

**talking about money is abhorrent.** Even lawyers who are perfectly comfortable talking about money as they negotiate deals on behalf of their clients, are uncomfortable talking about their own fees.

The cure for the fear of appearing greedy is revealing how the services you offer are worth the money. Everyone who hires a lawyer wants a good deal. We define a good deal as a ratio of the number of benefits offered compared to the cost. It's a benefit/cost ratio. This is commonly known as **The Most for the Money**. When prospects understand that your proposal is a good deal, they won't judge you as greedy. Rather, they will judge you as fair and appropriate.

An exercise that will help all lawyers develop their ability to sell is to participate in a project of documenting all the benefits that the firm offers. This may seem odd to most of the lawyers. Almost certainly it's something they have never done.

As lawyers understand the benefits they offer, two important concepts will emerge that will help them in their selling. First, they will be more effective talking about the benefits they offer. Second, they will become more highly motivated to tell people about

the benefits. This is no fantasy. We see it happen all the time.

**Needy** is the fear that an effort to develop business may be perceived as a weakness. We regularly hear lawyers tell us that they don't want to appear hungry, desperate, or overly eager. This fear is often reinforced by the mistaken belief that good lawyers shouldn't have to look for new business. Of course, this isn't true.

There is no shame in looking for new business. Quite the contrary, **business development is the smart thing to do**. Successful lawyers regularly pursue more business. Every Am Law 200 firm has a sophisticated business development department. Most law firms, from solo practitioners to mega-firms, are involved in some kind of business development activity. The thought that the practice of law doesn't include business development is just false.

Once you accept the fact that selling in and of itself is not needy, the question is how to do it in a way that doesn't appear desperate or overly eager. And the solution is to find the appropriate strategy for each contact.

One technique is to simply be so valuable to prospects that they inquire about what you do and express an interest in doing business with you. Another technique is to do some research and learn about the approval procedures for hiring counsel. Upon learning the procedures, you can simply follow the steps to get on the approved list. Another technique is to express an interest in doing business by saying something as direct as “I look forward to the possibility of doing business together.”

In summation, there are many fears associated with selling. And, any one of them could completely shut down a lawyer’s willingness to engage in selling. But, we have seen that the remedies presented above can reduce, or even eliminate the fears.

## 2. Provide reasons to sell

Earlier we made the point that lawyers are good at arguing and they are skilled at defending the position that selling is not for them. To change their minds about selling, you have to convince them that selling is a good idea. One of the ways you do this is to provide the reasons to sell.

There are obvious reasons that most lawyers already appreciate such as greater financial security, authority, better clients, and prestige. But there are some reasons they may *not* be aware of.

One reason is to **avoid having a concentration**. We regularly see lawyers who are doing well but suffer great setbacks due to a loss of a principal client or referral source. It's common for a lawyer to be dependent upon one partner or one client for work. The lawyer feels successful but is at significant risk. The ability to sell and build a book of business reduces the risk of having a concentration.

Another reason to sell is that the sales cycle is long.

When lawyers are busy it's easy to procrastinate with the rationalization that they will develop business when they have time. But, this is a bad idea. **There is no crisis marketing, no switch to flip when you need business.** The process of meeting a new prospect, developing a relationship, and closing the deal can take many years.

Another reason to sell they may not be aware of is that successful business development gives them the **ability to fire difficult or unprofitable clients.** It's difficult to drop undesirable clients unless there are better clients to replace them.

One of the most significant reasons to sell is that it helps lawyers **build a community of allies.** These allies will be important in many ways. They will become clients, referral sources, and resources. In some cases, they may become friends. **Learning that selling is the process of building a community of allies is a game changer.** It turns the fears and drudgery of selling into a process that is actually pleasant, and for many, even joyful. Any psychologist will tell you that a key to personal happiness and a fulfilling life is having strong relationships. Well, that's what selling is all about - an effort to build a large community of close

relationships with people who are valuable to each other – a community of allies.

