



**By Sally J. Schmidt**

## What Does the Prospect Really Need?

Consider the following scenario: Your firm has had some problems related to copying client documents; on several occasions recently, your staff hasn't been able to keep up with demand, forcing you to take some projects to a reproduction company. In assessing the situation, your firm faces several issues:

- Do we want to make the investment in better reproduction capabilities or is this a temporary glitch?
- If we need more capacity, should we outsource the function to a vendor or should we do it ourselves, *i.e.*, invest in better, more efficient equipment?
- If we invest in better equipment, which models should we buy?

You may be wondering what this scenario has to do with law firm marketing. The answer is, a lot. Prospective clients of law firms often face the same stages of decision making when evaluating their legal situations.

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Yet, when talking to prospective clients about services, lawyers often use the same standard approach for everyone, usually focusing on selling their services and capabilities. For your business development efforts to be effective, you need to understand which decision-making stage the prospective client is in.

Three typical stages are described below.

### Stage One: Should We Go Forward?

Prospective clients at this stage are uncertain about whether to pursue a specific project or a particular action. Perhaps the prospect is weighing the prudence of going after a possible patent infringement. At this point, the prospect needs answers to some preliminary questions that will help determine if the matter is worth the time, money or effort. For example, he or she will want to explore the value of the patent to the company; the potential damages caused by the infringement; and alternatives to legal action—in other words, the potential costs and risks involved in pursuing, or not pursuing, the legal action.

For prospects at this stage of decision making, your best approach is to help them obtain the answers to these questions. For example, you might be able to put the individual in touch with a good consultant to evaluate the value of the patent. You could offer to provide information on the potential costs of pursuing litigation in the intellectual property area, or some thoughts on intermediate steps to stop further action on the part of the one doing the infringing. Your objective for prospects in Stage One is to help them make good decisions about whether to pursue the action.

### Stage Two: Who Should Handle the Matter?

At this point, a prospective client may have decided to undertake a project but isn't sure who should handle it. Depending on the type of matter, the options could include an accountant (*e.g.*, tax planning), an industry consultant (*e.g.*, an environmental audit) or a lawyer. Some may consider whether the project could be handled internally, either by themselves or by a member of their staff.

Let's say the prospective client is a real estate development and management company planning to build a small retail shopping center. Obviously, the tenants will need to sign leases. However, the company may be trying to decide if it would be better to use in-house counsel or outside counsel to handle the leases.

Your goal for prospects in Stage Two is to help them identify the benefits of hiring outside counsel to handle the matter. Depending on the professional alternative the prospect is weighing, you may need to emphasize the objective judgment and counsel you can bring to the issue; your experience in the area; the efficiency with which the matter can be handled, to help evaluate the trade-off; or even the role the prospect would be allowed to play in the matter.

### Stage Three: Which Law Firm Should We Hire?

A prospect at this stage has decided to hire a lawyer or law firm to handle the project; the question is, which one? A prospective client may have reached this point after going through the previous two decision-making stages. However, there are many times when a prospect is simply trying to determine which lawyer to retain, ranging from an individual looking through the Yellow Pages for a plaintiff's lawyer to pursue an injury claim, to a large corporation seeking counsel in another state to handle a local matter.

When talking to prospects at Stage Three, your objective is to convince them your firm is the *best* firm to handle the matter. This would seem to indicate the value of certain specific

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messages. The things that will be most appreciated by these decision makers are: demonstrating experience with similar projects or companies; outlining your industry or substantive expertise; indicating your ability to start work on the matter promptly; and, of course, estimating the cost of your services.

### **Conclusion**

To be effective in developing business, you need to help prospective clients make decisions, and you can't do this if you don't know what questions they face. To learn more about your prospects' needs:

- Ask good questions. Try to deter-

mine what issues preceded your contact and what the prospect's primary concerns are. Most important, listen to the prospective client's answers to your questions, and build your responses based on what you hear.

- Be ready to provide materials that will speak to the prospective client's needs, such as the names of good investment bankers, articles discussing the value of estate planning, or your own fee schedule.

- Take away the risk. Make the prospective client comfortable with you and your services by providing lists of representative clients, names of references, lists of projects handled and other information that will help the prospect judge the value of your involvement. ■