

As seen in  
**THE COMPLETE GUIDE TO  
MARKETING YOUR LAW PRACTICE**

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*-Chapter 6-*  
**Marketing through the Spoken Word:  
Conversations and Public Speaking**

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**Introduction**

The vast majority of your marketing effort will be dependent upon the spoken word. While the written word is an essential part of any marketing effort, the spoken word has many distinguishing qualities. One distinguishing quality is that it is interactive. Conversations provide an opportunity to receive immediate feedback. Prospects can ask questions and express their concerns and lawyers can immediately respond. This rapid exchange of information expedites the sales cycle.

Another quality of the spoken word is that it is multi-sensory. The spoken word allows lawyers to use body language, intonation, volume, rhythm and energy. These added qualities help lawyers give depth, meaning, and motivation to their marketing communications.

Marketing through the spoken word is comprised of two components - Sales dialogue and public speaking.

**Sales dialogue for lawyers**

Most lawyers feel uncomfortable and even hostile to the idea of sales dialogue. There is a strong anti-sales sentiment which is constantly reinforced by exposure to obnoxious, pushy and unknowledgeable salespeople. This negative stereotype of selling is prevalent in industries where the consummation of a sale represents the **end** of the interaction. For example, when someone buys a car, the sales person doesn't handle the ongoing service. By contrast, for most lawyers, closing the sale means **continuing** the relationship. Pushy, abusive sales dialogue cannot work for lawyers whose clients expect trusting, supportive, loyal service.

Our goal in this chapter is to prove that sales dialogue can be appropriate and effective. In fact, after exposure to the techniques discussed in this chapter, many lawyers learn to appreciate that sales dialogue is emotionally gratifying and intellectually stimulating. It is

emotionally gratifying because it develops friendships and financial security. It is intellectually stimulating because it requires clear thinking and sophisticated strategies.

### **Initiating sales dialogue**

The first step in selling, is initiating sales dialogue. Most lawyers feel relatively comfortable in explaining their services to prospects who have expressed a need. In contrast, most lawyers find it much more difficult to initiate sales dialogue with prospects who have not yet expressed a need. Initiating sales dialogue exposes lawyers to the risk of feeling rejected and embarrassed, and of being perceived as pushy or needy. As a result, many lawyers prefer to simply wait until business comes in the door.

However, waiting for business to come in the door may be too slow. You may have to be more proactive in pursuing new prospects.

There are two groups of prospects that you can pursue: 1) People you know, and 2) Strangers. Of the two groups, we believe that your most immediate marketing opportunities are with the people you already know - your clients, friends, family, and business and social acquaintances. You have greater access to these contacts.

### **Initiating sales dialogue with Clients**

Obviously, your best marketing opportunities are your existing clients. Satisfied clients can give you more work, and they can introduce you to their contacts. However, your clients may not be thinking about these issues, in which case, you will be required to initiate the subject.

### **Expanding client relationships**

You may have clients with needs that could be served by either you or other members of your firm. The key to feeling comfortable in discussing additional services with clients is confirming that a need exists. If, in fact, there is a need, then initiating the subject is not only appropriate, but an obligation.

However, if you cannot anticipate client needs, here are two techniques for doing research. One technique is the client survey. A survey can be informal, such as asking for feedback on the work you are doing. Or, it can be a formal questionnaire. In either case, you could ask the question, "Are there other legal needs where the firm can be of assistance?" Another approach is to provide a detailed list of available services so that clients can learn about what is available.

The other technique for identifying client needs is an annual legal review. The purpose of the review is to help your clients look into the future. Ask your clients about their plans for the future and other issues in their lives about which you may not be aware. As you help clients look into the future, you may identify areas where you can be of assistance.

### **Leveraging relationships**

Another marketing opportunity clients offer is the ability to introduce you to their contacts. For example, you should consider meeting their CPAs, bankers, and other advisors. This is not a problem if you need to meet them in the normal course of your work. On the other hand, if you don't need to meet them to serve your client, it is still appropriate to request an introduction.

Another technique for meeting the contacts of your clients is to ask them about the organizations they support, such as trade organizations or charities. Getting involved in these organizations is a way of getting knowledgeable about the issues that affect their lives, and it will help you to meet their contacts.

As you initiate sales dialogue with clients, be sensitive to the concern of selling as you are practicing law. You don't want to upset clients by selling to them on billable time.

### **Doing Business with Friends**

Another group of potential prospects are friends (and family). However, many lawyers feel uncomfortable discussing the availability of their legal services with friends. One concern is the risk of losing the relationship by either imposing on it or failing to meet expectations. Another problem is not wanting to discuss sensitive personal matters.

While, these are valid concerns, it would be unfortunate to categorically dismiss the opportunity of doing business with friends. The fact is, friends can be a significant marketing resource. We know many lawyers who regularly represent and receive referrals from their friends. In fact, some friendships are significantly enhanced by a business relationship. We suggest that you analyze each friendship individually, carefully looking at the opportunities and risks. You may discover that it is appropriate to do business with a select group.