As lawyers develop greater awareness of the benefits they'll enjoy, they become more highly motivated and engaged.

### 3. Provide achievable steps

Another way you help lawyers change their minds about selling is to provide a clear, comfortable pathway. Instead of the distasteful experience that they are expecting, you can teach selling as **a process of logical, appropriate, and achievable steps that can be learned.**

Here are the 5 steps in the Selling Process:

1. Meet quality contacts
2. Build trust
3. Clarify needs
4. Get approved
5. Close

#### **Step 1. Meet quality contacts**

Most lawyers simply don't know enough quality contacts. It's one of their biggest selling weaknesses. Ironically, the business development strategy used

by many firms actually exacerbates this problem. Their strategy is to focus on growing existing client relationships at the expense of meeting new people. While of course it is of paramount importance to grow client relationships, it's dangerous to do so at the peril of failing to meet new quality contacts. It's important to remember that regardless of the amount of attention you give to clients, some will disappear. They will merge, go out of business, or change lawyers. You must continue to fill the pipeline with new relationships. Keep in mind that **100% of your best clients were at one time complete strangers**. It's foolhardy to stop doing the thing that made you successful in the first place.

However, the experience of meeting strangers can feel awkward and embarrassing. Here are three comfortable and effective strategies for meeting new people: **Introductions, Organizations, and Invitations**.

## **Introductions**

Many lawyers get business primarily from referrals. They may get referrals from both inside and outside the firm. The goal is to increase the number of

people who refer and the number of referrals each makes.

**A common mistake that most lawyers make** when pursuing referrals is to simply tell their potential referral sources about their services and then hope that one day one of the referral source's contacts will mention a need. We call this strategy **Pitch and Pray** because you tell your contacts what you do, and then pray that they will make an introduction.

Pitch and pray is a poor strategy because so much has to happen. First, one of your contacts has to receive an inquiry. Then, they have to remember you. They have to decide to refer you. And even if they do refer you, they will probably simply mention your name to the prospect, who in turn, has to actually call you. Sometimes this strategy works, but it's slow and unreliable.

Fortunately, there are better strategies for motivating referral sources than simply pitching and praying.

One strategy is to make what we call a **Forwardable Offer**. This is done by offering something of value that the referral source would be excited about forwarding to his/her contacts. For example, maybe

you are inviting your referral source to a seminar. You could suggest that they invite others who might want to attend.

There are many kinds of forwardable offers. It could be a best practices checklist, onsite continuing education programs, an app, a social gathering – any offer that their contacts would find beneficial. Your contacts will be much more inclined to introduce you to their contacts when they believe that their contacts will receive some value.

The forwardable offer is also a great technique to **enhance cross-selling** within your firm. Most lawyers are frustrated that their partners don't introduce them to their clients. There is a reason for their lack of success. The cross-selling strategy they use is to approach their partners and suggest the following: "I have a great ability to help your contacts. How about introducing me to them?" This strategy rarely works. That's because lawyers are very protective of their relationships and have no interest in bothering clients by introducing services that they haven't requested. The better strategy is to provide a forwardable offer – something partners will be excited about suggesting to their clients.

Another way to motivate referral sources to introduce you to their contacts is to form a **business development joint venture**. In a joint venture, both partners work together to produce an event – maybe a seminar – and both agree to invite their own contacts. In this scenario, you each meet the contacts of the other. You can do this with partners in your own firm or with non-competing professionals outside your firm. You could even have several joint venture partners. If you have four partners and each brings ten people to an event, you meet 40 new contacts.

Joint venture business development activities can be enjoyable and inexpensive. Everyone shares in the cost and labor of producing the event. Plus, you have the bonding experience of working together with your joint venture partners which stimulates referrals from them.

Another way of motivating referral sources is to give them compelling reasons to introduce you to their partners. For example, if you get referrals from accountants, you might want to meet the other accountants in their firms. You could do this by **arranging to speak at their firms or organizing events** in which the members of both firms gather to

meet.

