

Turning Business Contacts into Business

By Stephen E. Seckler

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Coffee is for closers. —Alec Baldwin, *Glengarry Glen Ross*

There are many ways to grow your law practice. While being a great lawyer and doing excellent work is a prerequisite, simply doing good work is insufficient. Instead, deepening your relationships with clients, potential clients, and referral sources is key if you want to generate leads.

It's nice to have strong professional and personal relationships. There is good evidence that having social connections will improve your well-being. (This is something that was reinforced by the pandemic.) But what do you do when you have a warm lead? How do you turn those relationships into actual paying clients?



Many of the columns I've written in this space have focused on how to be more effective in building your business relationships (e.g., [Persistence, Follow-Up, and Avoiding Fatal Attraction: Tips for Building Your Network](#); [Building Your Business Relationships Through Religion, Politics, and Humor](#); [Stop Thinking \(and Acting\) Like a Lawyer](#)). That's because clients buy legal services from lawyers who they know, like, and trust. Professionals make referrals for the same reason.

In this column, I'd like to focus on what to do when your relationship-building activities begin to generate the leads that you want.

Many Lawyers Have the Wrong Instincts about Selling

If you are like many attorneys, selling is an uncomfortable activity. It conflicts with your self-identity. Most of us think of ourselves as professionals. So, even when we are speaking with a prospective client who has been referred to us, it can feel awkward to ask if they are ready to hire us.

As attorneys, most of us do not want to be seen as a salesperson. We have an image in our heads of a used car salesman when we think about sales. Sales feels dirty. We take a more passive approach and hope that we'll be recognized as good lawyers.

On the other end of the spectrum, as lawyers, we are trained to advocate. Some of us think it is our job to convince a client to hire us. While this may be more effective than simply being passive, it is even more effective to *open up the conversation* when we are speaking with a potential client than it is to try and *close* the business.

I talk to my clients about four modes of communication: passive, aggressive, assertive, and passive-aggressive. The first three are most relevant when it comes to business development. (*Passive-aggressive* communication is an issue that I address more in leadership coaching.)

Passive communication is hoping the client will see the value in hiring you just because you have done good work in the past (i.e., you describe your experience without really starting a conversation or asking a lot of questions). You wait for the client to ask for your help.

Aggressive communication is telling prospects that you have the solution and that they need to hire you—before taking the time to truly understand their problem and finding out what they really want. While zealous advocacy may be good for your clients when you are representing them in a matter, it's often not effective in getting a client to hire you for that matter.

In true Goldilocks fashion, you want to take the middle approach and use *assertive communication* to get the best results when speaking to prospects. Assertive means expressing your point of view in a way that is clear and direct while still respecting others. Conducting a *friendly deposition* is the way you will learn what you need to know to address the concerns of the other individual or business.

Active Listening Is an Essential Skill in Your Toolbox

The starting point in assertive communication is active listening. Until prospects can articulate that they actually need help, and until you fully understand the problem, it is premature to start telling them how you charge for your services. Until you truly understand the issue, it is too soon to suggest that you have the solution.

Much of this is well described in the classic book *SPIN Selling* by Neil Rackham (McGraw-Hill, 1988). *SPIN Selling*, which was based on in-depth research involving thousands of sales, provides a useful framework for thinking about selling your services as a lawyer.

With SPIN, the starting point is to ask a lot of questions and listen to the answers. Get a handle on the situation (S). Next, identify the problems (P) that the individual or business faces. Have them articulate what are the implications (I) if they do not address these problems. Finally, ask them what it would mean to them if they could solve the problem, or in terms of SPIN, what would be the need-payoff (N).

Sometimes clients will come to you with a very clearly defined need (e.g., they are buying a house and need a lawyer to help with the closing; they just became a parent and would like you to draft a will and related estate planning documents to protect their family; they are starting a new job and need a lawyer to review an employment agreement). If that is the case, you may not need to do a lot of digging to uncover the real need. (But make sure to do at least *some* digging, even when the matter seems straightforward!)

More often, the need is not apparent at the outset. When this happens, asking a lot of open-ended questions can give you a much better handle on what the problem is. Paraphrasing and confirming you correctly heard what they said will build trust. Asking good follow-up questions that feed off of their answers does the same. Maintaining good eye contact and open body language is also important.

