



5 Things You Should Leave Out Of A Client Pitch

*By Nathan Hale
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For all of the effort law firms expend constructing glossy pitches that tout their accomplishments, deep attorney lineups and multiple office locations, the key to landing new clients can be as much about knowing what to leave out, experts said.

"There's an abundance of very qualified attorneys out there. The supply far exceeds the demand," noted Alex J. Tolston, who vets outside counsel hires in his role as general counsel and corporate secretary of U.S. Spanish-language media company Hemisphere Media Group Inc. "The art here is to reinforce to a client that they have core qualification and that they offer a unique perspective that is not available from others."

Piling on credentials and resources in a client pitch can fall flat or even have a negative impact when a law firm needs to prove not just its ability but also that it will bring the most creativity, value and devotion to providing solutions, according to attorneys and in-house counsel.

Avoiding missteps, such as disclosing too much about existing clients, bashing the competition or appearing overly rigid on fee structures, is also important to making potential clients feel they have found a good fit.

Here are some tips on what to leave out of that next client pitch in order to secure the best opportunities.

Too Much About Yourself

People like to talk about themselves, so it is only human nature for attorneys to advocate for themselves and their teams when trying to sell their services. But allowing that to dominate a client pitch is the opposite of what potential clients want to hear and does not

help attorneys gather the information they need to be effective, either, experts said.

With most pitching opportunities coming from a personal recommendation or in response to a prospective client's particular, sometimes highly detailed need, it is fair to assume that the prospective client has done some due diligence and is familiar with the firm and its attorneys' backgrounds, they said.

And once you're already in that door, a certain base level of talent has been set, and you and your competition are already on the same playing field, observed Dara Tarkowski, a Chicago-based litigation partner at Akerman LLP.

"The key is value, not touting one's own pedigree," she said. "You have to make it much more client-focused. It must be more about them, not about you."

Examples of past work and lawyer biographies can be very useful, but these absolutely should be tailored to the prospective client's specific needs, with irrelevant information on the firm left out.

"Trim down and customize based on the specific reason you're in that room," Tarkowski said.

General counsels and anyone else involved in the hiring decision do not want to waste their time hearing about offices where their business has no presence or litigation when they are soliciting for regulatory work or transactions in unrelated industries, experts said.

"I don't think you can rely on a form pitch book and slap the company name on it," Tolston said. "The worst thing you can see is something that was generated by the marketing office and it is clear that the lawyer who is pitching did not tailor it to the prospective client."

This balance should carry over into in-person pitching meetings, too, said David C. Whitestone, chair of the transportation practice group at Holland & Knight LLP, who stressed the importance of allocating time in a presentation to listen.

"I try to have as many questions to ask the prospective client as talking points," he said. "I need to find out what this client needs more so than to say what I think this client needs."

Too Many Attorneys

There is no greater opportunity to make a good impression than a face-to-face meeting, Tarkowski said, but law firms run the risk of turning what should be an opportunity to build prospective clients' comfort and confidence in them into an off-putting experience if they follow a "more is more" approach for their presentation.

Sending too many lawyers to a meeting may come off as aggressive rather than impressive, Tarkowski said. Two will probably do, or if it is possible to find out how many people will be attending for the prospective client, then having a relatively equal number can be best for fostering a productive conversation, experts said.

When thinking about who to send, Andrea De Lima, legal counsel at airplane manufacturer Embraer., said she expected to meet the primary attorney on the account and maybe the top expert, although Tolston noted that sometimes issues arise where the most technical lawyer does not have the best presentation or social skills. He suggested that it is instead most important to have the team's lead negotiator out in front.

"I think lawyers tend to overfocus on the technical aspects of law and forget that a large part of the practice of law is human interaction," he said. "Half of the pitch, if not more, is how comfortable you are interacting with this lawyer."

The best lawyers are those that can boil complex issues down in a very clear and coherent matter, Tolston said.

Often, demonstrating experience and understanding of the prospective client's industry — as opposed to expounding on the relevant law — is more important at the pitching stage, De Lima said, noting that such experience cannot be duplicated by mere studying.

"Rather than going into a dissertation on the law, it's more practical for us to have someone who has more experience dealing with the same industry issue [as we have]," she said.

Too Much About Other Clients

Presenting experience in similar situations to potential clients' needs is possibly the most important thing firms can show prospective clients in pitches, experts said. But clearly law firms must protect existing and past clients' confidential information, and they should also take care to honor clients' privacy — in part because prospective clients would likely have a negative view of that breach of trust.

"Identifying specific clients can be of significant benefit when those clients are well-known

and respected as third-party validators of your work," Whitestone said. "Divulging client engagements, however, needs to be thought out and cleared with those clients. Some clients are very sensitive to divulging their matters, while others are not, so you need to have an understanding of your clients' views on disclosure before identifying them."

Past performance makes up most of legal work, Tolston said, but when reviewing potential outside counsel's experience, he does not need to see specifics — just the basic facts of a deal.

And he expects that Hemisphere Media Group's deals will not end up in pitch books without the company giving its consent first.

"We absolutely expect that they have protocols and procedures in place in order to secure their client's consent to publicly disclose that information [in their pitches]," he said.

Too Much About Other Firms

In another area where decorum comes into play, sources said it is important for attorneys not to let the competitiveness of the pitching process get the better of them by commenting negatively about rival firms.

Mitchell Karpf, a partner at Florida firm Young Berman Karpf & Gonzalez PA, said that, if asked, he would not hesitate to tell a prospective client that he thinks a rival attorney is a good practitioner, but he drew upon an old adage: "If I don't have something good to say, then I don't have anything to say at all."

Whitestone also said he thinks it is best to steer clear from commenting on competing firms.

"The practice of law is a noble profession, and I think clients more readily embrace respectful counsel," he said.

Too Much About Fees

Fee structure is not a topic attorneys are eager to bring up in a pitch, but they should expect that it will come up at some point, experts said. While attorneys should be prepared to discuss the topic, it is all right for them not to initiate the conversation, and sources recommended against firms including basic rate information in printed pitch materials.

"Never send out rate information with no context in advance of a meeting," Tarkowski said, "because you're kind of sending it blind and you need to be asking questions about the clients' wants."

Tolston said that sending just a list of set rates sends the message to general counsels that there's no flexibility, which he thinks sets the wrong tone and message.

More useful would be a listing of different types of fee structures the firm has developed in the past and suggestions on which option might provide the most value for a prospective client's job.

Being prepared to discuss flexibility and value is essential, Whitestone agreed, but he also warned about simply giving open-ended responses that the firm is open to the idea, comparing it to a car salesman dodging a potential customer's question about cost by saying, "We'll talk about it later."

"I have found in my experience that open-ended responses on issues such as cost can often give the potential client pause," he said. "While I may think that we deliver good value, the prospective client may be thinking worst-case scenario on their budget."

Again, it is important to ask questions and listen to find out how prospective clients measure value — whether by success, cost or a combination.

"I can tailor a conversation to each of those areas if I have a better understanding of what they are comfortable with and what they are trying to avoid," Whitestone said.