Yet another way to motivate your contacts to make introductions is through **social media**. When you reach out through social media, you create content that people can share with others. The issue of how much energy you should invest in social media depends upon how active your contacts are in using social media for business purposes. But, if you are already producing (or would like to produce) content in the form of blogs, newsletters, updates, and videos, it makes sense to use that content in social media as well.

## Organizations

Almost all the successful rainmakers we know (and we know a lot) meet quality contacts by being active in the organizations that serve their clients and/or their referral sources.

One of the most effective ways to meet people through organizations is to give a speech. The goal of a speech is to meet the people who are in attendance. The best way to do this is to **include in your speech an offer of value**. The offer must be something that motivates people to come up to you

after the speech and let you know that they want what you offered.

There are many simple offers that you can make during your speech. You can offer a copy of the slides. You can offer a best practices checklist. You can offer to add people to your mailing list so they can be invited to additional programs. But, to make a speech successful, you must motivate your contacts to come up to you after the speech and **hand you their card.**

When you get their card, you are in control of the follow-up. If you don't get the card, there is a great likelihood, they will not reach out to you and your speech may have been a waste of time. Anyone who complains about suffering from ineffective speaking is either speaking to low-quality contacts and/or failing to make an offer that results in ongoing communication.

Of course you don't have to speak at an organization for it to be valuable to you. Simply meeting people at events can be very effective. However, to make the interaction successful, once you meet a quality contact, you need to stay in touch. Similar to giving a speech, you need to make some kind of offer. When someone expresses interest in your offer, you can

arrange to follow up.

Another way to meet people in an organization is to **join a committee**. One mistake that lawyers make is getting active on the wrong committee. Some committees don't provide access to a sufficient number of quality contacts. **There is one committee that is always good – the membership committee.** If you are on the membership committee, you can assume the role of ambassador. In this way, you have the opportunity to meet with all the members. And since the best strategy for building membership is motivating members to recruit their contacts, you enjoy the benefit of meeting them as well.

### **Select the right organization**

Your goal is to find organizations that are the best fit for you. The best way to find potential organizations is to ask all of your contacts which organizations they are involved in. You need to develop an inventory of organizations so you can research them and decide which are right for you.

When selecting organizations, make sure they have a large number of quality contacts. Also, make sure that the organizations have events that facilitate your

meeting the members. Without access to quality contacts, organizations have minimal business development value.

## **Invitations (to strangers)**

One of the most effective ways to meet new people is inviting strangers to attend webinars, seminars, or some other kind of event. These are **lead generation** offers. The more benefits you include, the more likely it is that people will want to attend. Consider hot topics to discuss, networking opportunities, and ways to make the events entertaining. For example, could you hold it at a new restaurant or an art gallery?

Next, you need to develop the invitation list. If your clients are businesses, the task of obtaining a list of strangers starts with an awareness of the business entities you'd like to do business with. When you accept responsibility for identifying entities, they will become apparent to you as you go through your daily routine. You'll notice entities when you read newspapers and magazines. You'll notice entities in advertising. You'll see names on buildings.

Once you identify the entities, you need to find the

decision makers. The easiest way to do this is to call the companies and ask for the names of the people in charge. This is an administrative task that you can delegate.

Another way to obtain the names of strangers is by acquiring the rosters of organizations. You may be able to purchase lists. You may be able to find them through LinkedIn by researching the contacts of your connections. With a list of decision-makers in hand, you can then invite them to your events and meet them.

If your clients are individuals, then you can send invitations through advertising, social media, and public relations.

So, the first step in the selling process is to meet quality contacts. And even though lawyers may find the idea of meeting new people to be unappealing, as we have shown you, there are many strategies that are both effective and comfortable. Lawyers may even be surprised at how quickly they'll be able to build their community of allies.

## Step 2. Build trust

There is a fundamental rule in business: People do business with people they trust. So, it's important for lawyers to learn how to build trust. Building trust is a process of communicating that you offer value. The value you offer is comprised of many things such as your knowledge, skills, experience, personal qualities and personal values.