For example, a client may come to you saying he would like to sue his landlord. The roof is leaking, and there is a problem with pests. But a deeper inquiry might reveal that he just wants to get out of his lease. He actually has no appetite for a lengthy battle. He simply wants to live in a safe place and would like a lawyer to advise him of his rights and potentially write a letter to his landlord.

Or, say that a business owner comes to you and asks you to draft a partnership agreement for her to bring an independent contractor formally into her business. But a deeper dive reveals that keeping the current independent contractor relationship makes more sense. She actually has a bad track record when it comes to working with business partners, and she needs someone to create a contract that spells out the business relationship without inadvertently violating any employment laws. She may also need help with her own client contracts.

It is important to establish what is the real issue before suggesting that you are the right lawyer to represent the prospect. You may be trying to solve the wrong problem or solve it in a way that is not of interest to the prospect. If you delve deeply enough, it may be a matter that you would be better off referring to another attorney or even another professional.

By demonstrating that you are a great listener and by getting the individual to clearly articulate the problem, you have a much better chance of getting that individual to hire you.

In summary, get the client to clearly articulate the need and ask enough questions so that you are confident that this is something you are competent to handle. Most importantly, *listen!*

“It Depends” Is a Bad Starting Point

Once you have gotten clarity about what the prospective client wants help with and that the prospect is committed to solving the problem or addressing the issue, now it is time to ask, “What questions do you have for me?” The prospect will probably ask one of several questions in return: “Is this something you can help me with?” “Do you think I have a case?” “Can you tell me about your services?” “How do you charge for your services?”

If they ask any of these questions, you know you are making progress in getting this individual to hire you.

While it is too soon to weigh in with your legal opinion (they haven't formally retained you yet), you do want them to walk away from the conversation feeling like you will be able to take care of them. That doesn't mean that you have all the answers or that you can assure them that they will get the result they want. But you can explain to them that you have a lot of experience with matters like theirs, and you can promise them you will do your best to get them what they want or need.

If you respond with the quintessential lawyer answer, “it depends,” when they ask if you can help them, that is unlikely to instill confidence in your abilities.

Imagine that you are feeling a sharp pain in the back of your head. You go to the emergency room, and you ask the doctor if she can help you. If she says, “I'm not sure. I've never seen a case like yours,” that is unlikely to inspire confidence. But if she looks you in the eye and assures you that she will do her best to get to the bottom of it, then you are going to be a much happier patient.

Clients want to know that you will take care of them and that you will be responsive. Most people who hire you do not really know whether you are a good lawyer. But they do know how you make them feel.

If you are like most lawyers, the reason you say, “it depends,” is that you don't want to be wrong. But prospective clients are just looking for someone they can count on to represent their interests and advise them competently.

Try responding with something like, “We've handled many cases like this before. I can assure you we will do everything in our power to ensure that your legal rights are protected.”

If the Matter Seems Complex, Schedule a Follow-Up Meeting

If the matter at hand is straightforward, such as a real estate closing, it is fine to quote a price at that first meeting. But if there is any ambiguity about how much work will be involved, you are much better off scheduling a follow-up meeting to present the client with a proposal.

Setting a follow-up meeting serves several purposes. First, it gives you a chance to really think through what might be involved. Second, it shows clients that their matter is not necessarily as straightforward as they might think.

Setting a follow-up meeting also demonstrates how serious prospective clients are about hiring you. If they say, “let me get back to you on that,” this is a good sign that you may never hear from them again and that it is not worth your time to follow up with them.

If they agree to a follow-up meeting, they are demonstrating some commitment to working with you (and showing that they will be a good client to work with).

The key is to make sure prospective clients understand the value of hiring you. A follow-up meeting is a chance to demonstrate to them what they will get if they hire you.

Look Them in the Eye and Tell Them You Can Help Them with Their Issue

I've already cautioned that it is important to remove your advocacy hat when you are first meeting with prospects. But when it is clear that they have a problem, that they want the problem solved, and that you are the right person to solve that problem, look them in the eye and tell them that you would be happy to work with them. Ask them if they would like you to send them an engagement letter. Speak with confidence and strong body language. Then, and only then, is it okay to advocate for the client to hire you.

If you believe in your ability to do a good job for prospective clients, don't hesitate to tell them. Like the patient in the emergency room, prospects are looking for someone who can solve their problem. If you are that lawyer, you are doing them a big favor by telling them. And your practice will grow!

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