### **Initiating business conversations with Friends**

Once a friend is identified as a prospect, the next question is, how do you appropriately bring up the subject of providing legal services? Here are some indirect and direct methods.

### **Describing your activities during the day**

One indirect method is to increase your dialogue about the daily activities in your practice. For example, a common lost opportunity may be your response to the question, "What's new?" Instead of saying, "Not much, what's new with you?," consider talking about an interesting case or legal issue.

You can also transition from social dialogue to business dialogue by identifying issues that appear in current events which also appear in your practice. For example, in talking about a current issue you could say, "I experienced something like that in my practice." Another

technique is to invite your friends to law-related programs which they may find interesting. All of these indirect techniques help to paint a picture of you as a lawyer, as well as a friend.

### **‘Full disclosure’ technique**

A much more direct approach for initiating the subject of business with friends is a technique we call, *‘Full Disclosure.’* Full Disclosure is the process of introducing a sensitive topic by first fully disclosing your feelings and concerns. For example, assume that you have a close friend who owns a business, and you think you could do a good job as their lawyer. But, you are uncomfortable suggesting it because you are worried that it might be perceived as an unwelcome offer.

An example of using the full disclosure technique would be to say something along the following lines: “I’d like to discuss something that is really important to me. I think it would be of great value to both of us. But before bringing it up, I want you to know that I feel a little uncomfortable mentioning it. I really value our friendship and I don’t want you to feel that I’m imposing on it in any way. If you are not comfortable with my suggestion, just let me know and I won’t bring it up again. With that in mind, I’d like to express my interest in the possibility of my becoming your lawyer.” This dialogue allows you to bring up a sensitive issue without placing your friend in an awkward position.

Of course, doing business with friends is a personal decision. Friendships are too valuable to be taken lightly. But, make sure that your concern about doing business with friends does not eliminate the possibility of harvesting this potentially valuable resource. In fact, you may find it helpful to remember the following poem:

#### **Business With Friends**

Business with friends offers great dividends.  
In addition to cash, it’s relaxing.  
Dinner out is a night off, as well as a write-off.  
That’s why business with friends is less taxing.

Lawrence M. Kohn, 1985

### **Initiating sales dialogue with strangers**

While much of your business may come from people you already know, you may find that you do not know enough people to build your practice. This means initiating dialogue with strangers.

A common opportunity for initiating sales dialogue with strangers is at a social gathering, such as a wedding, or a cocktail party. You learn that the person you have just met is a quality prospect. The question is whether or not it is appropriate to talk about your practice. And, if so, how do you bring up the subject?

Our rule of thumb is to not discuss your practice until someone asks you what you do for a living. Once you have been asked, it is socially appropriate to respond. However, it may be a long time, if ever, before you are asked about what you do for a living. So, if prospects fail to ask you what **you** do, ask them what **they** do. Generally, given an opportunity to describe their own business, they will return the favor. If they still don't ask you what you do, you can comment on how issues which they are describing in their business apply to your practice as well.

### **Networking in a business-friendly environment**

In the process of marketing, lawyers will inevitably find themselves at social functions designed specifically for the purpose of meeting prospects. While these events, if well-targeted, are extremely beneficial, lawyers may find them to be a distasteful experience.

It is common to feel insecure in a room filled with strangers. The solution is usually to look for a familiar face. And if you find someone you recognize, there is a strong possibility that you will visit with that person for the rest of the meeting. Here are some techniques that will minimize the unpleasantness and maximize the effectiveness of '*working a room.*'

### **Understanding your goals**

One of the reasons lawyers find working a room distasteful is that they often do not have a clear understanding of their goals. They make the mistake of assuming that their goal is to be entertaining with witty remarks and quick repartee. This myth imposes pressure on lawyers who feel shy.

Another mistake is the desire to close the deal in the first meeting. However, it is unrealistic to think that you could meet someone for the first time at an event and convince them to hire you on the spot. Potential prospects may not have an immediate need for your services, or they may already have a relationship with another lawyer. When lawyers go for the close too quickly, they come across as being pushy.

At networking events, we recommend focusing on the following goals: 1) Meeting new prospects; 2) Qualifying prospects; 3) Maintaining an open line of communication; and, 4) Creating opportunities for follow-through.

### **Meeting new prospects**

When you go to an event and find yourself in a sea of strangers, here are some tips to navigate the situation. First, arrive early. You will find that it is easier to make acquaintances when the room is relatively empty. It is much more difficult to meet people after they have already formed small groups. Furthermore, if you arrive late, you may miss valuable marketing opportunities.

Upon arrival, introduce yourself to the organization's staff. They will know many of the members of the organization and will be glad to introduce you to appropriate contacts.

Another tip for meeting prospects is to go with a friend. Going with someone can ease the pressure of being alone in a room full of strangers. You can work as a team to meet people. But avoid the temptation of sticking together. If the function is for a meal, do not sit at the same table. Your goal is to meet others, not socialize with your team-mate. With this concept in mind, it is fascinating to observe how law firms will reserve a whole table at a networking event and stick together for the entire evening!

