

Ask, Don't Tell: The Power of Questions in Winning New Business

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Many lawyers feel compelled to pounce on a new business opportunity by immediately presenting the case for the firm. But crafting good follow-up questions and prompting a conversation is the better path to winning new business.

Prompting Productive Discussions With New Prospects

When I work with lawyers on their business development efforts, the questions are very strategic: Which industries or clientele make the best targets for you? How can you get in front of them to build your visibility? How do you grow your network and relationships? That thought process is important; strategy should drive your activities.

At the same time, many unexpected opportunities will cross your path in the normal course of work and conversation. Knowing how to respond will make or break your success in capitalizing on them.

Here are some examples.

An Opening for New Business

Let's say you're talking to someone whose company you view as a good prospect for your services. They use another law firm for their litigation. During the conversation, the contact says, "Frankly, we're getting a little dissatisfied with their litigators." The natural inclination for many lawyers is to respond by expressing interest in doing the work. Sure, you want to be enthusiastic. But a more effective approach is to ask a follow-up question like:

"What is it about this other firm that is making you dissatisfied?"

Maybe it's fees. Maybe it's a lack of responsiveness. Maybe it's a lack of continuity in the service partner. Without this information, it's impossible to position yourself as the better alternative.

Telling them you can provide litigation services is one thing. Telling them how you'll provide those services in a way that solves their problem is another.

Cross-Selling

Say you're talking to a client about perceptions of the firm and he says, "I really don't know anything about the firm; I just know my team there." Some lawyers would be inclined to start explaining the firm's features — the number of lawyers, the office locations, the range of practice areas and so forth.

Instead of leading with, "Here's everything you should know," it would be better to ask about the client's other needs. Maybe he doesn't use outside counsel for any other areas so hearing about them is a waste of time (and annoying). The better reaction would be to ask:

"Are there other areas where we're not working with you and you think we could be helpful?"

If, indeed, there are opportunities, a follow-up question could be, **“What would be the best way to bring our capabilities to your attention?”** The client might want a pitch to the board of directors, a formal RFP or a meeting with the firm’s HR director.

Client Complaints

If you have a client who complains about something you have or haven’t done, [an apology is always a good start](#). After that, however, how do you address it? Instead of just trying to fix the problem (for example, by offering to write off time), look for a way to jointly problem-solve.

If the issue involves communications, you could first ask:

“What are your expectations for communications? Let’s explore frequency, format, level of detail and other preferences.”

Then, you could probe further: **“What’s the best way for the firm to respond?”**

You could offer ideas and invite their suggestions. Perhaps a protocol will solve the problem.

Pricing

What if a client raises the issue of fees, saying their company has decided to freeze rates? Some lawyers respond by acquiescing (albeit begrudgingly) — after all, who wants to lose a client? But a better approach would be to prompt a discussion. You could follow up with something like:

“I understand your need to keep costs in line. We love working with you so let’s talk about how we can structure our arrangement to hold the line on fees but also make it work for us.”

Maybe there’s a way to offer up a different staffing arrangement, like pushing down work so it reduces costs for the client but doesn’t hamstring your rates.

Two-Way Communication Is Key to Winning New Business

I understand that not all clients see the relationship with outside counsel as a partnership. If you’re perceived as a vendor, it’s hard to pursue alternative solutions. But, if you have an engaged client who is open to it, two-way communication will make the relationship better and more rewarding for both parties.

Sally Schmidt, President of Schmidt Marketing, Inc., helps lawyers and law firms grow their practices. She was a founder and the first President of the Legal Marketing Association, is a Fellow of the College of Law Practice Management and was one of the first inductees to LMA’s Hall of Fame. Known for her practical advice, she is the author of two books, [“Marketing the Law Firm: Business Development Techniques”](#) and [“Business Development for Lawyers: Strategies for Getting and Keeping Clients.”](#) Follow her [@SallySchmidt](#).