

Cold-Calling For Lawyers

Tradition aside, business development via the telephone isn't unethical, and it needn't be downscale, either.

By Joey Asher

WHEN I SUGGEST TO CORPORATE lawyers that they consider making cold calls, most react as if I've invited them to attend a human sacrifice. In a profession that only recently has become comfortable with advertising, working the telephones to get clients can seem like most offensive form of marketing activity.

But as businesspeople have long known, the telephone is the most powerful business development tool ever invented. Nothing more effectively puts you in contact with people who can hire you. Lawyers can work the telephones tastefully, ethically, and profitably. The trick is in knowing what to say when the general counsel says hello.

In today's competitive marketplace, some corporate lawyers are ignoring old biases and learning to use the telephone as a marketing tool. And they're seeing results. I know firsthand of the following cases:

- A corporate labor lawyer wanted to develop a relationship with a Fortune 100 company in his city. When his firm held a labor relations conference, the lawyer cold-called the in-house counsel and invited him to participate in a panel discussion. Flattered, the in-house lawyer accepted. They developed a relationship

that led to significant labor work.

- A managing partner of a national firm requires associates to invite friends to the firm's marketing events. "Everyone has to bring five people," this managing partner told me. "No mailed invitations. They have to pick up the telephone." Through this technique, the partner coaches the young lawyers in beginning business relationships.

- A litigator at a large corporate firm has a nice practice representing media companies. He made a cold call to the general counsel of a newspaper in the Southeast, inviting the GC to lunch. The general counsel accepted. A year later, the GC hired him for a large matter.

As an attorney and the president of a company that helps lawyers build their practices, I recognize the value of such things as cross-selling, client teams, blogs, and topical newsletters. But many lawyers rely on these marketing initiatives alone, and then become frustrated when they see no result.

I've seen many large firms modernize their marketing through advertising and other activities—and properly so—but still fail to train their lawyers in the selling skills they need. And the most fundamental selling skill is using the telephone to begin business relationships. Sometimes that means "warm calling"—telephoning social acquaintances to seek a business relationship. But often, it means good old-fashioned cold calls.

"Isn't cold-calling unethical?"

I get that question a lot.

The answer is: "Only if you're directly soliciting the prospect for business." Nothing stops you from calling to begin a relationship that may (or may not) eventually lead to business.

States' ethics codes vary, but the American Bar Association's Model Rules state that a lawyer may not "solicit professional employment from a prospective client when a significant motive for a lawyer's doing so is the lawyer's pecuniary gain." Even then, the Model Rules make an exception when your prospect is a lawyer.

For non-ambulance chasers, that leaves lots of leeway

for effective direct contact with executives, business owners, and in-house lawyers. Firm lawyers can cold-call prospects and offer free seminars, conference invitations, invitations to join an organization, or free memos on a new tax law. Many lawyers want their firm's marketing staff to make these calls. Big mistake: The marketing staff isn't building the relationship with the general counsel. You are.

Few lawyers today know how to use the telephone as a business development tool because selling has always been considered unseemly for a "gentleman's profession." When I began practicing law just 11 years ago, a senior partner, in a business development session, told all the associates, "The only thing you need to become a rainmaker is to be a great lawyer and return your telephone calls." In other words, do good work, and the clients will seek you out. But that's just not true anymore. In a competitive market, lawyers get business by seeking it out, not waiting for the telephone to ring.

Many lawyers hesitate to work the phones for fear of coming across as a common salesperson. But good business developers aren't vultures. I'm not talking about calling prospects during dinner, like a telemarketer selling long-distance services, and offering your legal services. In fact, the key is to forget about getting hired. Focus instead on offering something of business value to the prospect.

My company worked with an intellectual property lawyer who was speaking at a conference in New York. He called in-house lawyers in the city whom he suspected might be interested. "I'm going to be speaking next week on international trademark issues," he told them. "I'd love for you to attend. I think that you'd find it

interesting." He invited ten people. Some he knew already. Others he didn't. One attended. He now has a nice relationship with that in-house lawyer. Maybe it will yield paying work someday. If he builds enough relationships like that, he'll get plenty of business.

This same approach works for conferences for in-house lawyers. Most firms try to generate interest

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in these events solely by mailing invitations. If you really want to build a relationship, call someone personally with an invitation.

Believe it or not, most business executives and in-house lawyers enjoy getting these calls. You're offering something they might want or need. "You'd be surprised how willing we are to accept free stuff [such as seminars and free legal analyses]," one in-house lawyer told me.

And building these relationships needn't take a lot of time. The beauty of the telephone is its efficiency. You can make ten calls in 30 minutes. I recommend two hours of business development work per week. Coordinate efforts with your marketing organization to avoid duplication of effort and conflicts.

Since your calls are offers of business value, making them is easy. The types of offers are limited only by your creativity. Some ideas include seeking an interview for an article to be published, providing a free seminar,

inviting the prospect to dinner with an industry expert, and offering the firm's newsletters on a topic of interest.

In a cold call, keep your telephone script simple. Step One is to identify yourself and your firm—after all, the prospect doesn't expect your call. Then make the invitation immediately, no small talk: "I'm calling because we're having a conference on antitrust issues next month, and I was wondering if you're interested in being on the panel." Finally, be ready with all the key information. "The program is at 6 P.M., here at our offices. I'll e-mail you the directions and all the pertinent information."

No answer? Leave a voice message and follow up with an e-mail. You'll get plenty of rejections. But if you sound professional and your offer is valuable, many prospects will accept.

Make a lot of these calls. Telephone invitations are a business development fundamental that can be used in many contexts. If your firm does a business's tax work but wants to earn its labor work, call the attorney in charge of labor and employment matters and invite him to a firm event. If you have a social relationship that you want to transform into a business relationship, call your acquaintance and ask if she'd be interested in receiving your newsletter.

These calls start professional relationships that are the basic building blocks of a book of business. Make these calls consistently, stay in touch with your prospects, and you'll get plenty of business.

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