

BY FELICE C. WAGNER

## Listening to Prospects

*Instead of talking your way through a meeting with a potential client, hear what they're saying.*

**Business  
Development**

**Y**ou've done all the right things: a personal business plan, five articles and three speeches in two months, a handful of networking events, and you've been quoted heavily in your prospective clients' favorite industry rag. You've succeeded in making a name for yourself and building your network. As a result, you've made a potential client's short list, and you're meeting with the in-house attorney responsible for hiring outside counsel. Now it's just you and the prospective client. What do you do?

Despite the intellectual and social rigors you've endured in your profession, you still may feel uncomfortable in a face-to-face business development setting. You're not alone. For many attorneys, this is new territory. And worse than that, it's *sales*. Of course, the natural reflex is to do what most attorneys do when they feel uncomfortable: talk. They talk about themselves, talk about their successes, talk about their hobbies. Worse, they mistakenly believe that their objectives are to impress the prospective client and close the deal. Nothing could be further from the truth. When it comes to prospective client meetings, talk is cheap. Listening is what sells. Here's how a typical face-to-face meeting should unfold.

### BE PREPARED

Recognizing that both your time and your prospective client's time are valuable, you have checked for conflicts and gathered as much information as possible in these five key areas:

- The client's organization
- The client's business
- The client's legal issues
- The client's competition
- Your competition

You've scoured available resources and talked to colleagues and referral sources—anyone who's in the know. You've discovered everything from career histories and financial performance to the competitive landscape and industry trends. You've even bookmarked the prospective client's Web site.

Your research has stoked the flames of your curiosity and you want to learn more. You've prepared a list of questions and commit-

ted them to memory. Your research has also given you some ideas about where your firm's services might be of value. There might even be a way for the prospective client to benefit from an introduction to one of your existing clients. But that can wait, you tell yourself. You've only scratched the surface, and you have to learn more. You have to ask good questions. And you have to listen.

### THE PROCESS

Over the years, you've read a handful of sales books and have even taken a couple of training programs offered by your firm. You've adopted what works for you and rejected what doesn't. As a result, you've learned a few things and added a few tools to your business development kit. On the whole, you prefer to keep it simple, honorable, and professional. You've boiled down your business development approach to six fundamental steps designed to help you and the potential client succeed.

Of course, there are some key questions to ask and details to cover, but these six steps give you comfort and keep you on track, like talking points.

**Step 1: Establish rapport.** As you enter the prospective client's office, you can't help but notice the golf trophy and the family portrait. But you've learned to resist the urge to trade personal connections, at least initially. Instead, you focus on the professional ones—law schools, colleagues, industry associations. You do this because you know from experience that one of the key elements of building rapport (the foundation of mutual respect and trust that exists between you and a prospective client) is achieving peerage (helping the prospective client see you as his or her professional equal). And you've learned that peerage is best established on a professional level. Peerage earns you the right to listen, discuss important issues, ask difficult questions, and move the prospective client to the next step in the business development process. It also earns you the right to connect on a more personal level later in the relationship.

"I noticed in your bio that you were at Law Firm X before you moved in-house," you say. "What led you to make that move?" The prospective client tells you about the litigation she was handling for the client, which led to some very close professional relationships with members of the in-house team. As she is

speaking, a connection pops into your head. Perhaps it's an article you recently read or an industry event you attended about interesting trends in lawyers moving in-house. Maybe you know a colleague who worked on the same piece of litigation. Or perhaps your decision to join your law firm stemmed from similar circumstances. You acknowledge the connections and quickly succeed in breaking the ice and establishing peerage.

**Step 2: Tell a little about yourself.** Feeling that the client is at ease, you wait for a comfortable pause in the conversation and say, "You know, Laura, I'm very interested in learning more about you, the organization, and the issues you're facing. If it makes sense to you, I'd like to briefly tell you about myself and our firm and then spend most of our time together learning about you."

You take no more than two minutes, starting with yourself—education, brief career history, decision to join your current firm—and ending with your current position, roles and responsibilities, objectives, successes. You touch on some of your firm's key competitive advantages—but since you don't know which of them matter to Laura, you give only enough detail to whet her appetite. As you speak, Laura nods approvingly and points out some other common professional ties, further evidence of peerage.

