

Making Selling Easier for Lawyers*

By [Stephen E. Seckler](#)

Welcome to the Legal Toolkit where you'll get the latest trends in legal business initiatives that help you manage your law firm every day here from the experts setting the standard for legal, insurance, compliance, and tools of the profession. You're listening to the Legal Talk Network. Here's the host of The Legal Toolkit, Jared Correia.

Jared Correia: So, that chill in the air can only mean one thing; it is the first fall episode of the 2012 season for The Legal Toolkit here on Legal Talk Network. Thanks for listening. As always, I'm your host, Jared Correia, and in addition to casting this pod, I'm also the Senior Law Practice Advisor with Massachusetts LOMAP.

[Advertisement for LOMAP 0:00:51.3 - 0:01:23.3]

This episode of the Legal Toolkit is no different. Today, we'll talk about why selling is so hard for lawyers and what you can do about it. Joining me now is Stephen Seckler, Principal of Seckler Legal Recruiting and Coaching. Steve coaches attorneys on how to incorporate effective business development and marketing techniques into their practices and recruits partners, associates and in-house counsel for major law firms, life sciences and technology companies. He's spent over 25 years helping lawyers with marketing and career issues as a Program Attorney for Massachusetts Continuing Legal Education, opening and running the Boston office of BCG Attorney Search and through his own recruiting and coaching business.

Previously, he wrote the Career Consult column for *Massachusetts Lawyers Weekly* and his own Counsel to Counsel blog, which has been named to the ABA Journals Blog 100 list – twice. Welcome to the show, Steve.

Stephen Seckler: Thanks, Jared, and thanks for inviting me on your show. I think that you and LOMAP do a terrific job of trying to educate the bar, and I am honored to be your guest.

Jared Correia: Thanks, Steve, I appreciate that. That's very kind of you to say. So, let's get into the podcast here because that's why people listen. Now, it's fairly clear to me there's this notion out there that certain people are natural born sellers as the term goes, and lawyers I think especially certainly don't feel like natural born salespeople. So, what's your take on this? Does one have to have a natural aptitude for selling, or is the ability to sell something is something that can be learned?

Stephen Seckler: Good question, Jared. In every business and profession, there is always going to be some natural born sellers, and there are even some attorneys who are natural born sellers, but in general, as you know, law tends to attract people who are more risk-adverse and don't necessarily want to be selling. Most of us went to law school to become a professional, not to become a salesman. Having said that, I do think that most lawyers can develop the skills they need to pull the practice.

In my own case, I was the son of academics and neither of my parents had a lot of business savvy. Throughout my childhood, I remember my dad calling businesspeople “operators,” or actually, “crooks,” although that might have been because it was around the time of Watergate. In any event, it wasn’t until I finished law school years later and began learning a lot more about marketing and business development that I realized I could not only learn how to sell, but that I could really enjoy it.

Jared Correia: Nothing wrong with being the child of academics. It worked out for James Taylor pretty well. So, this sounds good. Lawyers can be salespeople, they just have to teach themselves how to do it. I don’t think that some of the concepts about selling are clear to a number of lawyers, so let’s talk a little bit about that. Let’s do some definitional analysis here. Is there a difference between selling and marketing, between getting people through your door and then closing business with those people?

Stephen Seckler: I think there is a big difference between marketing and selling. Sometimes there are different terms that are thrown around. Sometimes selling is called business development, sometimes when you say marketing you’re talking about marketing and business development, sometimes the words are used interchangeably. I would say that in my mind marketing is about positioning yourself, finding ways to differentiate yourself from other attorneys. A lot of marketing relies on one-way communication. Writing an article, assuming a leadership position in a bar association committee, or trade association, designing your website, doing presentations – those are all things that establish your position in the marketplace, who you serve, what your credentials are, but it’s not really a conversation.

Sales or business development on the other hand is much more about business relationships and about building those business relationships. Now, in order to be successful in selling legal services, you really need to do both. I think what happens for many lawyers, and was certainly true for me, even though I don’t practice law I have my own consulting business and I have for a long time so I’m very familiar with what it takes to sell professional services on a personal basis. Many lawyers are much more comfortable with, say, writing an article than going out and having lunch with a potential referral source. But, if all you do is write articles, unless you have a very, very specific, unusual niche that nobody else has and you can establish yourself as the preeminent expert, which really isn’t true for most lawyers, then marketing alone will be unlikely to generate a lot of work for you.

