

What I Wish I had Learned in Law School: Everybody is in Sales

I vividly remember sitting in a law school classroom for the first time in the summer of 2005. It was an early orientation for new students — spouses and significant others were invited, so it was a full house. I remember the nervousness and excitement of a new beginning, the guilt of knowing I'd be living selfishly for the next three years in casebook-induced seclusion, and the self-satisfaction of knowing I'd made it and earned my way into this chair. But what I remember the most were the overwhelming feelings of relief that I had finally moved on to the next step of what had so-far been an unrewarding career for the now-defunct investment arm of a mid-size regional bank.

Finally! No more sales meetings, no more weekly, monthly, and annual goals. No more pressure to hit a certain profit margin and no more of that Sisyphean lifestyle of starting over once those goals had been reached, again and again, forever. I was going to be a lawyer now; one day soon, clients would filter their way through whatever mythical firm housed my desk. I'd be on track for the important and rewarding career I had been searching for since graduating with my undergraduate degree six years before.

If you are a fan of *The Big Bang Theory*, you might recall this exchange between Sheldon Cooper and Stuart Bloom while discussing which Robin character should be the logical successor to Batman:

Stuart: Oh, Sheldon, I'm afraid you couldn't be more wrong.

Sheldon: *More* wrong? Wrong is an absolute state and not subject to gradation.

Stuart: Of course it is. It's a little wrong to say a tomato is a vegetable, it's very wrong to say it's a suspension bridge.

Wrong is, indeed, an absolute state, and yet when it comes to thinking I was out of the sales game, Stuart was correct — I couldn't have been more wrong. If you are planning on working in private practice, then like it or not, you absolutely must be a salesperson. The only people in a law firm that are licensed to sell legal services are those that have a law license . . . that's us. If you aren't finding clients, then you don't have a practice. If you are a solo practitioner or part of a small firm, ignoring business development means a struggling practice or, more likely, closed doors. If you are part of a larger firm, you realize quickly that those who make partner may not necessarily be the most capable lawyers (though they often are), but they are almost always the most capable at bringing in revenue.

Three years of law school and not one single hour was devoted to discussing the actual building of a law practice. We learned what we can't do (soliciting!), but not what we can do or how to go about it. How do I create a business plan? How do I build and maintain valuable professional relationships? How do I put together an effective presentation or write an article that makes potential clients want to contact me? How do I talk about my job at an informal get-together in a way that makes people want to know more about what I do?

I spent the first six years after law school working in trust administration. That means I took the wills and trusts written by other lawyers and actually had to make them work so that the right people got the right money at the right time. It also means I had a (guess what?) sales goal that I was required to meet each year. Though I wasn't excited about this at the beginning, it ended up forcing me to develop one of the most useful and important skills I could have learned — the ability to sell legal services to prospective clients. Trust services are really quasi-legal, but the concerns that need to be addressed and the problems that need to be solved are very similar to those found in an estate planning law practice. The relationship skills needed to achieve a pipeline of potential clients in trust services is the very same skillset I use today in building my law practice.

We're all here to help clients, but you can't help clients if you can't convince them to sign on the dotted line, and you can't do that if you don't meet them in the first place. Here is what I wish I would have learned in law school.

- 1) How do you create a business plan?

Whether you are in a small or large law firm, there is a reason people refer to it as *your* law practice. You may work for someone else and you may very well work on client matters that you did not originate, but you will eventually be building your own client base. This means that you are a business person and you need to have a plan.

A business plan helps with a number of things. It forces you to think through what you want to accomplish during the next year, which in turn forces you to contemplate obstacles you are likely to encounter in reaching your goal as well as how to overcome them. Writing down these goals keeps you focused on your practice. About once a month I pull out my business plan and review what I am trying to accomplish. It makes me actually think about my next steps before I have to take them.

This type of critical thinking is essential to your practice. A business person can't just "sort-of" have a vision; the act of articulating the type of lawyer you want to be will have some very real effects on how you spend your days. If you want to reach a certain dollar amount of revenue, how many presentations will you need to give? How many new professional relationships will you need to form? If you get in front of a given number of potential clients, what percentage will you need to engage?

You can find a number of good templates for basic business plans online. I based my written business plan on one of these, and I suggest you make sure you include, at the minimum, the following sections:

- a) Mission Statement: What are you trying to provide for your clients?
- b) Vision Statement: What type of law practice do you want to have in ten years?
- c) Company or Practice Description: Type a page describing your practice and what you do, who hires you, and whom you wish to serve.

- d) Objectives for the coming year: What are your goals? Be merciless, and make sure you describe, in detail, and in paragraph form, what obstacles you will need to overcome. Finish with a bullet point summary of your goals.
- e) Market Analysis: What do you know about the current market for your services? What makes your practice competitive, and what improvements do you need to implement in order to compete?
- f) Financials: How was last year? What were your expenses and what was your revenue? How does this year's revenue goal compare to last year?
- g) Strategies and actions: Here is the most important part. What, specifically, are you going to do this year to achieve your goals?