**Step 3: Find out what they want to accomplish.** You've established rapport, and it certainly appears that Laura sees you as her equal. There is a pause in the conversation, and, once again, you fill it by moving to the next step. "Now, Laura, I'd like to learn more about your situation and see if there aren't some ways we can help you." At this point, Laura feels very comfortable with you and, in response to your request, begins to tell you her story. You take notes. Soon you already have two stories to relate to her—two matters that you just successfully completed with what appear to be very similar fact patterns. But you bite your tongue and jot down a note to remind yourself of the stories when the appropriate time comes.

As Laura continues, you focus on what she is saying and help her communicate with you in an efficient and effective manner. By encouraging, reflecting, restating, and summarizing her comments, you help guide the conversation, demonstrate that you are listening intently, and allow her to correct any misperceptions you might have.

As the conversation progresses, you begin to clarify root issues involved in Laura's problem. You also try to determine how the hiring decision will be made, by asking questions that dig deeper into the issues and encouraging her to continue talking. Most of your questions begin with *who*, *what*, *where*, *when*, *why*, or *how*.

- What are the key issues?
- How did they come to know about them?
- Have they had to address similar issues in the past? If so, how did they handle them?
- How do the issues impact the company?
- What is her personal interest in these issues? How will the outcome impact her?
- What do they want to see happen and why?
- What does success look like to them? How will they measure success (save money, reduce cycle time, increase revenue, lower risk)?
- Who else will be involved in the selection of a firm? What are the key factors that will drive the decision?
- What is the time line for selecting a firm?

As you move through the questioning process, you discover some very interesting things. First, while Laura seems generally pleased

with the technical work of outside counsel on past projects, she has concerns about service and responsiveness—qualities she clearly considers vitally important. In addition, you learn that Laura is on the short list of candidates for the general counsel spot and that the corporate decision-makers are very process oriented and cost conscious. Although she doesn't say so, you get a very good sense that the success she achieves on this matter could very well determine her professional fate.

You also learn a significant amount about the selection process. Although Laura has the final say, she does consult with a small team of in-house counsel before making a decision on hiring outside counsel. In fact, each member of that team is meeting with a potential outside counsel to speed along the selection process. You also learn that she expects to make her decision by the end of next week, and that a key factor in her decision-making process will be outside counsel's past experience with similar issues.

**Step 4: Make sure you're clear.** You've felt the urge to tell a story or two throughout the meeting, but you've resisted. First, you scroll through your notes and your mental checklist one more time to make sure you've covered the bases. You conclude that you've got it covered, so now it's time for a final confirmation with the client: "Laura, what I'd like to do now is summarize for you my understanding of the key issues surrounding this problem." As you begin, Laura interrupts you a few times to correct your understanding. Now you have an accurate view of the problem, what needs to be done, how it needs to be done, when it needs to be done, why it needs to be done, and who needs to do it.

**Step 5: Tell a success story.** Having clarified Laura's root problems and the means by which she would like to see you solve them, you turn to yourself and your firm. Still, you limit your focus to how you've helped other clients in situations similar to Laura's. You take this approach because you've learned through experience that examples of success speak far louder than proclamations of ability. Rather than telling Laura, "We do this kind of work all the time," say, "We recently handled a similar matter for XYZ Corporation. They were trying to accomplish [fill in the blank] and we helped them to do that by . . ."

**Step 6: Schedule the next step.** You've learned so much and done such a good job establishing rapport that the next step is obvious. You agree to come back later in the week and meet with the rest of the selection team to present your proposal and confirm your understanding of the situation. You also suggest bringing along another partner from the firm who has particular expertise in the client's industry, separate from your expertise in the issues at hand. She agrees that this is a good idea.

As you leave the meeting, you realize that your confidence in your legal skills and your focus on helping the client succeed has helped you forget that you're actually selling. Funny how such a subtle shift in mind-set can have such a dramatic impact on attitude and behavior. As Yogi Berra would say: "90 percent is half mental."

You leave the meeting energized. You can't help but feel good about how you conducted this client meeting.

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