

Of Counsel Interview . . .

Allan Colman Trains Attorneys in the Fine Art of Closing the Deal

Among the many things that made the late billionaire and chairman of Chase Manhattan Bank, David Rockefeller, famous was his ability to network like no one else in the world. His Rolodex was legendary. *Forbes* magazine once described the place where Rockefeller kept it in his Room 5600 of Rockefeller Center as “an alcove that encloses a massive Ferris wheel of a Rolodex. This four-foot-by-five-foot contraption is the fulcrum of Rockefeller’s globe-trotting life . . . it has 150,000 names . . . everyone he has met since the 1940s.”

Dr. Philip Anthony, founder and CEO of the Los Angeles-based jury consultancy DecisionQuest, says former colleague and long-time friend Allan Colman is also well-connected. “Allan doesn’t have a Rolodex as large as Rockefeller’s, but he’s working on it,” Anthony says. “Allan’s built a great following of folks around the country. He’s got a great network and really follows through with people. That’s one thing that makes him successful. He’s also extremely organized and gets all 54 things

he might have on his to-do list done.” (Dr. Anthony’s analysis of COLI litigation appears on page 5 of this issue.)

Colman’s people skills helped drive DecisionQuest’s growth, as he was chiefly responsible for the firm’s marketing and business development from 1991 until 2005. And the consultancy has indeed grown. With some 170 employees, the 16-year-old company has sent teams to work on more than 12,000 cases in all 50 states, gaining itself a stellar reputation in the legal profession.

But two years ago, Colman wanted to try something different and accepted a job with the Washington firm Howrey as its first chief business development officer. At the time, Howrey managing partner Robert Ruyak praised Colman’s extensive experience in the legal profession, including his numerous publications and speaking engagements.

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Colman's tenure at Howrey didn't last long, however, as he left and soon started his own consultancy called The Closers Group under the umbrage of The Help Center, based in Vista, CA. Colman promotes his business by citing his 20-year experience of listening to general counsel and corporate executives make decisions on which outside law firms to hire.

In a recent conversation with Colman, *Of Counsel* asked him about his career and his new company with its focus on "rapid business development," "invisible marketing," and the "red zone strategy" that helps lawyers generate work by knowing how to close the deal. The following is that excerpted interview.

Of Counsel: What led you to the legal profession, and what led you to DecisionQuest?

Allan Colman: One of the very first jury research firms in the country was a firm called Litigation Sciences, and I joined it in 1986. The way that started was that my younger daughter and the younger son of [one of the founders of the] company went to school together. We got to know each other and started to socialize. He had three offices, wanted to grow the company, and asked me to join, initially to take on the management responsibilities of growing a firm.

From that, I grew into the responsibilities for all of our marketing, business development, advertising, public relations, and so on. The seven of us who were partners there started DecisionQuest in 1991, and I kept the responsibility for driving business, where I spent a lot of time with clients—both with law firms and corporate counsel—discussing strategy and what they wanted to achieve. What came out of that, and my work at Howrey, is that I've actually generated millions of dollars worth of business for clients.

OC: In May 2005, Howrey announced that they had hired you. Why did you decide to go into a private practice law firm, and why was your tenure there as short as it was?

AC: Those are both reasonable questions. By the way, the Howrey position was a newly created position, and what appealed to me was that, instead of performing mass marketing to law firms and corporations, I could concentrate for a firm on corporate clients. It was a focus. Plus, I'd been with DecisionQuest a long time, and as much as I appreciated it and enjoyed it, this was an opportunity to apply the skills that I'd learned in a different marketplace, with a different approach.

What happened at Howrey is pretty simple. Their expectations and mine turned out to be different. When we discussed my leaving, in fact it was very amicable, I was credited with generating the equivalent of about \$5 million worth of business.

In the Red Zone

OC: What did you learn about the private-practice world, working inside a law firm, that's helped you generate business with The Closers Group and maintain relationships with law firm clients?

AC: I think what it did was confirm a lot of the experiences that I had, with a different perspective. For example, a lot of lawyers either don't like to market, don't want to market, believe it's unprofessional to market, or don't know how to market. So where I was finding success was working with small groups, either an office group or a practice group. At any one time, I had about 80 projects underway, many of them were just supporting individual attorneys by providing strategic advice or talking through different approaches or finding ways for them to generate business without appearing to be marketing.

In fact, one of the seminars that I'm conducting now is called "Invisible Marketing Tactics." There are a lot of things that can be done without appearing to be marketing that make it more comfortable for folks.

So to answer your question, my experience [at Howrey] reinforced what I had seen from another side by working directly with those folks and maximizing what they wanted to do even if they were originally opposed to it or felt uncomfortable doing it.

