

Selling legal services – proven techniques that work

By Linda Julian

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Modern law firms are recognising the importance of marketing, and that everyone in the practice must play his or her part to achieve results. You can't simply leave it to the marketing manager !

Thinking back over marketing campaigns in this country, some have been great and some positively awful. Many marketing campaigns have undoubtedly made firms feel good. Some have made the firms look good. A few marketing campaigns have even been highly successful.

Much marketing, though, is unsuccessful - and for many reasons. In my experience this is often because the marketing has been done well but the "selling" has been overlooked.

Emergence of the marketing manager or department led to abrogation of responsibility for marketing by the partners and lawyers of the firm. These firms mistakenly believe the marketing manager can fix the problem alone.

What then, is the function of marketing ? Marketing should be delivering opportunities to the lawyers, and providing strategies, coaching, and collateral to win business. (I'll elaborate later.)

For any marketing programme to work properly, it needs to be supported by an appropriate "business development", "practical marketing", or "sales" programme - call it what you will.

Finally, if a prospective client is to be converted into a new client, if potential work is to be converted into actual matters, it will involve some degree of selling.

Many law firm marketing programmes would be vastly more effective if accompanied by appropriate practical business development and sales programmes.

Such practical sales programmes go by many names or just plain "selling". No matter what it's called, it amounts to the same thing.

The function of the business development or sales programme is to realise tangible results from the background marketing efforts.

Sales is the process of converting a business opportunity into real business; a prospective client into an established client; a possible matter into a real, live, matter.

And, at "the moments of truth", it is finally the lawyer who must be the salesperson of the practice. It is the lawyer who has to show the client how he or she can add value and solve a problem.

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So, what kind of salespeople do lawyers make ?

This question is best answered by first looking at lawyer attitudes to marketing and the process of selling. This article was revolutionary when first published in 1993. Rather than heresy, these concepts are now rarely challenged.

In varying degrees, almost all lawyers show some resistance to business development - but they're getting accustomed to the idea, and to working with marketing professionals. Most lawyers feel uncomfortable with the concept of active personal marketing, and want to avoid becoming "salespeople" at all costs. However, those same individuals usually want to deliver great client service in the environment of a healthy, vital, and successful practice.

An increasing number of lawyers realise that success in today's environment requires that they are effective business winners without becoming nasty and excessively pushy salespeople. Many show an interest in learning how to target prospective clients and convert them into satisfied users of the legal services on offer in their practice group or firm.

I observe that many lawyers are blessed with strong natural sales skills. To some lawyers, though, marketing may have now become respectable, the idea of selling is still anathema. Selling remains distasteful even to those who have good natural skills in this domain.

From long experience, I've concluded that many lawyers possess characteristics which are advantageous in the sales context. They're intelligent, articulate, and confident. The analytical mind of the lawyer is also of benefit in the sales and marketing environment: lawyers are used to constructing a case and carefully weighing the arguments. The lawyer's well-honed advocacy skills are also a great advantage.

However, lawyers often carry handicaps. An adversarial approach, a certain professional detachment, lack of empathy with the client, and legendary arrogance can present serious disadvantages. Lawyers are generally quite unused to having their

recommendations or advice questioned, and this can also become a problem.

As we all know, some of the best lawyers are not necessarily good team players, and this, too, can lead to difficulties in winning business.

So, how can this change ?

For successful lawyers of the future, sales skills will become an important extension of their professional service.

Appropriate selling skills can equip the lawyer to satisfy more clients, more of the time.

Consumer product sales techniques simply don't work for legal practices: those who've tried now know. Selling intangibles requires different skills, and selling legal services, a more specific set of skills again.

It's no good to just "make a pitch", and then proceed to "close the sale" and then "ask for the order" in the style espoused by commercial sales trainers. These techniques backfire and alienate clients in the legal practice environment.

Just as many practices have worked hard to overcome objections to resource marketing at the firm, it takes a lot of energy and enthusiasm to drive a programme to equip lawyers for effective personal marketing. Many such endeavours deteriorate owing to lack of direction, will, recognition, or training, or because instant results are expected.