### **Introducing yourself to strangers**

One of the difficulties with working a room, especially for lawyers who are new to networking, is the fear of introducing yourself to a complete stranger. One technique for overcoming this obstacle is to realize that many people at networking activities share the same fear and that you will be doing them a favor by taking the initiative to introduce yourself.

Begin by establishing eye contact. Establishing eye contact will help you determine whether or not someone is approachable. Then, the easiest technique for breaking the ice is to simply say, “Hello, may I introduce myself?”

Once you have broken the ice, you can talk about the organization which is sponsoring the event. For example, you could say, “I’m new to this group. Are you active in this organization?” Your goal at this early stage is to merely establish enough rapport so that you can begin qualifying them as potential prospects.

### **Qualifying prospects**

After having established a little rapport, your next objective is to determine if the person is a **qualified** prospect. This requires asking in-depth questions. Instead of engaging in small-talk, ask questions that invite answers that will help you in the selling process.

Here is a list of some sample questions:

Obviously, one of the first questions you will ask is “What do you do for a living?” This will help you determine if they are in your client demographic. Then, you could ask, “Who are the kinds of people you do business with?” to find out if they are a potential referral source.

You may also want to know about their needs. You could ask, “What obstacles is your industry facing?” and “How are you planning on dealing with those obstacles?”

You could explore other marketing opportunities by asking, “What trade organizations are you involved with?”

Based upon the answers to these questions you can determine whether or not a prospect is worthy of your marketing attention. If they are, then your next goal is to make sure you have the ability to maintain an open line of communication.

### **Identifying and communicating similarities**

One technique which helps to maintain an open line of communication is communicating that you share things in common such as, interests, values and contacts. We call these similarities, '*Connectables*,' because they create connections between you and your prospects.

The technique for verbalizing connectables is to listen for similarities and point them out. For example, try to identify common interests such as hobbies or organizations. Identify that you have similar values such as the importance of family and charity. Look for common experiences in your past such as having gone to the same school or having lived in the same city. Identifying connectables will increase the feeling of safety in working with you, create a bond between you and your prospects, build trust, and create opportunities for doing things together.

### **Responding to the question, “What you do for a living?”**

A frequently asked question at networking events is, “What do you do for a living?” Keep in mind, when someone asks this question, they are really asking, “How can you help me?” That is what they care about. Instead of simply responding, “I’m a lawyer. What do you do?,” the answer to the question should be structured to respond to the underlying value you offer. For example, a tax lawyer ultimately will help a client save tax dollars. Therefore the answer to the question is, “I help people save tax dollars - I’m a tax lawyer.” The goal is to keep the door open by quickly communicating that there is a **reason** to build the relationship.

However, keep in mind that telling prospects what you do for a living is not nearly as important as finding out whether or not you can help **them**. When prospects ask you what you do for a living, be prepared to tell them something about what you do, but then quickly shift the focus back to them. As you learn about their needs, you will be in a better position to describe how your services will be helpful to them.

### **Requesting the business card**

Once you’ve met someone who you have identified as a quality prospect, make sure that you ask for their business card. Instead of asking for a card, often lawyers will say, “Here is my card. Give me a call.” The problem with this technique is that prospects may lose your card or forget to call you. If **you** get **their** card, then you are in control of the ability to further the relationship.

### **‘Marketing at the Moment’**

Too often, lawyers ask for a business card with the intention of following up, but never do. To insure follow-through, we recommend, as you engage in conversations, that you make a commitment to implement some future activity. We call this technique, “*Marketing at the Moment.*”

Making a commitment to either to mail something or to call and schedule a future meeting, forces you to take action and further the relationship. Write down your commitment on the prospect’s business card so that you will remember it later. Then, when you do follow through, it will demonstrate to your prospect that you are someone who honors commitments.

### **Sentences to say to excuse yourself from a conversation**

One of the challenges in working a room is not knowing how to tactfully extricate yourself from a conversation with a non-qualified prospect. One universal signal that brings closure to a conversation is the question, “May I have your card?” Another technique is to spot someone else in the room who you would like to meet and say, “I hope you don’t mind, but I see someone over there I’d like to visit.” Always comment that you have enjoyed meeting the person before you leave - **Never burn bridges.**

### **Adding names to your mailing list**

Finally, after you leave an event, take a moment and review the cards you have collected. On each card, write down whatever you can remember about each good contact and make sure that they get added to your mailing list. Remember, your goal is to build relationships. Not putting a prospect on your mailing list for follow-up renders the effort of meeting people virtually meaningless.

Working a room can be an important part of your marketing effort. Effectively implemented, it is a way to meet new prospects. And while it may at first appear to be an unpleasant experience, with some practice, many lawyers actually find it fun as well as financially rewarding.

### **Sales dialogue with qualified prospects**

As you follow through with qualified prospects, it is important to understand that in deciding who they should hire, prospects will have varying criteria. Some prospects may have only a few criteria such as adequate skills and affordable fees. Other prospects may have more elaborate criteria, such as a diploma from a particular school or a connection to a certain social group. Before attempting to close the sale, make sure you understand your prospects’ criteria. This requires active listening.