OC: When many marketing directors talk about generating new business, they often talk

about what might be called “the front end,” or to use the football analogy, when you’ve gotten the kickoff and it’s first and 10. You, however, work on the tail end of marketing, the closing end, or the red zone strategy. Why did you decide to focus on this end of marketing and could you talk about what’s most important about closing the deal?

AC: My best experience and the thing that I like to do personally is closing business, after the effort to bring it in, the closing part to then get started with an engagement. I think it’s worth defining the difference between marketing and business development: Marketing is getting found; business development is getting selected. What I’m doing is even beyond what has become business development at most firms, and is business generation, which is the final 20 yards—that’s how we came up with the red zone concept.

A lot of what marketing does, and continues to need to do, is to get the firm noticed and into the competition, into the selection process. At many firms, business development has been added, but often what it’s become is a very sophisticated strategic way to prepare proposals and pitches and conduct research-gathering on companies.

Very few firms have gone to the step of training their people to actively close. One of the major differentiators between what I do and what others do is that I have that experience of personally generating millions of dollars and I understand the preparation part, which is critical, but can also take it to the next step and close the deal.

The other major factor is that I’ve been listening for years to in-house counsel, as well as CEOs, describe how they make decisions in hiring outside firms. I’ve got some insight that I don’t think others have.

I’m focused on rapid development. So, for example, if you take a firm that wants to bring in revenue rapidly, we can do work with them. We have this concept called “Fire, Aim, Ready.” Fire means quick hits. And we work with groups of people to show them how to bring [business] in first and then back up and say, “OK what do we need to do internally to sustain this kind of activity in the future? Are there things in our marketing and business

development programs that we can improve to focus on the closing.”

The three major themes that we focus on are: generating revenue rapidly, which is important to many. The second is building a pipeline, which means that there should be an expansion of interest among attorneys who want to participate. The third thing is to develop personnel.

OC: How is your rapid business generation service different from competitors?

AC: I am confident enough in working with clients to enable us to offer a unique performance fee structure. If the client groups we work with generate new engagements in the agreed-upon time frame, there is an incentive for the Closers Group. It only requires a commitment on the client’s part to provide active support from senior management. On the other hand, if the objectives are not met in time, our fees are limited.

Understand Needs, Ask Questions

OC: What sorts of mistakes do you see lawyers or a team of lawyers, perhaps with the marketing director, make when talking with a potential client?

AC: What I hear from general counsel is that [members of] the law firm don’t really understand what the potential client needs. What are the pressures going on inside the corporation? It may not appear to directly impact the kind of litigation or the contract work or the real estate negotiations or the labor negotiations or whatever it is, but they may not understand what’s going on with the board of directors.

What you may want to tell them based on your assessment of their needs is very often what they really want and need. So part of the key of this closing process is to get into enough conversation with them to understand that. The best thing lawyers are trained to do is to question. Asking intelligent questions based on what you’ve already studied is also a good marketing tool.

Because, if you’re talking to an in-house counsel—whether that’s in preparing a proposal or in meeting them at a conference or any other many opportunities you might have to talk with

them—you have find out what’s on their minds. You do that through very careful questioning. Then when you respond, you respond to their true needs.

One of the things that I hear so often from in-house counsel is, “I know about the damned number of attorneys that the law firm has, and about their expertise, and big wins. I want to hear them talk strategy. I want to see how they think. I would much rather they ask questions like, ‘Here’s an approach we’ve tried. Would this fit with your situation? And let’s strategize why it would or would not fit.’”

Invisible Marketing

OC: Let’s talk about something you mentioned earlier—invisible marketing. What are a couple examples of this?

AC: Complaints are one of the very best tools you have. If a client calls with a complaint, you’ve got to make an assumption that they want to keep you on doing the work. If they didn’t, they’d just terminate the work most likely and never tell you why.

When a client calls with a complaint, you not only have the chance to fix it, you also have the opportunity to tell them, often, that you really appreciated them bringing this to your attention. You [call back later] and ask if it’s fixed, or is it still fixed, and then you can talk to them about other things that your firm is doing and offer to help them with other things in the future. Responding to complaints ought to be viewed as a really good marketing tool. It’s invisible and client-initiated.

Another thing: How often do you hear people say to you when you run into them, “What’s new?” It’s common. Now, if a client you know pretty well says to you, “What’s new?” A good answer might be, “I ought to tell you about a big win one of my colleagues just had.” Or, “We just opened three new offices, and I can’t tell you how exciting that is. We’ve brought in some great laterals.” Again, it’s client-initiated. It’s considered permission marketing, where they are giving you permission to market, and as long as you don’t take advantage of it by spending 20 minutes talking, it can really be effective.