Success in personal marketing starts by working with the staff to identify benefits - for the firm, (and even more importantly) for the lawyer, and (of ultimate importance) for the client. Effective personal marketing can produce a big pay off for all.

In working with law firms to develop personal marketing, we find an assessment of current skills is a good place to start.

Personal marketing skills become a natural extension of delivering high quality professional service for most lawyers.

Learning to do the "right" things to persuade a client to proceed is extremely useful. Properly applied, consultative selling techniques will save professional time and money, and improve client satisfaction.

So what are these consultative selling skills ?

Techniques we've found effective are based on reinforcing "right" behaviours and eliminating "put-offs". Appropriate consultative selling skills involve developing and encouraging the positive characteristics and propensities of each individual lawyer.

Making contacts and networking is a good starting point. This should be developed and encouraged at all levels of the firm, not just at partner level.

In spite of the apparent confidence and conversational skills of the legal profession, a surprising number of lawyers don't really understand how to network, with whom to network, or even how "work a room" for business results. Lots of young lawyers benefit from coaching in how to introduce themselves, and how to network even in simple social situations.

Taking a hard look at lawyer networking, and carefully assessing the value of the contacts, is an area which most law firms find worthwhile.

Identifying opportunities comes naturally to some, while others have to learn. Many will never learn how to be truly opportunistic! However, with training and constant reinforcement, the ability of almost every lawyer to identify a business opportunity can be improved.

Techniques to **establish credibility**, including learning to use the right terminology, and looking and behaving as though one fits with the client, can be taught.

Establishing credibility is one skill area which really can be taught and *must* be rehearsed. Almost all lawyers can benefit from work on this area.

It may stun you to learn just how poor many of the lawyers in your practice are at establishing credibility within the critical first five minutes of contact with a client.

However, they can be encouraged to learn the terminology of the client, and become adaptive. They can be taught how to overcome the use of jargon, and how to effectively and persuasively present their credentials, and instil confidence in the client.

Skills in **building consensus** can also be developed, and are eminently useful to lawyers in practice.

Effective questioning techniques is another area worthy of development for many lawyers. Effective questioning is really about discovering the problem, surveying needs, and learning to get to the core issues.

Questioning can also be an effective way of expressing interest and concern. Often lawyers have to overcome their propensity to interrogate or cross-examine via questioning: courtroom technique doesn't work well in winning business.

Effective questioning also means dealing with the important question of price, and learning how to bring it up for the client. A surprising number of lawyers feel most uncomfortable about price, but again, with appropriate education and guidance, the question of price can be dealt with comfortably and constructively.

Developing **listening skills** to understand what potential clients and clients have to say, and to gain a close understanding of their requirements is invariably useful.

Listening skills may be a refreshingly new experience for a few lawyers. This keeps coming through from the surveys of clients. Listening is really about learning how to understand client needs, and how to go about responding to those needs.

Harnessing analytical skills to **define the problem**, and demonstrate how the lawyer can satisfy client needs is another area waiting for work for many lawyers. It is a way of showing you understand your client or prospective client's needs, and communicating your understanding of their problem.

Methods to identify and **overcome obstacles** must be grasped by those who want to succeed in business development.

Competence in **telephone and email technique** is absolutely vital. Given that as much as 85% of client communication is via electronic, it behoves all practices to take a hard look at use of email and telephones within the firm, and this aspect of performance of lawyers and all members of support staff. This is an area which I commend to all law firms as deserving of close attention.

Through professional development workshops, **presentation skills** can be vastly improved. Rather than a presentation stereotype, individuals need to be encouraged to develop unique, personal presentation style with which they feel completely comfortable. Secrets of effective presentations can be shared, and performance vastly improved with proper coaching.