### Provide superior service offerings

One of the most important things lawyers can do to build trust is to provide superior service offerings. This requires an ongoing effort to improve existing services, create new services, and design better pricing strategies.

### Improve existing services

One of the best ways you can improve existing services is to challenge every procedure and not rely on how things have been done in the past. This may sound cumbersome but it really isn't. It's just maintaining an awareness that there may be a better way. One idea we have found that works is to have every lawyer **put a Post-it note on their computer**

## **screen with the question, “Is there a better way?”**

Then, as they are working on matters, they can constantly be reminded to rethink their approach. As they develop new strategies, they will be adding to the list of better ways they serve clients.

## **Create new services**

Identifying new services is often hard to do and requires considerable attention. You identify new services by talking with clients about other needs they have. You can pay attention to what your competitors are offering. And, you accept responsibility for identifying needs that are not being met.

## **Design new pricing strategies**

Finally, you should think about how to improve your pricing strategies. Techniques include: Researching what your competition is doing. Looking to other industries for alternative ways of pricing. Talking with your colleagues on a regular basis about alternative pricing.

## **Assign an innovation chair**

In order to insure that your firm is constantly addressing the issue of superior service offerings, you should consider assigning the role of innovation chair to one of your lawyers. The job is to look for ways of improving every aspect of service. It may include running a periodic innovation meeting where people can engage in strategic thinking. Lawyers can be charged with the responsibility of noticing ideas for improving service and bringing these ideas to the meetings.

## **Prove you can deliver**

Offering a superior deal is only the first step in building trust. You also need to **prove that you can deliver**.

There are several ways to prove you can deliver. The ones you probably already know about include things like a resume, published articles, newsletters, blogs, public speaking, awards, and war stories about victories. But there are other strategies.

The most effective strategy for proving you can deliver is by providing trust-building offers. This is a

process of being valuable before you are hired. We call this strategy **Value in Advance**. For example, you could provide some free advice to a prospect. Or, make an introduction to someone who would be helpful to your prospect. When you give value in advance, prospects appreciate you and will feel confident you can deliver on your promises.

Another way to prove your ability to deliver is to **explain the rules that guide your practice**. Let's say a prospect was frustrated with their prior lawyers for not communicating with them. You could say that you have a rule that you always discuss how often a client wants communication, and in what form. When a prospect hears that rule, they would feel confident that you understood the problem and would not make the same mistake.

Another way to prove you can deliver is **communicating the processes you use**. Let's say a prospect expressed frustration that their prior lawyers let details fall through the cracks. Then, you could show them the checklist you use in handling a matter for your client. If the checklist is comprehensive, it will communicate that you can deliver on your promise of being thorough.

One more way to prove that you can deliver is to **reveal the personal characteristics you possess that support your practice**. You should be prepared to explain the beliefs and values that guide your advice. So, instead of only telling a prospect your strategy for dealing with a matter, you could explain what you believe and how those beliefs helped to form the strategy. Revealing what you believe and how that affects your decision-making motivates people to have confidence in your ability to deliver.

### **Relationship maintenance offers**

Building trust will most likely require more than one interaction. It may require staying in touch for many years. The best way to insure ongoing interaction is to continue to offer something of value. These are relationship maintenance offers. **Relationship maintenance offers** could include providing additional information, an introduction to a third party, or an invitation to an event, etc.

Over time, you should build an inventory of relationship maintenance offers. This inventory should also include the offers that your colleagues can make. Knowing the offers of your colleagues is crucial for cross-selling.

Since trust-building can take such a long time, your goal should be to end each interaction by **negotiating the next interaction**. If you fail to negotiate the next interaction, there is a good chance you will fail to follow up and the risk is great that the prospect won't get back to you.