Jared Correia: Yes, so it’s still about relationship development. I’m glad we cleared that up. With respect to selling, there’s a difference between transactional selling and relationship selling. Could you explain that difference?

Stephen Seckler: Sure and this is why I think that lawyers can actually be very good at selling their legal services and you don’t have to be a natural born salesperson to sell legal services because selling legal services, unlike selling a used car or some consumer product, requires relationship building. If the essence of being a good lawyer

means being a trusted advisor, if you want people to hire you or give you referrals, you have to build your relationships with your prospects. This can only happen over time and through a series of small acts.

Say the blog you write and the presentation you give may position you as an expert, but unless the prospective clients trust you, they are unlikely to hire you as their attorney. In order for this to happen you need to engage in two-way conversation to uncover the needs of people in your network.

That's relationship selling, and I have come to discover in my professional life that although I would never want to see myself as someone who is selling used cars or something that involves meeting somebody once and asking them to make a purchase, I feel very comfortable with relationship building and there is much less pressure in a way because if you rush, it actually will harm your chances of being successful, whereas building a relationship over time, which I think a lot of lawyers can actually be very good at, is what is going to make you successful.

Jared Correia: Yes, absolutely. Let's discuss a point under this for just one second here while we have a little bit of extra time in the first half of the show. What about those lawyers who express as being shy, lawyers who are more likely to feel comfortable writing a blog post or drafting an article, and not going out and shaking hands with people, kissing babies? How can those lawyers get out into the community and become effective relationship builders that way? Do you have any suggestions for those people?

Stephen Seckler: Yes, I think for those people, and it's probably true for many people and many lawyers, try doing much more one-on-one relationship building. I think one of the mistakes that some people make is they think that relationship building means you have to go to large networking functions and talk to a million people, but if you go to a large networking function, unless it happens to be some kind of organization or community that you feel very connected to and you already know a lot of people, walking into a large room is probably not a very good way to build relationships. People who are shy tend to often like building relationships one-on-one, and actually that is a much more effective way to create referral relationships and to uncover needs that respective clients may have, rather than just being at the big, large functions. Big large functions can sometimes help you to reinforce the connection that you may already have.

For example, there's a non-profit organization that had an annual fundraiser of accountants and lawyers and it happens to be a Jewish philanthropic organization, and I know a lot of people in that organization. Although it's a very large event, if I do go, I end up seeing quite a few people who I know. While I won't expect to get into a deep conversation with most of them – that could be worthwhile – but the short answer is for shy people, try retail, try going one-on-one, try having coffee, calling people to check in, sending them something and then following up. Those are the ways that shy people can be more successful at relationship building.

Jared Correia: All good points there. Just one more quick question here before we wrap this first half up; you used the term “operators” that your dad used to describe sales people, and I think a lot of attorneys think it’s kind of skeezy to go out there and try to sell it to people. How can lawyers get over that aspect of selling?

Stephen Seckler: We are going to talk about some specific techniques in the second half but let me just say that for most attorneys referrals are your lifeblood. If you want interesting work, you’d better start getting referrals because you don’t have enough time to connect with everybody who might be a potential client. Since legal services are episodic and periodic, people don’t necessarily need them all the time. They just need them here and there. You need to be in contact with a lot of people over a long period of time. The best way to do that is to have a sales force. You can’t really build a sales force unless you are independently wealthy.

I’m not sure that would necessarily be effective, although in a larger law firm that can help. You want people who can be aware of your services that serve some of the same people in the community that you want to serve, who know about what you can do and can send them your way. That leverages your time a lot. Building your referral network is going to help you a lot with that.

Jared Correia: Let’s talk a little bit about referral networks. It’s clear from what you’ve said previously, and I think some lawyers have a good sense of this anyway, they need to build relationships to engender trust in who they are and what they do, in part to get those referrals. Could you elaborate a little bit on referrals, and also talk a little bit about the importance of asking for referrals? I think a lot of attorneys feel uncomfortable about doing.

Stephen Seckler: Right. Again, here is where it’s much easier to do relationship selling than it is to do transactional selling for lawyers because if you are really doing relationship selling correctly, you don’t meet somebody and ask them for a referral right away. How many of us have spoken to somebody for the first time, a telemarketer on the phone, a person in a store, and they ask us right away – we just met them – let me know if you encounter anybody who might be interested in buying the Widget 2000.