### **Active Listening**

Active listening means focusing on the statements of your prospects and stimulating their continued communication. One technique for stimulating their conversation is by asking

meaningful and insightful questions. Obviously, you will want to ask questions concerning the facts about their legal needs.

In addition to learning about their legal needs, you should also ask questions about any past experiences they may have had with lawyers, their expectations in working with you, and if possible, their interests and personal background. The more you know about your prospects, the easier it will be to satisfy their criteria.

Here are some additional techniques for active listening. Make sure you maintain consistent eye contact. Wandering eyes communicate boredom and disrespect. If you are uncomfortable with maintaining eye contact try looking at the speaker's mouth or the bridge of their nose.

Another method for stimulating communication is providing supportive sounds and gestures such as, "Uh huh," or "Hmm," as you nod your head and smile. Use supportive words such as, "That's interesting," or "I hear what you're saying." It is no secret that people enjoy talking about themselves, and will do it freely if you if you show genuine interest in what they are saying.

And finally, make sure that you confirm your understanding of what they have said. Ask questions such as: "Are we on target regarding your needs," and wait for a response. Don't assume that you understand their situation until they acknowledge that you do.

## **Revealing worth**

Once you understand the criteria of your prospects, the next step is in revealing that you possess the necessary qualities which will satisfy those criteria. These qualities usually include **expertise, quality of service, and personality.**

### **1) Expertise**

Most prospects will want to be convinced that you have the expertise to handle their matters. So, you need to be able to discuss your knowledge, skills, and experience. While you can give them a brochure or biography, don't be surprised if they never read it. And since many prospects may not know how to interview you, they may not ask specifics about your expertise.

To communicate expertise as you speak with prospects, make sure you weave in facts about your background and credentials, such as where you attended law school, any awards or honors you may have received, articles you've written, and speeches you've given. Describe bar association committees on which you have participated, and other important legal organizations in which you are involved. And, if possible, provide the names of satisfied clients. When you are discussing a particular problem, cite cases that support your position and discuss your track record with similar situations.

## 2) Quality of service

Sales dialogue about the quality of your service involves information about your responsiveness, fees, procedures, partners, support staff, and other valuable resources. Most lawyers we know say that they offer good service. But, claiming to offer good service has little impact on prospects because everyone claims the same thing. Merely **saying** you offer good service has no meaning unless you can **support** it.

One way to support the quality of your service is to mention specific details about your practice such as, “I carry a beeper”; “We always return phone calls by 5:00”; “We offer to take calls at home”; or, “We are acquainted with contacts who would be valuable for you to meet.” But, be careful about the risk of name dropping. Only mention names of people who will unquestionably take your call.

## 4) Personality

Another important goal in your sales dialogue is differentiating yourself from the competition. Legal expertise and quality of service alone are often not enough to position you as being unique. In fact, many prospects are not sufficiently knowledgeable in legal issues to even appreciate expertise or service. One of the most important qualities that will distinguish you from the competition is your personality.

### Self Image Assessment

The following list identifies several personality traits that we believe are important to reveal. We recommend that you take a moment and consider which personality traits will be important for you to reveal to your prospects.

Aggressive	Intelligent
Conscientious	Loyal
Courageous	Patient
Creative	Persistent
Empathic	Reasonable
Energetic	Responsible
Enthusiastic	Self-confident
Ethical	Supportive
Honest	Trustworthy

### Techniques for revealing positive personality traits

While these personality traits are some of the most important criteria prospects rely upon in hiring lawyers, they can also be the most difficult qualities to reveal. For example, let’s say you are proud of your ability to be “Creative.” Saying you are creative may seem like bragging. And also, as with describing the quality of your practice, simply stating it outright has little meaning unless you can support it. The solution to effectively revealing positive personality traits is in finding indirect methods of communicating that you possess them.

### **Examples and war stories**

One way of indirectly revealing personality traits is by giving examples or telling stories in which these qualities were operative. Some of our clients call these stories, “War Stories,” because they often are depicted in environments of conflict.

Using the above example, instead of simply stating that you are creative, you could tell a story about a personal experience in which you faced a significant obstacle, but then you came up with a creative solution. This would indirectly reveal your creativity.

Let’s say you wanted to show that you are **reasonable**. You could give an example of a transaction in which you were able to balance the business needs of the client with your legal concerns and still close the deal.

### **Planning your examples**

Using the above list, or other traits you would like to reveal, think of examples or war stories where those characteristics were operative. This will give you the ability to plan your dialogue in advance. By planning dialogue in advance, you will be more likely to incorporate these stories in your sales dialogue.

### **How to avoid revealing negative qualities**

If you don’t make an effort to reveal specific personality traits, the risk is great that your prospects will not perceive or appreciate those qualities. In fact, there is a greater risk. If you are not clear about your personal qualities, you may inadvertently reveal qualities that make you **undesirable**.

We regularly see lawyers speaking in ways that do not accurately reflect their true personalities. We recently coached a lawyer who, prior to our guidance, would consistently decorate his dialogue with phrases like, “Sort of...”; “Kind of...”; “I’m not sure but...”, and “I’m afraid that...” Interestingly enough, he thought of himself as being decisive and self-assured. Yet his dialogue made him appear apologetic and insecure.