Of course, you may not have the time to negotiate the next interaction with all of your contacts. But, you should continue to maintain contact with your entire community of allies. These contacts should be listed in a database, and you should provide an ongoing stream of messages. This is known as a **drip campaign**. The key to sending messages without being intrusive is to make the messages valuable. Social media, updates, newsletters can be very effective as part of a drip campaign. Whenever you reach out to contacts, always be sure to include some kind of offer that motivates the recipients to contact you.

### **Step 3. Clarify needs**

One of the reasons lawyers are reluctant to sell is that they are unclear about how to offer value to their contacts. Therefore, reaching out to them feels invasive and unwanted. Lawyers become motivated

to reach out to their contacts as they identify needs they can fill.

There are two categories of needs: **Known and unknown**. Known needs are the needs that prospects know they have. For example, if someone gets sued, they know they need a lawyer.

Unknown needs are the risks that a contact may face but is unaware of. You'll gain much more traction by helping prospects realize their unknown needs. This is because when prospects have known needs, there is a good chance they already have a lawyer in mind. When you bring unknown needs to their attention, you are likely to be hired to deal with them.

## **Step 4. Get approved**

One of the most commonly overlooked steps in getting hired is to get approved. **Everyone who hires you needs to approve you in advance**. The approval process may be informal (even unconscious) or formal. People who don't hire lawyers frequently may not even be aware that they are going through an internal approval process. But they are definitely considering the benefits and costs prior to making a

decision. Entities that regularly hire lawyers usually have a very specific approval process. Then there is everyone in between with a variety of approval processes. But in all situations, they need to make a decision that you are right for the job.

The best way to accelerate this process is to simply ask, “What is the procedure for getting on your approved list?” There are only a few potential answers to this question. Here are your potential responses:

1. “We have no procedure.” In this situation, you could offer to assist them in identifying the things that they should consider in hiring counsel.
2. “I don’t know what the procedure is.” In this situation, you could ask if they can find out what it is.
3. “We have an RFP (Request for proposal) procedure.” In this situation, you can ask if you can be added to the list of recipients.
4. “We already have counsel and are not interviewing.” In this situation, you can ask to be added to the RFP list just in case they have future needs.

Of course, if you are unable to get approved, you need to continue to provide relationship maintenance offers.

## **Step 5. Close**

One of the reasons selling is frustrating is that it can be difficult getting people to commit. Prospects often delay their decision to hire you. They may even promise to get back to you and then go silent. And when this happens, it feels awkward to follow up. You don't want to feel pushy or needy. It feels easier to simply give up. But, as with all of the other steps in the selling process, there are practical and appropriate closing strategies that can be learned.

Your goal is to make it as easy as possible to get retained. One way is to offer a small step to get started. To do that, you need to dissect all the steps you would take if you were hired for a larger project and then offer to provide only one of them. We call these offers **Low Barrier Closing Offers**. This strategy is not always appropriate. You may not want to do a small step, or there may not be a way to do it. But, it's worth considering in some situations.

If you fail to close, you want to avoid the situation in which prospects say that they will get back to you. They may not be sufficiently motivated to get back. So, you always want to be in charge of the follow-up. If you fail to close, continue to make relationship maintenance offers.

This completes our discussion of the five steps in the selling process. When you teach lawyers the five steps they will come to learn that selling doesn't have to be the distasteful experience that they were expecting. Rather, it is a process of logical, appropriate, and achievable steps. Teaching the process helps lawyers change their minds about selling and leads to greater comfort and confidence in their ability to sell.

## 4. Teach targeting

One of your goals in motivating lawyers to sell is to make the process effective as soon as possible. We have found that the best way to do this is to teach every lawyer to **create a target list**. We define targets as the people **who can benefit you and are most likely to be responsive to your outreach**. A target list contains the names of primary targets – the prospects, referral sources, and resources that are most likely to lead to business and therefore deserve the most attention. We believe that a target list should have approximately 10 to 20 names. And these names will change depending upon who is most important at any given time.

