Ever wonder about our changing legal profession? No, not just wonder about alternative fee arrangements, but about the new focus on selling. I’m not saying I agree that’s what all lawyers should become (salespeople), but it is a trend I see. I fear it’s a mainstay in the private sector. Though I am not an expert here, I have had recent discussions with some practicing lawyers and law students about this topic that I thought I would share.

Some law students just stare at me when asked about selling. Others ask what should legal selling be? One viewpoint is that selling should be interaction that is fun and makes clients come to you when they need your legal services.

An interesting observation by some lawyers is that law firms are in a service market that apparently does not differentiate between the service providers (lawyers) and sellers (marketers). Most other industries have a clearer division of labor between the service providers and sellers, e.g., the engineers at a car manufacturer normally do not write the company’s ads. Larger law firms seldom differentiate between the two.

Many larger law firms have marketing departments — people who help you advertise about yourself. That could be more rain-dancing than rainmaking, as they can help you only in the name recognition phase. That is not client development per se (or new legal work), which still requires the lawyers’ success to attract the business. For that, whatever help you can get is good, but it is still up to you to reach your contacts for work.

Smaller firms do not differentiate between the two realms that much either, but, in lieu of much double duty, they can hire a contract PR firm or can seriously advertise through the media. PR firms may charge a flat fee to distribute news to the media about a case. However, full television ads cost too much (hundreds of thousands to millions of dollars), suited only for some lawyers and specialties. There are many diverse legal fields that lawyers handle that require more subtle means of persuasion, through name recognition (seminars, webinars, articles, dinners, etc.) as pure solicitation is unethical.

A fear expressed is that concentrating on selling focuses too much attention on the competition and not enough on unique ways of delivering legal services. However, with ever increasing legal competition, many of us will be left behind without a mindset to draw more potential clients.

Many feel personality and luck are also keys to success in selling. You don’t want to be the best-kept secret in your profession — whether you “live” your client’s case or even for pro bono work. This attention varies from winning in a niche that explodes to claiming experience in a new, hot area of law.

I think more may be required to sell oneself. There are many ideas, but Neville Goddard (1905-72) had one. (His materials are available on the Internet, if anyone is interested.) That is, you must strongly imagine your success, too, not just its end results, but its reality (feeling the living experience of success in detail, e.g., retirement of a competitor, depositing a big fee, victory, praise and other rewards). This idea sounds like the power of positive thinking, but it has a magical ring to it, too. He says you must believe in your bright future now, be it otherwise near or far. This belief does not stop at mere thought because, if opportunity knocks, you must get up
to open the door. Nevertheless, Goddard maintains that the belief alone will immediately generate the result (your success).

I believe that idea is part of the entirety of selling — to believe in oneself. Belief may not always include painless choices, but, without belief, you only hurt yourself. Your choice may be to solely help people regardless of a fee. That creates a different work ethic, but for others who choose hard selling, they must strive to become like a “Houdini,” figuratively pulling clients out of a hat — the new rainmaker.

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