Here’s another one. If a firm sponsors a seminar, all too often the attorneys from that firm congregate together. They have lunch together, sit at the same table. They don’t understand that the seminar attendees are there to learn, yes of course, but they’re also there knowing that they’re going to be marketed to. Some firms have a rule: Do not talk to your partner. They make sure that you mingle and get names of some people, their spouses, their hobbies, and if you don’t, you’re not doing your job. Again, this is an invisible marketing opportunity.

OC: So Allan, what’s new?

AC: [laughs] What’s new here is that we just brought in a new major engagement for a client who has three very specific practice areas and wants help building those practices. It’s a firm in the Northwest, one that hasn’t done a lot with marketing.

OC: Why are they isolating three practice areas instead of the entire firm?

AC: I think that it’s because these areas have people who are willing to get in and get their hands dirty. They want to market. One of the keys to a firm that works with me is that they must have a commitment and encourage the attorneys who are going to be involved to stick with it. My commitment is this: When a group spends five or six weeks, there will be identifiable new business that comes out the other end.

“Go for Business Now”

OC: If you were sitting at an airport bar waiting out a lay-over and the guy next to you starts telling you a story about his work, what story might you, in turn, tell him to illustrate what you do for a living?

AC: One of the most challenging things that worked out well was this: I was asked to work with a practice group within a very large firm. They created a business development committee. They wanted to generate business, and they wanted to do it rapidly. They started developing a long-term strategic plan. They were going to spend months to design something to assign responsibility to different people and develop materials to help with the plan.

“will surprise you,” he adds, explaining that he hired a friend’s son-in-law who couldn’t find work elsewhere in Philadelphia and was planning to move to another, less competitive city. “I was honest with him and told him, ‘We can give you a job’ (we paid him well below the market rate) ‘and it will be great training, but the likelihood of your staying with us isn’t good. Your grades aren’t good, and you didn’t go to a top-flight law school.’ Well, the kid turned out to be a terrific. He’s a very good associate. So you don’t really know sometimes.”

Like Akin Gump and Sullivan & Cromwell, Duane Morris has established its own out-of-the-way recruiting enclave in of all places Concord, New Hampshire. “We’ve found several patent attorneys from Franklin Pierce [Law Center],” Bonovitz says. “It’s a good school, and they train people who become very good patent attorneys.”

Encumbrance of Entitlement

More law firms are realizing that often a person who couldn’t afford Harvard or Yale right out of undergraduate college but who has real-life experience and works hard to attend law school might just be the best candidate. “Sometimes they make better attorneys in the long term,” says Chicago-based consultant Jonathan Asperger, principal of Asperger Partners and a former marketing director at Mayor, Brown, Rowe and Maw.

“I found that those who had fairly significant work experience after undergraduate school and before law school tend to bring a much more balanced and mature set of skills,” Asperger says. He tells the story of an appellate lawyer he knew at Mayer Brown who demonstrates the virtues of a non-legal-oriented, character-building work ethic. “He worked at the post office for something like 10 years and became a union rep while doing a midnight shift,” he explains. “He went to Northwestern, graduated third in his class, and became an excellent attorney.”

On the other hand, Asperger says, those whose path to a legal career come without obstacles may not necessarily be the best lawyers, at least initially. “A lot of the people who come out of the best schools and have firms vying for their services, and have family connections, sometimes have a sense of entitlement that needs to be driven out

of them the first couple of years,” he says. “You don’t find that in the hard-charger from the second- and third-tier schools. Still, that person has to be the star of that school.”

Although some law firm leaders may not be as blunt about this for fear of insulting some of their attorneys who, perhaps, were first in their class and editors of the law review at Ivy League schools, they tend to agree with Asperger’s candid assessment.

“I’ve heard this a lot from several attorneys at other law firms,” says a managing partner at a large partnership with offices in several cities including New York, Washington, and Los Angeles. “The top-of-the-class kid from a second-tier who killed himself to do well and may be a little older and may have done other things in his life routinely out-performs the kid who was the valedictorian in college and at law school. Why? Because that kid never got his nails dirty, never dealt with the real world, never failed. Failure can teach you to be resilient and flexible. That’s part of being a good lawyer. The [kid who always succeeds] may be a more rigid thinker, may be more in the box. I actually think that they often don’t end up being as creative in the way they interact with clients.”

For obvious reasons, this partner asked for anonymity.

But at LA-based Manatt, Phelps & Phillips, managing partner Paul Irving concurs with this appraisal, in less critical terms, and thinks that someone who may have had to struggle to go to law school often has many of the attributes that good lawyers develop. And they may be able to gain rapport with clients more easily.

“Often, they have the ability to listen and to learn from failure,” he says. “They have empathy, resiliency, an appreciation of and understanding for the range of people they represent. Many clients are the products of self-invention who pull themselves up by their bootstraps. So someone who has driven a cab, built a house, or worked at a gas station has a special appreciation for the challenges facing people who build businesses.” ■

—Steven T. Taylor