



# The Legal Intelligencer



Stacy Clark of Stacy Clark Marketing. Courtesy photo

COMMENTARY

## Are You Engaging in Cringeworthy Business Development?

I recently shadowed an M&A lawyer named Elizabeth to critique her approach to meeting with a new client. None of her credentials of being a brilliant and accomplished transactional lawyer came to the forefront in this meeting with a client. They were totally overshadowed by her use of many “NOs” in the conversation.

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**By Stacy West Clark**

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Today, I am going to talk to you about NOT shooting yourself in the foot when you are trying to develop more business—whether from current clients, referral sources or even potential clients.

These are actual examples of what lawyers have done—but the names have been changed to protect the innocent. Please avoid doing these things and your business development (BD) efforts will be MUCH more successful.

### 1. Saying “No” instead of finding a way to “Yes.”

I recently shadowed an M&A lawyer named Elizabeth to critique her approach to meeting with a new client. None of her credentials of being a brilliant and accomplished transactional lawyer came to the forefront in this meeting with a client. They were totally overshadowed by her use of many “nos” in the conversation. For example, here are some of the things she said no to the client about:

- “Can we talk over the weekend”?
- “Can I meet anyone else who will work on my matter?”
- “My CEO asks for certain details on our invoices such as detailed descriptions for what each timekeeper did and some indices of

how you helped me save dollars or efficiencies on—so can you do this?”

Sure, she had reasons for saying no to each of these requests—and she explained them (firm rules and all)—but what do you think happened? Bye-bye new client. The nos were a total turn-off, and the client took their business to one of Elizabeth’s competitors who was similarly qualified, charged the same hourly rate but found a way to yes—even to the annoying requests that would necessitate a change in how the firm practiced.

2. Saying “I don’t know” instead of something BETTER from a business development perspective—and just as accurate.

Jeff, a family lawyer I was advising on his strategic BD efforts told me what happened to him lately. He was handling a matter/client for another partner in his 30-lawyer firm. Cross-selling was highly encouraged by the firm so both lawyers were excited to grow the matters they handled for a real estate client. The long-time client was a grandfather wishing to see his grandchildren as much as possible in view of the parents’ divorce. When he asked questions as to how it could work, Jeff, who was expert at divorce and prenup matters, but had never tackled a grandparents’ rights issue honestly said things like:

- I have never handled a case like this before, so I really don’t know,
- I don’t know how our local magistrate may look at this.
- I am not sure about that but I can check.

He told me after the meeting that the client, (for good reason), seemed very uncertain about continuing with the representation. What would have been preferred from a business development standpoint and go a long way to solidify the relationship—would have been obviously doing some research before the meeting, mastering the main issues involved and preparing for it. Jeff could have come with a checklist of “Key issues”

the grandfather could face with proceeding. In so doing, Jeff could have shown he was a knowledgeable and a skilled attorney—at the top of his game ready to help. The moral of the story is: Lawyers must prepare for BD client meetings—even when a certain amount of non-billable time is involved to get up top speed.

### 3. Creating an “Ick” factor.

I work with Julie, a solo patent lawyer who is brilliant. She wanted more new business, and we decided to target lawyers in law firms with no IP capabilities. I set her up with one of my corporate boutique clients who fit the bill and really needed a referral of a great IP lawyer to partner with for deals. I thought this “Referral Marriage” would pay dividends for both lawyers. But my mistake was not going over the rules of first impression with Julie—till after the fact. Her moist and limp handshake was very icky (soft and not confident—aka the fish) and she had not taken the time to make sure that her breathe and attire were in order. (Yes, I have secrets to ensure you have good breath!) We should have practiced but the patent lawyer was confident she was “ready to go.”

The end of the story? My corporate lawyer told me thank you for the introduction but “were there other Patent lawyers I could set her up with?”—so this meeting with Julie was not a slam dunk success. BUT my client, Julie, decided to meet referral sources that she had an affinity with—in this case with whom she went to law school. We found two classmates on LinkedIn that did not compete. Julie worked on her presentation with me, dressed professionally and then met with each of them. At the meeting, she learned about their practices, discussed professors they had in common in law school (the affinity) and lo and behold, two new referral paths were created.

4. “I’m not the guy but I know a guy”: Being the solution if you can for a host of client requests.

From a business development standpoint, EVERY interaction with you is an opportunity to solidify and grow the relationship and thus, your practice. My client, Henry, had been asked by the CEO of a large commercial litigation client if the firm handled trusts and estates. “Sorry, no,” said Henry. While this was true, it was the wrong answer from a business development standpoint. It just sent the client to a competitor or at the very least, another law firm to have her matter handled. We don’t want that. The BETTER answer would have been something like this: “We do not handle that area, but I work with three top T&E attorneys who could help you. Here are links to their bios so you can see if you like their background and style. I can make an introduction too for you.”

Rather than saying flat out no, you always want to try to create a positive outcome for the client—Think outside the box to deliver solutions. The client wants T&E advice—that is their goal. Facilitate it! You will be the hero to your client and to the three referral sources you suggested. As part of your 2025 marketing plan, calendar in one-to-one meetings with a few lawyers who don’t compete with you but practice in areas helpful to your clients. Believe. me, they want to meet with you and get on your referral “bench.

Happy holidays and don’t forget to prepare for random business development moments! I am rooting for you.

**Stacy West Clark** *has been helping Pennsylvania, New York, Delaware and New Jersey lawyers and law firms succeed in growing their practices for more than 25 years. She is a former attorney with Morgan, Lewis & Bockius, and was the firm’s first director of client relations. For free articles on numerous business development and marketing topics, as well as more information about Clark and her work, visit [www.stacyclarkmarketing.com](http://www.stacyclarkmarketing.com).*

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