

PLAY TO WIN

Understanding the Client's Decision

By [Sally J. Schmidt](#) | Jul.19.17 | [Business Development](#), [Daily Dispatch](#), [Legal Marketing](#), [Play to Win](#), [Strategy](#)



I've always liked the saying "If the only tool you have is a hammer, you tend to see every problem as a nail." I think lawyers often make this mistake when approaching business development opportunities. Faced with pitches or presentations to clients, they typically come at it from one direction — why the prospect should select them or their firm instead of another alternative. Their "tools" are credentials and experience.

In reality, that approach may not be effective or even appropriate, depending on where the client is in the decision-making process. Without knowing the prospect's situation, you will not be able to make a compelling case for getting hired.

The Phases of Decision-Making

Let's say you're interested in helping a company put a cybersecurity response plan in place. Here are some possible stages of the prospect's decision-making process:

- 1. Knowing whether there is a problem.** Company personnel may not realize they are at risk for a cybersecurity attack or understand how severe the risk may be. If that's the case, talking about your credentials will fall on deaf ears. Your goal is to educate the client about the risk and convince the company of the need to take action. Your "tool" would be information on similar companies or companies in the same industry that have had problems and what the ramifications have been.
- 2. Knowing there is a potential problem but deciding whether to do anything about it.** As one client said to me, "I'll take my chances." Again, trying to impress upon the prospect why you are the better choice is a wasted effort. Your goal is to convince prospects in this stage that taking action is imperative and you should be illustrating the cost-benefit of prevention.
- 3. Wanting to address the issue but deciding whether to use internal or external resources.** This prospect understands the risk and the imperative, but may be wrestling with a resource issue. Should we use internal staff or hire an outside resource to develop the strategy? Your goal now is to educate the prospect on why an outside provider is more effective (e.g., process, experience) or cost-effective (e.g., efficiency, turnaround time) than using company resources.

4. Deciding which firm to hire. Finally, the company may have concluded that it should hire an outside resource to develop the cybersecurity response plan. You no longer need to discuss the rationale for taking action and can finally focus on your credentials and experience. However, it is still crucial to know which firms are being considered. Are they looking at non-legal entities or consultants as well as law firms? Which firms are being vetted? Depending on the answers, you may need to present the case for hiring a law firm (e.g., privilege) as well as for hiring *your* law firm.

Ask a Lot of Questions

Here are some additional things you should know before you develop your strategy:

- Who “owns” the issue in the company? Is it a top-management imperative or on the wish list of the legal department?
- Who will make the decision? Who will influence the decision? Knowing where your contact is in the chain of command and his or her likely influence will help you refine your points.
- Why is the issue important? Has there been a breach in the company or in a similar company? Are the company’s clients or customers demanding it? Again, knowing this information will help you speak to the issues that are top of mind for the prospect.

Peter Urias, Managing Counsel for Employment at Tesla, was recently quoted as saying, “It’s hard to know how best to solve a need until you understand the need. Understand where the client is on the issue. Ask questions. Ask non-legal questions, such as what is your role, scope of influence, goal. What does that team we are both working for really want? Getting the background is super important.”

So the next time you are faced with an opportunity to discuss your services, start by assessing the prospect’s situation. You are much more likely to hit the nail on the head.

Sally J. Schmidt is President of [Schmidt Marketing, Inc.](#), which offers marketing services to law firms. Sally was a founder and the first President of the Legal Marketing Association. She is a Fellow of the College of Law Practice Management and was one of the first inductees into the LMA's Hall of Fame. She is the author of "[Marketing the Law Firm: Business Development Techniques](#)" and "[Business Development for Lawyers: Strategies for Getting and Keeping Clients](#)." Sally writes Attorney at Work's "Play to Win" column. Follow her on Twitter [@SallySchmidt](#).