2) How do you talk about what you do?

The "thirty-second elevator speech" is dead. Look at yourself in the mirror and talk about something, anything, for thirty straight seconds and see how quickly you wish your reflection would stop talking. Anecdotally, you've got about eight seconds to get your point across before the other person is going to want to talk about something else, so practice what you say carefully. *Do not use the words "attorney" or "lawyer."* Telling someone you are a lawyer will just cause a television stereotype to pop into their head. I'm proud to say I am a lawyer, but whenever I say I am an estate planning attorney I immediately hear about how the person's brother "is also in real estate," a response that demonstrates I didn't articulate what I do very well.

You should be able to speak one single complete sentence that spells out the following:

- a) What do you do? ("I write wills and trusts . . .")
- b) For whom do you do this? (" . . . for families . . .")
- c) Why do you do this? (" . . . so they feel secure . . .")
- d) What value does this add for your client? (" . . . that their loved ones are cared-for.")

This is much, much more descriptive than telling someone I am an "estate planning attorney." No one knows what that means other than lawyers and some financial people. When you tell someone at a party that "I help people with debt problems so they can move on with their lives," that will create a discussion. Saying "I'm a bankruptcy attorney" may cause eyes to glaze over, or prompt a discussion of Enron. Saying "I go to court for people who have been arrested so they don't say something stupid and go to jail" is way more interesting than "I am a criminal defense attorney." You get the drift.

3) Hunting vs. Farming?

If you are in private practice, you are in sales just like any other for-profit business. The fact that law schools do not push this point is truly a disservice to new attorneys because it ignores the reality of being a lawyer.

Conventionally, one might think that if you are in sales then you should give presentations, shake hands with everyone, write blogs and articles, teach CLE, put on events and seminars, buy

lunches, do some direct mailings, join networking groups, buy ads, have your website set up for SEO, record video logs, engage in social media campaigns, and leave flyers everywhere, right?

That sounds awful. It also sounds exhausting and expensive. Fortunately, you don't have to do all of these things . . . but you'll probably have to do some of them. What kind of sales works *for you*? Don't try and fit a round peg in a square hole, you'll just end up hating your job. For example, I am a competent public speaker. I'm ok at it, but it's not something that I am passionate about. It's usually something I do because I have been asked, or because the presentation is directed to a very specific demographic who I wish to meet. In short, I speak to groups occasionally, usually by invitation. If I had to speak twice a week, every week, I'd hate it.

I believe there are two basic types of sales: Hunting and Farming. Neither is superior — I don't believe one is necessarily better or more effective than another. Hunting is any type of transactional sale. Consider a hunter who goes out, shoots a deer, and then has meat in the freezer. The more the hunter hunts, the more meat is in the freezer, which is wonderful because it is controllable and predictable. But once the hunter stops hunting, the freezer will eventually be empty. The hunter must hunt regularly and continuously. Examples of "hunting" might be giving presentations or teaching, putting on events and seminars, or advertising.

A farmer will build his or her business much more slowly, by continuously planting seeds. As a self-proclaimed farmer, I meet with people with whom I hope to form a long-term business relationship. I try and figure out what value I can add to this relationship, and what I can do to help the other person. Sometimes these relationships bear fruit quickly, but more often it takes months or years before enough trust has been formed for there to be a "harvest." For a farmer, the process is slower, but eventually there is an abundance. And I am completely ok with that. I really enjoy the relationship process, and thinking about it makes me realize how much I really like what I do for a living.

4) How do you network and who should you meet?

I think the term "networking" takes on an onerous meaning in law school. Every school-sponsored event with a "networking" label attached to it was pretty much a big room full of important people — or people who thought they were important — with some tables with beverages, stuffy clothes, and various small cliques quickly forming while I tried to figure out who was who. In short, I thought it was pretty awful and it did little to help me in building a network of meaningful professional relationships.

The key word there is *meaningful*. I realized what real networking was (or, what I consider to be "real" networking) a few years out of school when I started looking up fellow professionals and asking them out to coffee. Many of these people are now important members of my personal network. The relationships that are the most helpful, and the ones that I really enjoy the most, are the ones that were not based on a single coffee meeting but on regular get-togethers. The professionals I see the most are also the ones with whom I enjoy working the most, and are — probably not coincidentally — also the ones most likely to send me clients. I believe there may be something to the philosophy of Bob Burg, a prolific author on selling: "All things being

equal, people will do business with, and refer business to, those people they know, like and trust.”

Remember, everyone you talk to knows other people, so don't write off a meeting just because it doesn't seem immediately clear that it's time well-spent. I have had clients referred by a bank employee that I would have thought would only send clients to a large law firm. I'm really happy I took that coffee meeting.

Some parting advice: read business and sales books. Not to be “salesy” about it, but because you need to be confident in what you do and how you speak about how you can help your potential clients. Business development doesn't have to be unpleasant or even challenging . . . find what works for you, and get started.



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