If you do that with legal services, nobody is going to refer the work your way because they need to trust that you’re going to handle the people they refer to you professionally, that you’re going to do a good job. If they’ve just met you, they’ve got no reason to trust you. So, the pressure is off. You do need to ask at some point, but not at the beginning and your goal when you’re first getting to know people, if there are new people in your network, is to find out what you can do to help them. Find out how you can meet their needs, how you can be of help to them. At some point they will probably ask you what they can do to be helpful to you. At that point, you can – and should – say what are specific examples of your ideal clients.

The ask is important but not early on when you are just getting to know somebody. It’s later on in the relationship.

Jared Correia: Those are all great points, Steve. I think lawyers, having listened to what you said, may be able to change their minds a little bit and take some pressure off of their selling. That's great, I think.

We've had some great stuff that we covered here in the first half of the show, but we've got to take a break now. However, when we return we'll have a lot more with Stephen Seckler.

[commercial break - 0:14:00.8 - 0:14:35.7]

Jared Correia: All right, welcome back to the second half of our program. We're joined today by Stephen Seckler, President of Seckler Legal Recruiting and Coaching.

Now that we've dispensed with the more nuanced part of this broadcast, let's talk about some of the nitty-gritty here when it comes to lawyers selling themselves and their practices. This is where the rubber meets the road here. Steve, what are some of the key things that get in the way of attorneys successfully generating work?

Stephen Seckler: Good question. We've covered some of them but let me go over and repeat some of those things, and then expand on that and give you other things to think about. We already talked about professional identity a little bit. I think the biggest problem for most attorneys is that they don't want to be perceived as a used car salesman. So, they equate selling with what they hear people doing on television late at night and they don't want to be perceived that way. I think that's the number one thing that gets in the way of most lawyers being successful at selling.

The second thing that I think is really problematic for a lot of lawyers, although probably younger lawyers are more aware that this is not a good strategy than older lawyers, is that expecting that your good work will generate all your referrals. Twenty or thirty years ago that was probably more true, although I suppose I could suggest that it maybe was never completely true, but it's much less true now. I think younger lawyers understand that a little bit more that you need to tell the world about your successes and you need to differentiate yourself. Being very passive about your marketing won't work.

Which leads into the next reason why it's difficult for lawyers, which is that – and I already mentioned this – many lawyers rely too much on marketing and not enough on relationship building. That includes social media.

Social media is sort of interesting because when it's used correctly it can be a conversation of sorts. It's not just a one-way communication. If you're just posting updates, you're not responding or reacting to anything anyone else is posting, then you're not doing much in the way of relationship building, you're just broadcasting. Lawyers who just write, just speak, don't pursue and cultivate referral relationships are going to have a harder time building a practice.

Another one is a lack of follow-through. I think this is an occupational hazard for a lot of lawyers. I would say it's a problem for me too. I always have to push myself to keep

following up. There is a lot of noise out there, especially since the marketplace for legal services has gotten a lot tighter since the Great Recession. If you want people to connect with you, you have to really work at it. If you send one email message and you don't follow that up because you didn't hear anything, then you are not doing your job.

I think this is hard for a lot of lawyers because you don't want to feel like you're being, again, perceived as a used car salesman. But what I tell my clients is that think of how many times you've discovered that email ended up in the spam filter. Also, the nature of email, and I think email lends itself to the biggest problem here, is that the emails that people get end up in a long queue and some people only respond to the things that have come in most recently and things at the bottom of their inbox they never get to. Again, following through can help overcome that.

There are some other things. I think lawyers have a tendency to communicate like lawyers and get lost in the weeds. While you're presenting a legal argument in court, or you are trying to write a memo to a client and you want to be thorough, you get heavily into the details. In marketing, you want to try to distill things down so that people can hear them in more crisp and clear ways. It's a very different way of communicating. We're in the middle of a campaign cycle, you're all out there hearing lots of political ads and think about what some of the politicians are doing that are really effective, or the ads that are really effective. Rather than going into a litany about the foreign policy that the United States has pursued, the Obama camp or people who are supporting Obama – and by the way, this is regardless of what your political feelings are – I think this is good messaging which is that ... I think Joe Biden brought this up ... Osama bin Laden is dead, GM is alive.

Of course, that dumbs down the message a lot, which goes a little against the grain of how lawyers like to communicate, but if you start talking to somebody and giving a long litany of reasons why they should hire you and what it is that you do, and give three hours of details about how you accomplish the same thing for other clients, you are going to lose your audience.