There are several reasons why a target list is so effective. One reason is that it helps lawyers invest their time and money in their best quality contacts. A common mistake that lawyers make is to have a few names that they keep in mind but forget about other contacts who may be better targets. The process of creating a target list allows lawyers to review the names of all of their contacts and determine which

ones deserve the most attention.

In fact, a written target list often leads to new business right away. This is because identifying good targets is highly motivational. Most of our clients have reported that upon seeing the names of good targets, they immediately felt motivated to reach out to them. And, this outreach frequently led to new business.

Another benefit of a target list is that it increases the likelihood of **identifying good reasons for staying in touch**. As we mentioned earlier, one of the reasons lawyers don't like to sell is the fear of appearing seedy, needy, or greedy. The remedy is to identify strategies that offer value. One of the most effective techniques for identifying these strategies is to review the names of your targets and think about what you could offer that would be beneficial to each one. Even if you can't think of offers right away, having a list gives you the ability to review and consider strategies over time. Paying attention to quality targets and how you can offer value dramatically increases the likelihood of identifying reasons for staying in touch.

Another benefit of reviewing and updating the list

frequently is that it **increases target awareness**.

Lawyers often find themselves in situations that provide entrée to good targets. For example, when you attend a CLE, or are invited to a client event, there may be opportunities to meet good targets. When you are speaking with a client on the phone and your client mentions the name of an advisor, that person might be a potential referral source worth meeting. But, **opportunities to meet new targets are only meaningful if you notice them**. Reviewing the target list increases this awareness.

Finally, **the cumulative benefit** to your firm of having every lawyer maintain their target lists can be tremendous. Imagine if each lawyer in your group, or your entire firm committed to the task of identifying and reviewing their top ten targets. In a group of ten lawyers, that would be 100 quality contacts being pursued. It is reasonable to assume that this effort would lead to new business!

## **How to begin a target list**

One of the difficult aspects of starting a list is that lawyers don't naturally see the world as an inventory of potential targets. But, the more they think about targeting, the more they will develop the skill.

Lawyers can begin their lists by reviewing their current and past client files, address books, Outlook directories, LinkedIn contacts, card files, and any other places they may have saved the names of people they've met.

## **Focus on unattended targets**

One of the common mistakes that lawyers make in creating a target list is to include only the names of people who automatically come to mind. For example, these may be contacts they've encountered recently or see regularly. And while there may certainly be benefits in reaching out to these people, the goal is to consider the unattended targets that are being neglected.

One of the things we know for certain is that **business development is a numbers game**. The more targets you reach out to, the more business you'll generate. Constantly creating and revising your list of unattended targets increases the number of people you reach out to.

## **Create a next step for every target**

Most lawyers agree that they don't follow up enough

with targets. And, this a problem because follow-up is usually needed to guide targets through the selling process. Therefore, one of your business development goals is to make sure that every priority target has a next step and due date.

Of course, it's important to remember and honor these dates. It's a good idea to always calendar the next steps. And, if due dates are missed, make sure that the next steps are rescheduled. Later in this booklet, we describe an app that will facilitate the effort of documenting, scheduling, and remembering next steps.

### **Review the list frequently**

It is important to review the target list frequently. Reviewing the list allows lawyers to re-prioritize names, consider additional names, and re-evaluate strategies. As we mentioned earlier, when smart people stay engaged in the business development process, they are more likely to identify better ideas.

## 5. Build a business development culture

Left to their own devices, lawyers are likely to procrastinate and forget about business development. So, it's important to provide support. As you provide support to lawyers, an important shift will occur in your firm. You will build a **business development culture**.

A culture forms when people share common beliefs, values, rules, and tools. It provides a new set of behaviors that replaces the deeply entrenched behaviors that haven't been successful. A business development culture motivates people to do more and learn more. It creates a fertile, creative environment for new ideas. It promotes cooperation. It supports behaviors for the long term. And, it may be the only way to convert the most recalcitrant naysayers.

