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5 Ways To Botch The Beauty Contest

By **Jody Godoy**

Law360, New York (April 15, 2016, 5:26 PM ET) -- That first meeting with a potential client is a make-or-break situation, and former general counsels say attorneys at firms of any size can screw it up by focusing on themselves rather than the client.

Here are five huge gaffes to avoid in a so-called beauty contest.

Keeping it Vague

The biggest sin you can commit — and yet one that former GCs say they saw frequently — is to walk into the meeting without researching the client or giving enough thought to how you can help them.

David Black, a former general counsel for two Fortune 500 companies who is now a partner at Carrington Coleman Sloman & Blumenthal LLP, said he often saw attorneys come underprepared for client meetings.

"It is critical to read everything you can get your hands on in order to understand the client and what is going on in their industry," Black said.

The former general counsel for Affiliated Computer Services and BearingPoint GC said attorneys looking to lock down business should read the company's entire website along with news releases and financial filings from the past two years. The same goes for any other party to the matter at hand.

Traci Ray, the executive director at employment firm Barran Liebman LLP, said the next step is to use that information, along with your expertise in the area, to pull together a proposed game plan on how you would handle the client's issue.

"Some people think, 'I'm not going to give away that information until I've been hired,'" Ray said. "But you might not have a chance to give anyone that information. I don't know why someone would hire a firm that is not thinking, 'Here are where your next steps lie.'"

And a team lunch or meeting in the days before the pitch can let attorneys practice staying on point and ensure that each person at the meeting knows how to demonstrate his or her role in achieving the client's goal, Ray said.

Dwelling on the Competition

Another mistake to avoid is focusing on who else might be out for the same contract and waste time strategizing from that angle, Ray said.

Ray, a co-leader of the American Bar Association's Women Rainmakers Committee, said that while it's easy to go down a rabbit hole thinking about who you're up against, it's the

harder work of considering how to respond to the client's challenge that will get you hired.

"By trying to play that angle, you are really only hurting your chances, because you are not spending your time preparing for the real interview," Ray said.

Randall Mehrberg, a Jenner & Block LLP partner who was a general counsel at energy firm Exelon Corp., Vail Resorts Inc. and the Chicago Park District, said he was surprised at attorneys who tried to distinguish themselves from other firms by mentioning how "collegial" their firm was.

"I felt like I was back in law school, where that would be one of the things I cared about at the time," Mehrberg said. "But it's less important to me as a consumer of legal services that Partner A gets along with Partner B if I am only working with Partner A."

Drinking the Kool-Aid

Attorneys with general counsel experience say it's shockingly common for lawyers to come into a pitch having, as Black put it, "drunk their own Kool-Aid as to what a great firm they are."

Joseph Miller, a partner at Crowell & Moring LLP and former general counsel at AHIP, a national advocacy organization for the health insurance industry, said he had a metaphorical "trapdoor button" ready for attorneys who came across as arrogant or stretched the truth about their accomplishments.

"Pitches that come across as either, 'I can guarantee results,' or, 'I pulled this magic trick, and am alone responsible for this great outcome,' make me wonder about what it is they are telling me and want to poke at it and see if it's true," Miller said.

One surefire way to turn a client off is to throw around legal jargon instead of talking with the client on their level, something Black compared to a doctor rattling off medical terms to a patient instead of discussing a plan of care.

And clients know when you are fudging your knowledge or experience in a matter. If a client asks about something you don't know, Ray recommends admitting that and contacting them later with a thoughtful answer. This lets them know you were listening and that you and your colleagues didn't scatter after the meeting, but spent time thinking about follow-up, she said.

On that same note, Miller said following up with a client after a meeting if you think of an alternative solution you didn't discuss can also have a big impact.

"Creativity is part of what you are happy to pay for and should be looking for in an outside counsel," Miller said.

Swiping and Typing

Using your BlackBerry or other connected device at an initial client meeting — even if you are taking notes — tells your client they are not the the most important thing on your mind. They have no idea you are taking notes; you could be sending emails or trading players on your fantasy football team.

"It's analogous to a date. If you are sitting across the table on a first date and you can't stop checking your email or texting your buddies, you are not likely to have a second date," Black said.

Device-addicted attorneys should do whatever is necessary to keep their hands and eyes

off their devices for the duration of the meeting, including locking them in the car or turning them off entirely, Black said.

"And, don't assume that the client can't see you checking the device surreptitiously under the edge of the table," he added.

Telling Instead of Showing

The fact that you are walking into a client's office means that they already know to some extent what your firm can do. And believe it or not, you won't be the first to tell your potential client how "efficient" a job you can do.

Instead of reciting stock phrases about the value your firm can provide, give concrete information.

"If you really, truly are much more efficient, figure out ways to back it up like offering a fixed fee for that particular service," Mehrberg said.

And Ray suggests that, rather than reciting your resume, you weave relevant experience into your explanation of how you will address a client's problem.

While the term "international presence" can make a general counsel focused on a local problem wonder where their money is going, other aspects of a firm can play to a client's specific needs.

Miller said that during his time at AHIP, he looked for firms that could understand a nonprofit trade organization's sensitivity to how legal maneuvers would play with lawmakers and other audiences outside the courthouse.

As a government general counsel, Mehrberg said he wanted firms that understood his budgetary concerns. During his time at an energy provider, he looked for firms that could support the utility's civic and philanthropic commitments, for example through pro bono work.

"It's important not only to know your client's business goals and objectives, but also to put yourself in the chair of the decision maker and anticipate their needs and how you can best support them," Mehrberg said. "Instead of defining success as landing the client, think about what success looks like for the client."

--Editing by Mark Lebetkin and Kelly Duncan.

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