So, those are some of the things. There are others. I think failing to project confidence can be a problem and that's more of an occupational hazard of a younger lawyer. You really want to communicate with your body language, with your words, with your voice, that you can solve your client's problems. Many lawyers are worried about over-promising, but if you hedge your bets people are going to be less likely to want to hire you. If you had a problem with your back and you went to two surgeons and one said, well, I think I can solve this with surgery. We haven't done that many of these, but we've done a lot like it, and I think you might find that you're feeling better afterwards, but I don't want to promise you anything. Or, you went to another surgeon and he said, we've handled hundreds of this type of case. We've had great success. While we can't promise that your case will be successful, I feel very confident that you are going to get the best medical care possible at our facility and you have the best chance of having a good outcome.

That second person who is projecting confidence, which lawyers don't like to do but need to do, is more likely to get the work. Similarly, along those same lines, because lawyers spend their whole day identifying what can go wrong, they tend to project negativity. While you may very well be legally and professionally responsible for pointing out the reasons why a person might not have a good case, you don't want to be walking around a cocktail party talking about how bad the economy is and how hard it is for you to land business.

Jared Correia: Very true.

Stephen Seckler: Let me give you three more. I'm sorry that the list is so long, but I've thought about it.

Jared Correia: That's a good list.

Stephen Seckler: I've thought about this a lot because, really, I've said to others that someday I'll write my autobiography and I'll call it *Birth of a Salesman*. The reason for that is because stuff did not come naturally to me, which is why I love the topic so much. I can see a lot of these tendencies in myself and I've worked hard to overcome them.

So, the last three; saving marketing for a rainy day. The tendency I think a lot of lawyers have is that if there is one hour of billable work to do and lots of other things that they could be doing for marketing purposes, they will always do the hour of billable work and wait until they have nothing to do and then start marketing. That's not a good way to build a pipeline.

Expecting short term results; I've heard lawyers do one seminar and come out and say, well, that wasn't worthwhile because I didn't get any clients out of that. That's not how selling legal services works.

Finally, and this relates to a lack of how-to, lack of resilience. You want to have a lot of prospects in your pipeline. If in baseball batting .300 means you're a great hitter, in marketing maybe batting .100 is a great marketer. That's not what happens when you go to school. We were all taught that you work hard, you do well on your tests, and that's the success. That's not the way it works in marketing.

Jared Correia: That's good. So you can bat below the Mendoza line and still be a successful legal marketer. That's a lot of problems, Steve. Now the question is what do you recommend for your clients to overcome those obstacles?

Stephen Seckler: Okay, it does seem like a long list, but actually a lot of them are interrelated. I don't think it's an overwhelming or insurmountable list, I just think I've framed the list in a way that some of them are just the same thing from a slightly different angle.

In any event I think there's a lot of good things that you can do to overcome this. The most important thing you can do is to develop a plan and anyone who has ever tried to lose weight might understand this. If you have a plan, if you're trying to lose weight and

you have decided in advance what your caloric intake is going to be for the day, how much fat you are going to take in, it's a lot easier – still challenging – it's a lot easier to decide what you are going to eat or whether you are going to have that doughnut when you get hungry. If you don't have a plan and you're sitting there and you're thinking should I have that doughnut, it's harder to evaluate whether or not this fits into your plan.

Losing weight is like business development; it's like things that you have to do in the short run that yield long-term results. As human beings, we're not that well wired for this. It's actually an evolutionary mismatch between our brains and what we want to accomplish. But by having a plan that you don't have to think about it every single day, should I be doing this or should I be doing that, because that can become very overwhelming, like deciding whether or not to eat the doughnut can be very overwhelming when you are hungry and then you are going eat the doughnut.

Another strategy that I recommend to my clients is to try and spend at least 15 minutes every single day doing something. Of course, if you are in the middle of a trial, or in a major transaction, and it's all hands on deck, you have to obviously put that aside. But even on some of those days you might be able to make a phone call and say hi to somebody who you want to keep in contact with just to take a break.

The third thing is taking care of yourself. I've told people, my clients who are looking for jobs, if you are going out to the gym and your spouse or significant other or parents ask you what are you doing, you tell them I'm job hunting. What I mean by that is you can't market 24/7, you can't be out there 24/7, and when you are out there you want to feel good. So exercising and eating well are creating some of this infrastructure you need for yourself to be able to project confidence. As I said in my list, being able to project confidence is important if you want to land business.