Here are some techniques for building a business development culture:

## Conduct monthly meetings

The firm should conduct monthly business development meetings. All lawyers should be encouraged to attend. Meetings should be in groups of no more than ten participants. The meetings should be no longer than one hour. They should start and end on time.

### **The agenda of the meeting must be very specific.**

It should be an opportunity for each attorney to share information. Each attorney should mention the names of 1-3 targets and the next step that they plan to take with each. If they don't have a next step planned, the group can assist in identifying one. Each attorney should also mention how they met new prospects or how they plan to meet new prospects. Finally, each attorney should make a contribution in the form of a business development tip, an observation about some potential opportunity, or a question about business development.

Here are a few additional tips to maximize the success of a business development meeting:

**1. Do not allow negative input.** No idea is to be harshly criticized. Rather, if an idea does not

make sense, you should explain why. Sarcasm is never allowed. It will destroy participation. You should communicate this rule when you set up the meetings. Lawyers who are negative should be informed privately that they must be supportive or silent.

**2. Stay on point.** These meeting are not a time to go into detail about what you had for lunch with a prospect or how much you had in common. Stick with targets, next steps, lead-generation strategies, and a contribution. Most importantly, this is not an opportunity to discuss legal issues unless the topic relates to an ability to take a next step or to alter your services.

**3. Schedule business development meetings independently from other meetings.** If you must combine the topic of business development with other agenda items, the business development portion should be at the beginning of the agenda.

You should plan to make the business development meeting an ongoing part of your practice. If you do, you are certain to stimulate clear thinking, good ideas, and increased outreach.

A part of our business at Kohn Communications is running business development meetings and coaching managing and/or marketing partners on how to do it. We would be happy to discuss this with you if you have questions.

### **Offer firm-based events**

The firm should sponsor a variety of events throughout the year so that lawyers will always have something of value to offer to their contacts. The most common offer is a seminar or webinar. Seminars are always the best choice if prospects are geographically close enough to easily attend. Webinars may be the best choice for prospects who are geographically distant. If you have prospects who are both near and far, you could live stream the seminar. It makes sense to record seminars and webinars to create content for your website.

In addition to seminars and webinars, you could provide discussion groups, guest lectures on non-legal topics and even purely social activities. Don't forget about the possibility of joint venturing your events as a way to meet more prospects and also bond with joint venture partners who are potential referral sources and clients.

## **Maintain a contact database**

The backbone of any business development campaign is an accurate contact database. This is the software that contains the names and contact information of all your prospective clients, referral sources, and resources. An accurate contact database gives you the ability to reach out to all your contacts with broadcast emails. At a minimum, you should send a quarterly broadcast; however, you can send many more as long as the messages bring value.

Also, an accurate contact database gives you an opportunity to search for specific categories of targets that may benefit from a new business development strategy. You could search for names in a particular geographic area, or an industry.

While we believe that everyone in your firm should maintain an accurate contact database, a more complicated issue is whether or not the firm should require that all lawyers merge their contact list with a centralized firm list. Many lawyers don't want the firm to send information to their contacts without reviewing the information to be sent. In that case, the firm can submit possible broadcasts to each lawyer,

who can decide whether or not to broadcast them.

## **Include young lawyers**

It is common for law firms to ignore the importance of grooming future rainmakers. We regularly see management tell young lawyers to focus exclusively on being good lawyers and ignore business development. This is a bad policy and here is why. A primary goal in business development is to build a large community of business allies. Young lawyers who are not participating in business development activities could lose the connection with people they know who could become referral sources and clients in the future. Also, starting early gives young lawyers time to meet new contacts and build their community of allies.

But, many law firms don't allow young lawyers to even participate in existing business development programs. There is the concern that they may leave the firm and any investment would be lost. They also hold on to the belief that quality lawyering deserves 100% of a young lawyer's attention. Also, more senior lawyers often want younger lawyers to dedicate all of their energy to working on serving their needs. The last thing they want is a client to

not be served because someone wants to go to a networking event.

