

ALMLAW JOURNAL
NEWSLETTERS

Marketing

The Law Firm[®]

Volume 21, Number 8 • December 2007

Insiders/Outsiders

What Client Knowledge Actually Means

By Allan Colman

CLIENT SPEAK

By now you've heard it thousands of times ... If you want to sell, know your target. If you're a lawyer, don't bedazzle them with nonpareil insights into Markman or Title VII or the best arguments in support of federal preemption in a product case. Your expertise is really a pretty cheap commodity no matter where you graduated law school. C-Suite buyers won't care; in-house counsel, who've heard it all before, are even less impressed. Instead, bedazzle the buyers with your knowledge of them, because that's what they care about. To paraphrase PR guru Richard Levick, everybody listens to the same radio station: WIIFM, which stands for "What's In It For Me?" The problem, though, is that we are all guilty of talking about "client knowledge" without necessarily knowing what it means.

Client knowledge starts, really, with some basic common sense. I once chatted with a lawyer who was repre-

senting a major gun manufacturer. He and his partner bought two guns for themselves and learned how to fire them. The client, facing product liability cases, liked that.

I also chatted once with the general counsel of a credit card company. Two lawyers took him to lunch and paid with a rival card. The client did not like that.

To be sure, client knowledge starts with common sense, but you might be surprised at how uncommon common sense can be. There is also a more substantive level of "knowledge" we can always assume to be important; namely, any immediate company-related or industry-related threat that is keeping the buyer awake at night — gaping new product-related exposure, impossible accounting compliance requirements, etc.

BEYOND THE BASELINE

If such immediately crucial information is the baseline of the client knowledge equation, what information beyond the baseline is important? What additional knowledge, and what level of detail, will allow you to provide value to the client or prospect during the marketing and sales process? What information is ancillary or trivial? I would suggest a fairly simple way to find out: Just ask

the client or prospect what they want you to know.

Your approach could sound something like, "I know you have similar medications on the market that could wind up on the plaintiffs' hit list ... What more do I need to know to be as helpful to you at this point as possible? What can I learn about your internal testing procedures? Your marketing plans? The importance of these drugs to your revenue goals? Tell me what to learn and tell me as much as you can. I'll dig up the rest."

At the very least, you have just differentiated yourself from the self-absorbed lawyer hordes who are trying to sell what they know — when, in fact, they should be selling on the basis of what they must still learn.

Importantly, the search for client knowledge operates on (at least) two levels. First, there is the substantive knowledge of ongoing and impending business problems — the *what* of the client engagement. But there is also essential client knowledge related to the dynamics of the professional relationship — the *how* of the client engagement. Here too, the direct approach should work: just ask. If the buyer wants you at your best, he or she should not be coy, hoping to trick you into saying the wrong thing. Instead, the buyer

Allan Colman, a member of this newsletter's Board of Editors, is Managing Director of the Closers Group, which specializes in helping law firms develop rapid and sustainable new business. Allan may be reached at acolman@closers-group.com and at 310-225-3904. Visit his Web site, www.closersgroup.com.

should not only be willing to answer your questions — but *evaluate you on the basis of whether you've been smart enough to ask them.*

The questions are both general and specific, including, among others:

- Is this a long-term relationship in which we will support you in your dealings with the C-Suite and Board of Directors? This question can provide a very important piece of client knowledge because it may mean that your personal relationship with inside counsel is the most important factor in the engagement.
- Are you looking for proactive and preventive work? If that is what the client wants, you now know that, to grow the relationship, you'll need to show very tangible results. Preventive counseling, if not packaged well, can look like wheel-spinning. Put yourself in the client's shoes and always ask: Would you feel you've gotten your money's worth at day's end?
- What are your most important logistical considerations in terms of inside/outside interaction? Should all contacts with you be funneled through the responsible partner? How can we best match up our associates with your line attorneys? Needless to say, the more you can then learn about each and every one of those line attorneys, the better armed you'll be to create a closer and perhaps more expansive relationship with the entire law department (not to mention other law departments to which those line attorneys may someday migrate).
- Are there any internal departmental considerations I should be aware of? For example, the AGC to whom you will be directly reporting may be in line for the top legal spot. Or he or she may be halfway out the door. Of course, they won't disclose sensitive information early on, but it's wise to start the conversation. Someday they may well provide valuable confidential intelligence.

- What makes you happy and unhappy about billing? Here, client knowledge encompasses not just fee model preferences, but ways to ensure accountability as well.

Again, the very fact that you are openly seeking client knowledge is a selling point. Here, though, the selling point is particularly nuanced. It's one thing to show that you're aware of, or want to learn about, product testing or marketing practices that may increase liability. Having signed the NDA, you're free to probe for facts and prove your passion for the work.

But it is quite another thing to also ask questions suggesting that, if hired, *I will be your ally.* Or questions that reassure the buyer that, in terms of costs, there won't be any surprises if yours is the firm that is hired. The very fact that you ask is, for the buyer, a good sign indeed.

KNOWLEDGE EQUALS MOVEMENT

The two realms of client knowledge complement each other. On the one hand, the right questions show passion at a substantive level. On the other hand, the right questions show commitment at the relational level.

The key concept in all of this is that the search for client knowledge isn't simply a way to prepare for an interview or beauty contest. Much more than that, it is a process that moves the selling dynamic forward. Every good question you ask gets you closer to the Red Zone — the final 20 yards before the deal is closed. And, once inside the Red Zone, you need to keep asking questions that further propel you ever closer to the goal line. Nor does the search for client knowledge stop after you succeed. Obviously, you will be learning more about the client simply by virtue of doing their legal work. But you can probe beyond those knowledge levels as well because you are now in a position to learn about issues that were not likely to come up while you were still just a prospective hire.

As a litigator hired to work on a product issue, you have new opportunity, and a greater comfort level, to ask about employment issues that have nothing to do with the product you were retained to defend, or equally unrelated client transactions that may be looming on the horizon. We're talking, of course, about cross-selling. The problem with cross-selling as a marketing bromide is that it is too often about the seller, not the buyer. Why should clients want to meet your labor or transactional partners if they've given you no indication of any need to meet them?

Once inside the client tent, all that changes. Because you're now part of the family, family problems that were never aired before become topics of conversation at lunch. It is certainly not the time to stop asking questions. It is time to ask different questions and more questions — because every question is a sales pitch in the making.

Always be asking. Always be selling.