So push yourself to do some things that maybe a little bit hard to get yourself to do and really focus on the activities that you enjoy. That's really very important because if you don't like playing golf and somebody has convinced you that golf is a great way to build relationships, you are going to make a lot of excuses, you are not going to go out and golf. If you do you are going to be projecting a lot of negativity because you won't feel good. So, don't play golf if you don't like golf. Find things that you do enjoy.

The next item is creating good elevator bullets. The politicians that you hear are really good at this. Bill Clinton, again, regardless what you thought of him as a person or politician, the guy can communicate much in the same way as Ronald Reagan. Part of what those people have done, although they do it very naturally, is prepare. They think in advance what are my talking points. So you want to do that too. You want to work on just telling your message. Some of it involves experimentation and different audiences that you are talking to -- I'm talking about one-on-ones. You might develop different elevator bullets, too, but the important thing is to prepare your messaging. The same thing as prepare before you go on networking meetings. Use LinkedIn to find something

out about somebody if you are going to be having lunch with them. If you have some kind of connection with them, it will make it easier to have a conversation with them. If you went to the same college, if you are involved in some of the same extra-curricular activities, you could find out where they've worked in the past, what they did before they became a lawyer. So, preparing before you go into your networking meeting can really help.

Using marketing as a way of continuing the dialogue, rather than as an excuse for not picking up the phone ... so, 80% of your time relationship building, 20% of your time marketing. Becoming a great listener and listening carefully to find a way to be helpful to others, and it may not be with their professional needs, but it could be with their personal needs, too.

I mentioned try and take the pressure off yourself because you're trying to do things over a long period of time. You don't have to have short-term success.

The last two are build marketing into your workflow, so if there is anything that you are working on give rise to an issue that others might want to know about, can you turn it into an article, a seminar, a client alert, a blog post, a social media update. Have you created any checklists from the work you were doing? Can you share those with other prospective clients?

And finally, get input from colleagues, or if you feel like you want some additional help, hire a coach. You don't have to feel like you need to succeed on your own. I've worked with several coaches in my career and I found it invaluable. A lot of us are not very good at having perspective on our own lives.

Jared Correia: Very true. Steve, those are all fantastic points, and if you are listening and looking to hire a coach, hire Steve. All right, we have time for one more question here on the Legal Toolkit podcast. Steve, you mentioned that selling involves having a two-way conversation and that marketing is more of a one-way conversation. Can you walk me through the selling process in the attorney's office once there's a potential client in there?

Stephen Seckler: Sure, let me give you the *Reader's Digest* version because I think we are running out of time here. Basically, when you have a prospect in your office, you want to do a lot of listening. Ask open-ended questions, get the prospect to describe the problem they face, and you want to find out as much as you can about the solution they would like to see. You really want to avoid pitching. You're not telling them that they should hire you, you want them to embrace the solution that you have that solves their problem. You do that by getting them to talk about the solution and agree, yes, that sounds like that would be something that will be helpful for me. You are trying to engender trust and you show that by showing you are tuned into the needs of your particular client. If you try a one-size-fits-all solution, you're not going to be successful.

One book that I would highly recommend is *Rain-Making Conversations: Influence, Persuade, and Sell in Any Situation*, written by Mike Schultz and John Doerr. I also have a number of market resources on my website that you are free to access at any time.

Jared Correia: Oh great. Steve, you actually have a great website. I know that you are probably going to give us the IRL soon, but I recommend that people definitely visit that.

So, this has been a great show. I think you gave out lots of good advice here, Steve. You get lawyers thinking about marketing and selling in a different way, which I think is helpful. But unfortunately, the contents of this little hourglass have run down, and we're at the end of another episode of Legal Toolkit.

In the meantime, my special thanks goes to Stephen Seckler for taking the time to drop by the virtual studio. So Steve, if any of our listeners want to find out more about you and what you do, how would they go about doing that?

Stephen Seckler: First of all, thank you, Jared, for having me. Again, I feel like you do a great job with this, and I'm honored to be on your show. My website is my name, www.seckler.com. From there, you can access my blog, sign up for my newsletter, and read many of the articles I have published.

Jared Correia: And you should do that. Steve is great, I've known Steve for a long time, absolutely knows what he is doing and he'll help you out if you're an attorney looking to improve your marketing or selling. So, thanks again, Steve. For everybody listening out there across the interwebs, don't forget to join us next time where we'll have another tremendous internet radio show, right here on the Legal Toolkit.

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