

Play to Win

Biggest Obstacle to New Business for Law Firms?

By [Sally J. Schmidt](#)

Last year, one of the lawyers I coach was excited about an opportunity to discuss expanding the relationship with an existing client, which at the time only used the firm for litigation. Five firm lawyers flew to meet with representatives of various departments of the company about things the firm could do to assist in other practice areas. Weeks went by and then months passed; a year later, the firm has still not seen additional work.

In my meetings with lawyers, there have been innumerable times that lawyers excitedly convey an opportunity — a contact who reached out for information; a prospect who asked for an engagement letter; a target who said, “We’ll use you on the next deal.” When discussing the situation down the road, however, nothing transpires.

There are a lot of obstacles to getting work from a prospective client, from a lack of business development skills to competition to a lack of time, among other things. But, in my experience, the biggest challenge in business development is inertia — not yours, but the prospect’s. Why should someone change counsel?

Nudging the Situation Along

In most cases, I don’t think prospects are leading the lawyers on. There are the occasional false starts where someone is simply trying to get a budget number or is required to seek more than one bid. But people can’t or don’t change lawyers for a variety of reasons. Here are some things that might help get the prospect off the dime.

Respond ASAP to any inquiry. If you are fortunate enough to be contacted by someone, respond immediately with the information requested. Whatever reason is causing them to call may last only a day or even less. Something else often comes along to distract the prospect and, if you wait until even the next day, the perceived emergency may be gone.

Let them see you in action. One reason prospects don’t change lawyers is “The devil you know” theory. While they may not be completely happy with existing counsel, they know what they’re getting. How can you show yourself to be a better alternative? Act like their counsel. Be prepared for meetings. Be super responsive. Send value-added information. Ask about their business and goals. In short, let them experience what it will be like to work with you, which is hopefully an improvement over the current relationship.

Make it easy to change firms. Another reason for client inertia is that switching law firms sounds hard. How do they go about it? How much will they have to invest to bring a new lawyer up to speed? And how can they make the call to the current lawyer? To overcome these issues, present ways you can help make it happen. Offer some free ramp-up time to learn about the business and how they like

to operate. Offer to come over, grab files and meet with the staff. Put together a clear and understandable engagement letter. You can even offer to call the existing counsel to transfer files.

Adopt the “one file” theory. Instead of thinking you need to get the whole client, work on getting the next project. Something compelling needs to happen for change to occur. Send alerts on issues prospects should address; offer suggestions on discrete projects you can help with; advise them about things their competitors are doing or challenges they are facing with which you can help. It is easier for the client to peel off a discrete project or task than move the entire relationship.

Give it time. Follow-up is critical. If nothing happens after the first contact, or even the fifth, stay in touch. But do it in a meaningful way. Treat the prospect like a client and bring ideas, information and added value.

Be realistic. Unfortunately, some things that look like real business development opportunities are not. There are times contacts will entertain pitches or conversations as a courtesy to you but they are not seriously looking for new counsel. So, when all else fails, try to recognize whether the prospect of getting new business actually exists.

There must be a reason for clients to make the effort to move their legal work — a negative experience with existing counsel, a conflict, a new area that needs an “expert” or a project that is discrete, for example. If you can create some disruption to the current flow of legal work, you will finally be in a position to get the client.