

Ten Ideas on How to Win Competitive Business Opportunities | Secrets from “Beauty Contest” Winners



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Most law firm beauty contests are won or lost well before the main event -- during the preparation phase (or lack of it, as the case may be). These competitive business opportunities take some preparation, however, and therein lies the problem. Instead of treating business competitions with a serious, studied, and planned approach, lawyers, and firms under respond because they see the requisite non-billable time as an unproductive intrusion into their lawyering activities. Resentment to competitive bids is hardly a winning strategy.

Your biggest challenge as a marketing director will be to convince your lawyers that RFPs and competitive business presentations are an investment and should be entered into with the attitude, enthusiasm, and prospect of profitability. The following suggestions will help. They are not just our ideas; they come from the collective wisdom and experience of over 50 marketing directors who have competed in several hundred presentations and proposals over the last eight years.

1. Compete to win. Or don't compete. Treat the opportunity the same way you would a jury trial with a contingency fee equal to the fees that will arise out of the opportunity. Prepare your proposal and oral presentation as you would prepare the brief or the opening argument to the jury. Your lawyers should think about the strategy for winning, the informational content of the proposal and the presentation, the mechanics of the oral

presentations and who will deliver their message. If it's not worth preparing for, it's not worth entering. You not only lose, but also leave a tarnished business card.

2. Know the "enemy." Beauty contests are about what the judges think is beautiful, not how beautiful you think you are. They probably already know how large the firm is, how many offices and lawyers there are, and so forth. Clients want to know that you understand their problems and can provide solutions. They will generally be impressed if you make a pre-bid needs assessment visit. If your lawyers complain about the time commitment, reassure them that they need to do this only in those situations they want to win. An added benefit of a pre-bid needs assessment visit is that you are likely to discover early on if the process is a sham -- say, a strategy by the prospect to eliminate competition by way of creating conflicts; and you can politely decline to participate and focus on better opportunities.
3. Clients want lawyers, not resumes. Legal technicians are a dime a dozen. Whatever the RFP says, most prospects are also looking for trusted counselors and trust cannot be earned in a presentation, but rapport can; and trust follows from rapport. The pre-bid needs assessment visit will show your interest and commitment and identify potential points of rapport for the next meeting or presentation. As for the technical discussion of the client's needs, you will need to help your lawyers talk about solutions -- which is what the client's looking for -- and not problems -- which is what your lawyers enjoy. Too often lawyers get trapped in discussing the transaction or litigation in negative terms -- i.e., legal

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problems or legal obstacles -- rather than discussing the outcome the client wants. A transaction may appeal to the lawyers as cutting-edge legal theory, and they may get caught up in the elegance and the fun of working on the problem. The client, meanwhile, is left behind pondering.

4. Have one central message or theme, linked to the client. If "Quality is Job 1" to the client, how does your firm plan to integrate that credo to the relationship and provide seamless, quality service? Lawyers tend to reject themes or messages as superficial and too commercial -- something that advertising types might concoct. Your lawyers may feel that any attempt to incorporate themes or messages into their presentation or proposal will be viewed with disdain and smacks of Madison Avenue and, therefore, look unprofessional. Your job is to convince them that this is not about what makes them comfortable, but what matters to the prospect. Clients react favorably to the use of their products, services and business messages in presentations or proposals.
5. Set the selection criteria. In many cases, the prospect does not establish the selection criteria until during or after the presentations. Provided you are suitably subtle, you can help shape the selection criteria. If you do, nature will take its course, and you will inevitably be establishing criteria that best conform to your strengths. For example, in suggesting to the buyers that they may need to look carefully at all the options, some of those options they may not have considered should be areas of expertise that you or your firm possess. Mark McCormack, the lawyer, sports agent, author, and lecturer, pointed out recently that he had bought things when someone had helped him recognize a need he had not previously considered. There is no reason for not submitting an actual list of criteria during the oral presentation, provided you are reasonably certain it tracks the clients' major needs, and you get agreement early on.
6. Talk about value not about price. Few people who've read *The Grapes of Wrath* can forget the scene where the growers line the workers up and tell them to take a step forward if they want a job for 30 cents a day; then ask those who've stepped forward to take another step if they want a job for 25 cents a day and so on until they get the number they need at 10 cents a day -- essentially playing the workers off against each other. This is where your lawyers will eventually be if they focus on price instead of value -- the value they bring to the transaction. Price becomes a determining factor when you have failed to differentiate yourself in a way the prospect can value. When there are substitutes available, the bidding starts.
7. Talk, write and present the way they do. Whenever possible, use the prospective client's business jargon and product terminology, and present your solutions in the same manner as they present to themselves internally. Business-speak is an art that can help you seem more like them and reduces the "we vs. they" barrier. Tailoring your message and the medium of presentation can make your buyer feel comfortable that you are not "outsiders." And if you plan to use technology and presentation graphics, make sure you are not using a competitor's product. (And don't absent-mindedly ask for a Coke during a presentation to Pepsi; don't FedEx a proposal to DHL; etc.)
8. Be on time. Since a prospect cannot really know you, it has no choice but to base inordinate weight on stats. Every contact with the issuer is an opportunity to create impressions. Beating the deadline for the submission of the written RFP may create the impression of responsiveness. Showing up 15 minutes early for the oral presentation and

staying within the allotted time will show that you are punctual and organized. And never try to blame your tardiness on another important client engagement. What the client will hear is "another client, not important." And never fail to respond or show up for the presentation without offering a cogent business reason why you've declined to participate.

9. Make the business case on why -- and whether - you should be hired. Determine for yourself -- and be able to articulate clearly -- how a prospective client in the situation at hand will benefit by, first, hiring a law firm and, second, hiring your law firm. That will get you deep inside their business mind and get you much farther than arguing why they should hire you instead of the other guy. Most businesses have standard models to justify the cost of a project. Some use strict ROI (return on investment) models; others use return on net assets or return on stockholder equity; others have well developed homegrown techniques. Ask and you shall receive. Ask the decisionmaker which models they are using to cost-justify spending the money. If you don't have exact data, get the buyers to agree that your educated guesses are sufficient.
10. Act like their partner, not like a vendor. The shift to the preferred supplier model and partnering with outside sources of supply is now the norm in sophisticated businesses. The legal press, business journals and the general press are reporting consolidation by the buyers to fewer law firms. The RFPs are calling for partnering with their outside counsel. Partnering is codeword for a lot of different relationships with outside counsel. The best way to approach partnering is to look at how the prospective client works with outside resources in other parts of their business. Focus the potential relationship on their definitions not yours.

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If you ever wondered what your marketing mission or skills were good for in a den of cynics and marketing skeptics, then the RFP and the competitive business presentation is an opportunity to help. Most of the lawyers we talk with are annoyed that they have to waste billable time to compete for work that they deserve. The reality in the market is that competition for work in what is now a deregulated profession is good. Good for the clients, good for the public at large and great for those firms not in marketing denial. Your mission as a marketing director is to create the positive mind set amongst your lawyers and help them compete effectively. If your lawyers are poorly prepared, unrehearsed and approach the opportunity with a negative attitude, then you need only to point out that their competition is probably in about the same dismal state! We have seen the most incompetent and unconscious lawyers at marketing rise to the occasion as a result of the marketing director's ability to help them recognize the need to win and avoid committing marketing malpractice.