Here are some other common mistakes to avoid.

Don’t deliver too much technical information in a social conversation. An overabundance of purely technical information will be boring and position you as an intellectual elitist.

Eliminate off-color jokes and cultural slurs. While this may seem obvious, people regularly make these mistakes. Be aware of bad habits which may be acceptable in your social dialogue, but disastrous with prospects. Even minor infractions of this rule can be incredibly insulting.

Be careful not to show disrespect for clients. Lawyers sometimes forget that their clients are not supposed to know legal issues and then make fun of them for their lack of knowledge. This hurts you in your sales dialogue because your prospects will logically assume that you will feel the same way toward them.

There are many more negative qualities that you should be careful to avoid. Maintain constant vigilance to reveal characteristics that position you positively.

### **Talking about money**

Once you are satisfied that you understand the criteria of your prospects and that you have adequately communicated your worth, it is time to discuss your fees. It is important not to be defensive about any aspect of your terms. A lack of confidence in discussing your fees could easily be misinterpreted as a lack of confidence in your legal skills.

### **Obstacles to talking about money**

One reason many lawyers are not confident in discussing their fees is that they are defensive about the subject of money. It is interesting that lawyers can be so effective in discussing the financial needs of their clients, but when it comes to talking about the money for themselves they feel uncomfortable. This attitude about money may stem from prevalent beliefs that money is tainted. A well-known proverb is that “The love of money is the root of all evil.”

Negative attitudes about money may also stem from a fear of being greedy, a lack of confidence in self-worth, and lack of familiarity with the competition. Here are some ideas that should help to alleviate the anxiety associated with talking about money.

Talking about the money requires that you look at law as a business. You should have a clear understanding of all of the costs of doing business, including depreciation, write-offs, and marketing. Similarly, you should be aware of what the competition is charging. Thinking of your practice as a business will help you quote fees with confidence.

Another technique is to be mindful of all the benefits you bring to your prospects. Most lawyers we know underestimate their value, especially those who feel that they are not living up to their own standards. Regardless of talent, some lawyers minimize their worth by judging themselves too harshly. So, it is important to focus on **all** of the benefits you bring to your prospects.

### **Focus on benefits in comparison to fees**

When you quote your rates, always do so in relation to benefits. The first type of benefit is your ability to help your prospects make more money. Virtually every transaction makes money by either increasing the client’s profits or minimizing their liabilities. In quoting fees you should explain to your prospect the financial impact of your service. It is easier to quote fees when they are smaller than the benefits.

Also, remember all of the ways you bring value to your prospects in addition to the financial benefits such as your ability to reduce their anxiety and introduce them to other contacts. While these qualities may be difficult to appraise, an awareness of them makes it easier for you to quote and for your prospects to appreciate your fees.

### **Getting started**

The goal in sales dialogue is to receive and reveal enough information so that prospects will ask to get started. If they don't ask and you believe that you have invested enough time in the process, it is time to accelerate the close.

For certain prospects, such as large institutions, who are accustomed to using many lawyers, an effective approach is to ask, "What are the procedures for becoming an approved provider?" Usually large institutions have written procedures for getting on their approved provider list.

For prospects without written procedures, the best way of accelerating the close is to simply start solving your prospects' problems and begin doing the work. For example, you may offer to do some research or make a phone call on their behalf. By starting, you "assume the close" and hopefully prospects will consider the relationship established.

If you can't just get started, the second best technique for accelerating the close is to be forthright and state in effect, "I'd like very much to represent you. Are you ready to proceed?" If the prospects are not ready, then you need to find out their objections.

### **Overcoming objections**

When prospects express objections, it is important not to respond negatively or defensively. You want to avoid confrontation or weakness with prospects. Negative communication about one small point could cloud the entire sales process.

We suggest using a technique we call, "Agree and Clarify." This technique requires that you find some aspect of the objection with which you can agree. For example, if a prospect objects to your fees, you can agree that it is important to be cost conscious. Then, you can clarify your position by explaining the value you offer.

### **Stay in touch**

Don't be surprised if it takes a long time to win the client. Many lawyers give up too easily when prospects are slow to hire them. Keep in mind that in sales, a "No" means, "No, not now." Just because you are unable to close prospects today, does not necessarily mean they are no longer prospects. The key in sales dialogue for lawyers is follow-through. The goal is to maintain a positive presence in the lives of your prospects until they ultimately have the need for your services. As stated before, never burn bridges! Circumstances can change dramatically. We have heard amazing stories of non-prospects converting into clients.

## **Using Voice Mail**

In furthering relationships, you will inevitably be swapping voice mail messages with prospects. It is often difficult to reach people during the day and voice mail is an effective technique for furthering relationships. Busy schedules could result in weeks of missing each other or never getting a call-back.

While some lawyers may see voice mail as a barrier to the sales process, we see it as an advantage. Using voice mail is superior to leaving messages with a secretary or receptionist. Humans are rushed, or they make mistakes. And, humans cannot deliver your message with the same power and authority that can be communicated through your voice.