Presentation skills can be vastly improved with coaching and practice. In our experience though, an overemphasis is often placed on delivery skills (which are, nevertheless, very important) rather than the more significant aspect of knowing how to prepare. In most instances, preparing for the presentation, designing the presentation, and structuring the presentation make more difference to the result than actual delivery.

Despite their reputation as wordsmiths, many lawyers need to improve their capacity to **write persuasively**.

This especially applies to letter writing (electronic or hard copy). Letters should be vehicles to communicate understanding, care, and concern, as well as to provide or seek information. Appropriate level and formality of English, and structuring communication to achieve the desired purpose, are areas which most practices should work on. Writing persuasively is tough to teach, but a formula for positive, effective and reader-friendly written communication can be imparted successfully.

A skill to be developed in all good marketers of legal services is the area of **assessing progress** with a prospect. There's no substitute for experience, but techniques for assessing and measuring progress towards a desired objective can be demonstrated and put to use.

Gaining commitment is sales talk for "closing the business". Mostly, it's the lawyer who is present at the moment of truth, and better performance is what we're all looking for, surely.

Gaining client commitment to get underway with a matter is another area where many lawyers fail: things can be going just fine, and all the signs can be right, but the lawyer needs to learn how to ask for and obtain commitment to proceed. It's far better to practice this in a workshop environment than to experiment with techniques on prospective clients and learn from that experience.

Cementing relationships and **communicating client care** and service orientation are other consultative selling techniques which can be developed.

Training lawyers in how to **add value to their relationships**, and to be seen as "more than a mere lawyer" will often make a huge difference in the marketing performance of a law firm.

All of these skill areas revolve around providing effective service: high quality advice of the right type, which meets client needs and solves client problems.

Proven personal marketing techniques like these will assist your lawyers to become more competent in winning new clients, and increasing business with established clients.

These methods help the lawyer add value to the client relationship and to reach client goals. Even when you've succeeded with getting a marketing programme underway, and then skilling your lawyers for more effective personal marketing, there's yet more you need to do in order to achieve maximum results.

Much marketing effort goes to waste without disciplined management of the process of converting a business opportunity into a success story for the firm.

The very thought of it will horrify many practices! But think about it for a moment: effective sales management is vital.

In my books, there's little about sales management which comes "naturally". Managing the process of converting opportunity into results is vitally important, but a wearying routine.

Managing personal marketing campaigns or sales efforts requires a shared commitment: whoever in your practice is charged with the responsibility of managing the process of selling has a tough job.

Great sales management requires immense creativity. It demands resourcefulness in bypassing obstacles and identifying opportunities. It compels suitable levels of optimism: neither over-the-top enthusiasm about prospects, nor pessimism. Appropriate optimism must be tempered with a firm grasp of reality. The person charged with sales management needs sound judgement - normally only obtained through hard (and sometimes bitter) experience.

Success in the sales management role demands self discipline, and administrative competence. It is a big help if this person can walk on water too!

Sales management is often a thankless job, but that doesn't make it any less important.

So, you may ask who should manage the sales process: a partner or a professional marketer ?

Before deciding, you need to look carefully at what has to be done. Here are some items which might appear on the job description of the law firm sales manager:

- identify prospective clients
- quantify opportunities
- assess likely timeframes
- signpost obstacles
- assess probability of success
- judge whether it's worth pursuing
- assign representation
- allocate appropriate resources and accountability

- plan the campaign
- reassess at checkpoints
- provide resources to overcome obstacles
- dispassionately review activity and assess progress
- keep the process moving
- routinely review prospects
- provide business forecasts.

Above all, the sales manager needs to be fairly unemotional, and keep feet on the ground about the opportunities presenting.

Partners can learn the skills of sales management, but must commit to the discipline. The street-smart marketing professional can also make an immense contribution to sales management.

Finally, though, there's no substitute for sales experience, and adhering to the disciplines and routine processes which go towards reaping the benefits of a marketing campaign.

Marketing managers may be wondering: what, then, is our role ?

The contribution which a non-legal professional can make to legal services marketing can be subdivided into several areas.