While of course business development should not interfere with getting work done, with very little energy, young lawyers can be incorporated into the firm's business development culture. If the firm's business development culture is strong, young lawyers will absorb the key ingredients. To accelerate the process, they should be encouraged to learn the skills and participate in the effort.

## **Harness the power of incubation**

There is a psychological principal that is at work every day - for every lawyer in your firm. It's called the **Incubation Effect**. It reveals itself when a lawyer is presented with a legal problem. At first, the lawyer may not have the answer. But he/she accepts responsibility to solve the problem. Then, for some period of time, they stop thinking about it and move on to something else. Subsequently, maybe later in the day, the answer pops into their head. Or, they think of some action to further their problem solving. That happened because the problem solving process was **incubating in their unconscious mind**.

You can harness the power of the incubation effect in your business development effort. By keeping lawyers engaged in thinking about selling, they are more likely to come up with ideas that they are excited about. And, these are the ideas that will get implemented.

## **Use the app designed to keep lawyers engaged**

We have developed a unique and compelling web app called **BizDevCoach**<sup>®</sup> that you can try for free that helps lawyers identify good ideas and keeps them engaged in the business development effort.

1. BizDevCoach<sup>®</sup> can help lawyers develop a comprehensive business development plan. While many law firms require a plan, most of the plans we've seen are inadequate and don't cover the most important aspects that we believe should be included. The app has a business development plan questionnaire that helps lawyers navigate the selling process and identify quality targets.

2. The app has a tutorial which teaches business development skills and helps overcome the fears. This tutorial can be downloaded for free.

3. The app has a Top-of-Mind section where you can document important information that will help you improve your business development. This information may include valuable advice, important philosophies, and powerful sales dialogue. If you question the value of documenting these ideas, just ask yourself how many times you came up with a great way to say something and then completely forgot about it. When you document your dialogue, you can review your inventory of things to say that will most effectively motivate your prospects to hire you.

4. The app has a section for documenting the names of your priority targets. You can document valuable information about each target that will help you stay connected. And most importantly, you can document next steps for each target and create deadlines and reminders for each action.

5. Another extremely important feature of BizDevCoach® is the ability to create a buddy system called **PlanPal**. PlanPal helps lawyers clarify their ideas and it creates accountability in a non-threatening way. Everyone should have a PlanPal. It's like having a jogging partner who will motivate them.

6. BizDevCoach® provides reminders to review your targets every day. You can also choose to set the homepage to come up on your screen every day. Looking at the information in the app, reviewing your targets and ideas frequently will harness the power of incubation. As a result, lawyers will come up with better ideas and be more excited about implementation.

The combination of tutorial and technology makes BizDevCoach® a powerful tool. And, there is nothing like it in the marketplace. It's a place to keep everything related to your business development effort in an easy-to-read dashboard format. You can check it out for free at [www.bizdevcoach.com](http://www.bizdevcoach.com).

# Conclusion

As lawyers learn to overcome their fears and realize that selling is a process of logical, appropriate, and achievable steps, they will change their minds about selling. They will see that selling can be interesting – even enjoyable. The more engaged lawyers become, the more likely they are to identify sensible ideas, cultivate good contacts, and implement effective strategies. They will improve selling habits and skills. And, they will enjoy meaningful success.

We're in this business of helping lawyers in business development. We can coach you to accelerate the process and avoid the pitfalls. We've been helping lawyers since 1983. We've coached lawyers in over 1,000 firms. Our long history of success is due to the fact that our approach works.

To demonstrate the value we offer, we would like to provide some free coaching for you and other key members of your firm. The only way to judge our coaching fairly is to try it. Even if you have been coached by others, you need to experience how our approach is unique and superior.

We would also like to show you, at no charge, the benefits of our web app, BizDevCoach®.

Also, as a part of our service, we provide seminars and we speak at firm retreats. For more information, please call Larry Kohn at 310 717 0998. We look forward to talking with you.

**This is the end of the booklet and  
the beginning of a successful  
business development program.**