Here are some technique for using voice mail in furthering relationships.

## **Outgoing Messages**

First, make sure your outgoing voice mail message makes it easy for prospects to leave messages. Make your outgoing message brief, and leave good instructions for getting the caller's name and phone number. Also, if you have a voice mail system which allows callers to press pound at any time in order to leave a message, make sure you say so at the **beginning** of your outgoing message. It is really annoying for prospects to have to listen to lengthy messages and then find out all they had to do was press pound to stop your message and begin recording.

## **Leaving voice mail messages that invite a response**

We regularly hear lawyers complaining that their messages to prospects are not being returned. To stimulate a return call, leave messages that invite a response. For example, if you have something of value to communicate, leave a message that says, "Please call me when you get a chance. I have something that I believe will be helpful to you."

If you want to have lunch with someone, leave a message suggesting that you get together for lunch and offer some potential dates. Then, request that they get back as soon as possible by either selecting one of the dates you offered or by offering alternatives. This approach allows you to schedule without having live contact.

A variation of scheduling a face-to-face meeting would be to schedule a telephone appointment. Leave a message saying that you are going to call at a certain date and time, and if that date and time is not convenient, to please call with some alternatives.

You can also use voicemail to invite people to events. Then, instruct them to RSVP by a certain date.

Another effective use of voice mail is communicating with the press. You can call editors and reporters and pitch your ideas for articles or offer your expertise as a quotable source right on their voice mail. We have found that many editors and reporters respond promptly.

### **Summary on sales dialogue**

As you understand and experiment with the sales dialogue techniques mentioned above, we are confident that you, like every other rainmaker, will learn that selling is not only appropriate, but also, it is sophisticated, exciting and fun. A limitation to sales dialogue is that it usually restricted to small numbers of prospects at any point in time. If you want to communicate with larger numbers, you should consider public speaking as a marketing technique.

### **Public Speaking as a Marketing Technique**

Of all the marketing techniques available to lawyers, we believe that public speaking stands out as one of the most effective. Well-targeted public speaking provides exposure to large numbers of quality prospects and referral sources. Members of the audience, by virtue of attendance, have demonstrated an interest in your topic and are more likely to perceive the need for your services. Even speaking to other lawyers can be an excellent marketing opportunity due to areas of specialty or conflicts of interest.

Another benefit of public speaking is in the effort of **preparing** the speech. The research, organization and scripting of a speech helps you clarify your thinking about a topic and creates not only the speech, but also valuable dialogue.

Once implemented, a quality speech will increase your self-esteem and self confidence. It will also position you as a leader in your field and enhance your resume.

### **Public speaking as a marketing technique**

Most lawyers think that the best way to use public speaking as a marketing technique is to educate their audience. This is based on the belief that if the audience finds the information helpful they will, in turn be more inclined to hire the lawyer. While we agree that education is an important motivational element of your speech, we believe that education alone is not enough.

As with sales dialogue, you want to communicate to prospects that you are the right person to help them with their needs. You want to reveal **all** of the qualities that will help the audience feel connected to you. And finally, you want to create opportunities for follow-through.

But, unlike sales dialogue, speeches are primarily monologues and they present additional challenges. Greater distance between you and the audience makes it more difficult to keep their attention. Subtle expressions and gestures will not be noticed. There is less

opportunity for eye contact. There is less opportunity to ask and respond to specific questions. There is uninterrupted speaking for a prolonged period of time. You have to be more general so that you can appeal to a more diverse audience. Because of these differences, speeches require some additional selling techniques.

### **Meeting the audience**

Before the program begins, try to meet members of the audience. Introduce yourself as the speaker and ask if they have any specific issues they would like you to address during your presentation. Meeting members of the audience beforehand will allow you to personalize your presentation which will help you to gain and keep the audience's attention.

### **Preparing your introduction for the host**

Another technique for stimulating audience attention is preparing your introduction for the host. Often, the host's introduction isn't stimulating to the audience. They just read your biography. Ideally, the host should prepare the audience so that they will be optimistic and enthusiastic about the upcoming presentation. For example, consider the following introduction:

“I'm pleased to introduce someone who is a close friend of our organization. Many of us already know him as a great asset to us. Here are a few of his achievements (from biography). His topic today will help us in our ability to earn a living. Please join me in giving a warm welcome to ...”

Additionally, ask the host to share a personal experience. “I have personally worked with \_\_\_\_\_, and found him to be very helpful.” This type of introduction will stimulate more attentiveness than simply a recitation of your biography.

### **The Open**

An important part of a speech is making a good first impression. Since you don't have a lot of time to make your first impression, it is important that everything you do and say in the first moments of your speech positions you as someone worthy of their attention.

It is important to communicate self-confidence, so be sure to have good posture, try to establish eye contact with as many people as you can, and smile. Remember the following phrase as you walk up to the lectern - “Tall, focused and happy.”

A common dilemma is not knowing whether or not to open with a joke. Opening your speech with a joke is very risky. We advise against it unless you are extremely skilled in telling jokes. Jokes are often insulting or not funny. In either case, it takes a lot of time to recover, if ever.

