



# Keys to Growing Your Practice

By Joey Asher, Esq.

## Have a Nice Day

**F**ew business development strategies work for all businesses. But here's one that rarely fails: Be nice.

Once at my tennis club, I heard a man say he was disappointed because his partner had failed to show. Being nice, I invited him to play. He turned out to be a senior partner at a major architecture firm. He eventually hired me for training. I hear stories like this all the time.

Niceness really can be a business development strategy. I recently read a book called *The Power of Nice: How to Conquer the Business World with Kindness*, by Linda Kaplan Thaler and Robin Koval (Currency/Doubleday, 2006, \$17.95 in paperback). Thaler and Koval run The Kaplan Thaler Group, a billion-dollar-a-year advertising agency.

They attribute their growth, in part, to being nice. That can mean simple acts like greeting people with a smile or doing your competitor a big favor.

The book features many inspirational anecdotes that demonstrate how

being nice can make you money. One involves Ernest Hamwi, a vendor of thin Persian waffles at the 1904 World's Fair. Hamwi saw that a competing ice cream vendor had run out of serving cups. Being nice, Hamwi offered to fold up a waffle to hold the ice cream for the competitor's customer. The ice cream cone was born, and Hamwi got rich.

Many sales call centers have adopted this strategy by putting small mirrors on the callers' desks. The mirrors remind the callers to smile. If they sound happy and are friendly, customers buy more over the phone.

### Revolutionary Strategy

In 2006, the law firm Cravath Swain & Moore was faced with high turnover among associates. The *Wall Street Journal* reported that the firm adopted the revolutionary business strategy of urging partners to say "thank you" to associates. Turnover dropped.

Thaler and Koval tell the story of how their firm landed U.S. Bank, the nation's sixth-largest bank, as a new client. On the day that the bank's president and COO, Richard Davis, came from Minneapolis to Kaplan Thaler Group's office in Manhattan to see a presentation, the security guard in the lobby greeted Davis with a jovial, warm greeting. Davis had been apprehensive

about how they would be treated in the big city, which had a reputation for its furious pace and cold, "get out of my way" attitude. But when Davis and his team entered Kaplan Thaler's office, they were "gushing about the friendly security guard." Davis's apprehension was assuaged, and he eventually hired Kaplan Thaler as his ad agency. The security guard's welcome wasn't the primary factor in the hiring decision, of course, but it sure did smooth the way.

### Build Client Relationships

Anyone interested in developing more business might adopt the tactic of simply being nicer. It helps you make sales, reduces employee turnover, and makes your co-workers happier and more productive. Being nice will make you money.

And when it comes to making *you* personally happy, it turns out that "please" and "thank you" really are the magic words. My friend Paul is a great salesman for an accounting firm that provides litigation support services to the health care industry. He smiles a lot. "It's hard to stay in a bad mood when you're smiling," he told me. When I left the practice of law, one of my coaches urged me to smile more. "You look too much like a lawyer," she said. I practiced smiling for a month and felt great.

Years ago, my grandfather had a jewelry store in Hartford, CT, called Savitt Jewelers. He carried Tootsie Rolls in his pocket, which he handed out to customers whether they bought merchandise or not. It was just nice. It made people happy. He sold a lot of diamond earrings.

So if you want to grow your business, try cheering people up, doing small favors, and giving out Tootsie Rolls. You'll make friends. You might get new clients. And you'll certainly feel richer for it. **VE**



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## Fraud Files

*Continued from page 37...*

### ■ Bush's Crackdown

The Bush Administration has repeatedly claimed that white-collar criminals will be sought out and given harsh penalties; however, after reviewing the sentences imposed on white-collar criminals it's possible they may not be getting such long sentences. Sixty-one percent of defendants sentenced in this administration's crackdown have spent no more than two years in jail. The obvious exceptions are the sentences given to Enron and WorldCom executives, but the numbers make a strong argument. During the last five years, 28 percent of those sentenced received no prison time and only 6 percent were given 10 or more years of jail time. The review looked at 1,236 cases of white-collar convictions. "Sentencing white-collar defendants to two years or less does not send a strong deterrent message," says Joshua Hochberg, who headed the U.S. Justice Department's Criminal Fraud Section from 1998 to 2005. However, he did maintain that sentencing large numbers of prosecuted offenders will send the message that fraudsters will be caught and there are indeed consequences. On July 17, the Attorney General at the time, Alberto Gonzales, announced that of the 1,236 white-collar convictions, 214 were CEOs or presidents, 129 vice-presidents, 53 chief financial officers, and 23 corporate counsels. There is a discrepancy in the data, though, as different districts have varying degrees of what is considered major fraud. "What constitutes a major fraud in one district may not be a big deal in another," said prosecutor and supervisor of the Enron Task Force, Leslie Caldwell.

*Voreacos, David and Van Voris, Bob, "Bush Fraud Probes Jail Corporate Criminals Less Than Two Years," Bloomberg.com, 13 December 2007; available at [www.bloomberg.com/apps/news?pid=20601109&sid=awztp90u5kEo&refer=exclusive](http://www.bloomberg.com/apps/news?pid=20601109&sid=awztp90u5kEo&refer=exclusive), accessed 12 January 2008.*

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