

Business Development tips from the Apple Aisle

By Joey Asher

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Next time you're competing with for legal work in a corporate "beauty contest", go to the produce department at Kroger. What you learn in the apple aisle could help you win the job.

The competition between apple varieties is a beauty contest. And the long-standing winner is the Red Delicious despite the fact that Fujis and Granny Smiths taste better by most accounts.

The Red Delicious reign as the most popular apple in America is no mystery. It's a sexy apple! It's shapelier. It's redder. It's shinier.

But I see the apple competition differently. To my mind, Red Delicious wins because the consumer must decide based on limited information. Buyers of legal services make decisions the same way. And therein lies a lesson in how to win a beauty contest.

Comparing Apples to Apples Is Hard

Standing in the apple aisle, you can't know which apple will taste best. Since you can't taste before you buy, most people choose based on the limited data available - appearance. So Red Delicious wins.

Corporate beauty contests are similar. Say the law department at Acme Corporation is preparing for a major litigation. The general counsel invites three law firms to compete in a "beauty contest."

The general counsel is like the apple consumer. Determining which firm is best is hard, maybe impossible. All have sterling reputations and many happy clients. Most firms waste time in their pitches overemphasizing qualifications, utterly failing to distinguish themselves from their competition.

The GC wants to know which firm will get the best result. But just as a consumer can't taste an apple before buying, GCs can't get lawyers to try the case before hiring them.

So You Pick Based on the Available Criteria

So if the GC can't distinguish reputations and can't judge conclusively which firm will deliver the best result, what does she do? Like the apple consumer, she decides based on things that she *can* judge.

The first thing that a GC can judge with certainty is where she has the best relationships. So if you're losing lots of "beauty contests" it's probably because you don't have strong enough relationships begin with. Networking counts.

The GC can also judge whether the firm presents a legal strategy. Most new business pitches focus on qualifications. You can distinguish yourself by saying, "Here is how we plan to win your case." The best pitches propose legal solutions.

Doing Business With People We Like

Next, the GC can easily decide who she likes personally. An old saying in sales goes, "All things being equal, people do business with people they like. All things not being equal, *people still do business with people they like.*" They don't call it a "beauty contest" for nothing. Delivering your pitch in a positive, friendly style is important. Huge decisions often come down to who has a nicer smile.

Next, the GC can easily judge who answered her questions best. Litigators prepare exhaustively for judges' questions. Go into a pitch equally well-prepared.

Finally, the GC can easily judge who rehearsed. GCs tell me it's obvious which firm prepared and which firm decided to "wing it." Rehearse as if your cash flow depended on it.

To win beauty contests, provide the GC with information that allows her to make a distinction. Do that well, and you'll be the Red Delicious apple in the produce aisle of the legal marketplace.

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