Be especially cautious about self deprecating humor. While this may seem like a good way to entertain the audience, more often than not, it positions the speaker as being weak or

deficient in some area. We recently coached a lawyer who, prior to our guidance, wanted to prove to his audience that he was an exceptional negotiator. Unfortunately, he decorated his speech with stories and examples using self-deprecating humor that inadvertently positioned him as being a poor negotiator. While his comments made the audience laugh, his failure to communicate his worth was anything but funny.

An alternative method for starting a speech is to tell a story which has the same main point as your speech. A story makes the point more interesting and memorable. It creates drama, and gives the speech direction. The story could be the history of your topic, or why you became interested. We recommend that you make it a personal story. Personal stories are easy to tell and often relate well to an audience.

Another effective technique for opening a speech is to clearly state your goals and objectives. In this way the audience knows how they will benefit from your speech and that they should pay attention.

### **Importance of content**

In our role as coaches in public speaking skills, we have observed that other trainers focus primarily on delivery skills rather than content. While delivery skills are important, we have found that superior content produces superior delivery. When you are confident that your speech has information that is valuable and easy to understand, you will naturally be more expressive in your delivery.

A simple technique to insure that your speech is informative and understandable is to provide lots of tips. Audiences regularly comment on how much they appreciate tips. In fact, we often hear comments such as, “If I can leave a program with one new tip, I’m satisfied that the program was worth while.” With this in mind, here is our tip - Offer a dozen.

### **Sound Bites**

A technique for making points that are both understandable and memorable is using ‘*sound bites*.’ A sound bite is a small number of words revealing a great deal of meaning. An example in the advertising industry is the famous question, “Where’s the beef?” This sound-bite captures the concept of a competitor’s inferiority, making it understandable and memorable. The strategy of using sound-bites is appropriately and easily applied to legal issues.

### **Using notes**

We believe that it is perfectly appropriate to use notes when you speak. Your audience will be pleased with useful information and not be concerned that it was not memorized. However, the risk in using notes is that you will refer to them too frequently and lose contact with the audience. Try to use notes as a reminder - not a script.

Here are some tips for using notes. Use a large font size, such as 20 points or more. A large font will help you see your notes, and still maintain contact with the audience. Another tip is to use colored markers to identify important points. One more tip is to write your notes in narrow columns similar to the layout of a newspaper or magazine. By stacking the words in narrow columns it is easier to see the entire thought at a glance, as compared to reading across a full page.

### **Memorizing**

While it is acceptable to use notes, there is a great benefit in memorizing material. If you are not dependent upon notes, it will be easier to be animated and focused on the audience. A technique that we recommend for memorizing information is to memorize both the introductory and last sentences of each main point. This approach is similar to the structure of a joke. The opening line and punch-line are delivered as written while the rest of the content can be less structured. It is not necessary to remember the entire text word-for-word as long as you communicate the main ideas. The memorized closing statement guarantees delivering it with power.

### **Enhancements**

Another technique to improve your speech is to decorate your main points. You can decorate your main points with examples, metaphors, stories, and quotes. Try to select these enhancements from unusual environments which may not directly relate to the topic at hand. For example, you could quote from a popular song, take an example from science, or tell a personal anecdote about your family. By drawing on information outside the legal topic you bring life to your presentation.

### **Audio/Visual equipment**

The purpose of audio/visuals is to increase interest and enhance meaning. However, most speakers we see who use audio/visual equipment to support their presentation use it in a way that actually detracts from it. Too often, the use of overhead projectors gives an audience the opportunity to daydream. And, if you turn down the lights, it might be an opportunity to take a nap. If you use audio/visual equipment, make sure it adds value to the presentation, such as music, or a film clip.

Another risk in using audio/visual equipment is that it may not function. So, be sure to either have a backup or be prepared to speak without it.

### **Handouts**

Conventional wisdom is to provide the audience with reams of written material. While in some cases this may be a requirement, as with continuing education programs, it is our belief that extensive hand-outs can be contrary to your best interests. If the purpose of the speech is to sell yourself, you want the audience to focus on you and not the written materials. Extensive materials create the impression that your entire content could be read at a later time. This allows the audience to be distracted.

We believe one of the best ways to increase interest and enhance learning is the “*Fill-in handout*.” Unlike conventional handouts which provide printed information, the fill-in handouts are predominantly blank with spaces that allow the audience to take notes. The technique is to verbally provide information and instruct the audience about how to fill in the blanks. This approach forces audiences to pay attention. Once written, the audience feels greater ownership of the material.

### **Encouraging audience participation**

Another way to improve your speech is to promote audience participation. Try to ask questions and stimulate discussion. As you stimulate the audience to think you will maintain their interest. To maximize the effectiveness of this approach, be sure that you are supportive of their remarks. Be careful not to criticize or embarrass anyone. Even subtle negativity will discourage continued participation.