Developing the right collateral can make a big difference, and websites, brochures, mail pieces, advertisements, presentation materials, newsletters, client kits, and tender responses are all immensely useful to the marketing effort.

Setting the stage for promotion by organising participation in suitable events or targeted forums to allow promotion of the firms services is another area where the marketing professional can make a huge contribution. This might include seminars, presentations, industry forums, community activities, newspaper columns, etcetera.

Packaging services is an area where the marketing professional should take a leading role. This includes describing, defining, and documenting inclusions. Expressing these legal services in plain business English, presenting them effectively, and defining service standards are also areas where the marketing professional can offer much to the practice.

Pricing services is another area of focus.

Market research and competitive intelligence are areas where the marketer can add real value. Statistical research, quantitative or qualitative client research, and research into new business opportunities, can make a big difference to practice performance. The marketer can really help to identify business opportunities for the practice.

Advertising, public relations and media outlets is another area where the marketing professional can make offer leadership within the law firm.

Skills development programmes including training lawyers and support staff in marketing skill areas, including those set out above, presents a distinct opportunity for a marketer to make a difference.

Planning and managing the sales process whether as sales manager or a backup to the sales manager - the marketing professional can offer leadership to keep lawyers on track for results.

Compensation and incentive programmes are areas where the marketing manager can drive progress in recognising and rewarding success. Best practice in human resources management requires that suitably challenging performance objectives be set, and that these be closely aligned with rewards.

I recommend that you examine alternative approaches, such as those used in other industries, and compare with your own reward systems.

I've heard it said that performance-based systems are discredited in legal practices. If you do not have a performance-based system in operation in your practice - one which recognises contribution to marketing and practice development as a key performance indicator - you are delivering a powerful message. You are saying that, in the final analysis, performance in marketing and business development just doesn't matter.

Incentive- and performance-based systems can help you to implement marketing programmes effectively in your practice.

Performance-linked rewards can help you send marketing messages to your lawyers, and demonstrate that you take business development seriously.

Of course, it's essential that any incentive or achievement-based reward system be custom-built to meet your needs to ensure that optimal results are obtained. Bonus systems, non-monetary recognition systems, as well as incentive travel programmes can be implemented to improve practice performance and reinforce desired behaviours and results. Legal practices have traditionally been very slow to adopt creative approaches to rewarding high achievers and to improving individual performance. (Incentive programmes may work wonders in your practice, as they have for other businesses.)

There are, however, a few simple principles to keep firmly in mind when designing a performance-based reward system. You must:

- set achievable objectives
- ensure equality of opportunity to succeed
- fairness, and perceived fairness, is paramount
- define objective measures
- the system must be open and auditable
- peer recognition value is essential
- the system must be designed to avoid manipulation.

High on your list should be avoidance of manipulation of the system. Remember, whatever you set up will probably be exploited by the more creative and successful in the firm, so it's important to build systems which are rewarding the behaviours you do want, and not encouraging undesirable behaviours.

There are many benefits in closely linking rewards with performance, and if you get it right, you'll find that it focuses attention on the behaviour you desire, has immense incentive value, and is effective in rewarding star achievers. You can also recognise your consistent performers this way, and encourage membership of an elite club of recognised high performers.

Awards for client service are no less important, and can be readily incorporated in these programmes.

It's a big challenge, but **selling legal services** can work.

Success means converting opportunities into clients, converting possible work into real live matters, and having a healthy, thriving workplace which can provide professional reward, enjoyment, and recognition.

These proven techniques work in practice.

They not only assist you to sell legal services, but will help you to create solid relationships with vigorous and vital clients.

Effective personal marketing or sales skills will ensure your lawyers win business, and satisfy clients.

About the author

Linda Julian is acknowledged as a leading authority on strategic practice development and how to win business for law firms. Since 1979, she has consulted with lawyers and other professionals throughout Australia, New Zealand, the Pacific, and Asia on a wide range of business acquisition, client retention, and strategic management issues.

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