If you plan on asking questions to stimulate audience participation, make sure that you ask questions which the audience will be motivated to answer. A common mistake speakers make is asking questions which require a specific answer. It is a technique many of us learned from our teachers and professors. However, instead of stimulating a response, this approach will actually inhibit audience participation. Members of the audience will feel embarrassed for either not knowing the answer, or worse, giving the wrong answer. A superior approach is to ask the audience about their attitudes and experiences concerning the issues being discussed. Ask them what problems they have encountered and how they have solved those problems. If given the opportunity, audiences will be enthusiastic about sharing their feelings and opinions. And, at the same time, you will gain greater insight into their needs.

### **Timing your speech**

As you write your speech, make sure you identify specific time slots for your main points. We recommend actually annotating your notes with time markers. You don’t want to make the mistake of focusing too long on one point at the expense of the rest of the presentation. The issue of staying on time becomes more challenging when you encourage audience participation. Make sure that you don’t stray too far from the main point and remember to check the time frequently. Consider putting a small clock on the lectern.

### **Creating opportunities for follow-through**

Throughout the speech, one of your goals is to create mechanisms for furthering the relationship with prospects in the audience. As we mentioned earlier, the standard approach is to give your information and hope that someone will be motivated to hire you. The reality is that the sales cycle for closing a deal with someone in the audience could be years. Therefore, as in sales dialogue, you should be looking for ways to maintain communication with your prospects over an extended period of time. The following techniques will significantly increase the likelihood of your staying touch.

### **Call to action**

One of the ways you open the door to future interaction with your prospects is to make a call to action. At the end of your speech, you can offer some activity in which you invite them to participate. For example, you could invite them to join organizations in which you are involved. You could enlist their assistance on some project you may be implementing. Or, you could suggest that they participate in round-tables or brainstorming sessions you are coordinating. The more interesting the offer, the more likely you will find eager participants which will enhance the likelihood of developing an alliance and ultimately acquiring a client.

### **Requesting a business card**

Another effective technique for furthering interaction is to motivate members of the audience to give you their business cards. During your speech, offer to add interested prospects to your mailing list by promising to send them newsletters, articles, surveys, reports or other informative correspondence. Offer to send them invitations to programs such as seminars or workshops. Experience has demonstrated that after a speech, when members of the audience return to their offices, the pressures of their lives take over. Even if they intend to call you, they are likely to procrastinate or forget. A successful marketing speech always provides many reasons for prospects to give you their cards.

### **Tips for practicing**

Finish writing your speech well before the date of delivery. Busy lawyers often procrastinate and destroy the opportunity to practice. As you practice, try standing in front of a mirror. Also, repeat your introductory and closing sentences and sound bites dozens of times until they flow naturally.

Another effective practicing technique is to record your speech on audio or video and review it. This will help you identify weaknesses in content and delivery.

Another tip is to speak in front of audiences frequently. Every speech you give does not have to be in front of prospects. In fact, you may want to join a speakers group such as Toastmasters International. This is a well-known organization which provides a remarkable network of individuals throughout the world who share the desire to practice and improve their public speaking skills. Practicing not only improves delivery, but it is the only way to overcome the fear of speaking.

### **Arranging speaking engagements**

If the purpose of your speech is for lead generation, and not just for practice, then you want to make sure that your audience is well targeted. There are many ways of reaching out to audiences with quality prospects. Consider the trade organizations that serve your existing clients. Many of these organizations are regularly seeking speakers. Consider obtaining speaking opportunities through people you already know. For example, a lawyer serving the

banking industry could arrange (through an existing contact at a bank) to speak to all of the loan officers of that bank. And finally, consider implementing joint venture seminars with non-competing professionals who share the same client demographic. This technique gives you entree to your joint venture partners' contacts.

With the addition of these techniques, public speaking is clearly a powerful marketing tool. In fact, many lawyers rate it as the **most** effective marketing tool available. Of course, the more effort you put into the preparation and delivery of your speech, the greater the return. And, while it's true that preparation is time consuming, keep in mind that one good client as a result of your speech could more than compensate you for your efforts.

### **Conclusion**

By nature, lawyers have a high level of verbal skills. But, because of the prejudices about selling, they do not invest their energy and talent in this important area. With confidence in the propriety of selling, any lawyer can learn how to market through the spoken word and improve their ability to communicate their worth. In addition to helping them build their practice, this ability will enhance their self-esteem, self-confidence and the quality of their relationships with clients, prospects and referral sources.

### **About the authors**

Robert N. Kohn and Lawrence M. Kohn are principals of Kohn Communications, a West Los Angeles based consulting firm. They are nationally known for coaching lawyers in marketing and public speaking skills. They have assisted over 120 law firms and hundreds of solo practitioners.

Both Robert and Lawrence teach marketing courses and regularly speak on marketing at bar associations. Lawrence is the co-author of the book, *Selling with Honor, Strategies for Selling without Selling your Soul*, Berkley Press, 1997. He has been a speaker for the California State Bar Annual Convention for ten consecutive years. He teaches several courses at UCLA Extension, including “Marketing Your Professional Service”; “Strategies for Positive Self-Promotion”; and “Designing and Creating Powerful Speeches and Presentations.”