

Once Again, Law Firms Are Considering Sales Forces as a Way to Address Revenue Shortfalls

By [Steven M. Bell](#) on February 14, 2023

Demand for legal services is materially down after a few extremely flush years, according to a recent “state of the legal marketplace” presentation at Thomson Reuters’s Marketing Partner Forum (MPF). At cash businesses such as law firms, when headwinds arise, it’s time to scramble. Some downsizing has occurred, and more is in the cards. Another option, once again, is the emergence of “sales curiosity” – which may be why that topic emerged in the hallways at MPF.

The sales conversation of this tense moment reminds me of interview questions that legendary Perkins Coie CMO Kevin McMurdo asked me about law firm sales in the wake of the financial crisis of the late two thousand aughts. The questions and answers are as relevant today, as they were then, so we simply re-report them here.

Kevin: Why a sales team? How would you weigh the benefits versus the negatives of an in-house sales team?

Bell: In reality, sales teams are NOT really necessary. What IS necessary, if there are to be *intentional* sales, is the development and implementation of a sales process. Any imaginable sales process includes the following two activities at which lawyers, as a generality, are not skilled: initiating relationships with new buyers...and following up persistently until business opportunities are resolved, yes or no. Those are two areas where sales professionals shine.

Kevin: What should the structure be? Who should report to whom?

Bell: I believe that only those who have done sales – from cold-calling, to wearing out shoe leather, to being evaluated on quotas – truly can understand sales. For that reason, I believe that the sales function should be overseen by strong and adventurous executives who at least have educated themselves about these concepts and who also can intersect with and collaborate with firm leadership and the leaders of other staff functions. Unless a Chief Marketing Officer himself or herself has direct-sales experience, or has undertaken some hard-core sales and sales-management training, it runs the risk of being an uncomfortable fit.

Kevin: What are the key attributes to the position description? How does/should this position relate to others in the firm – both attorneys and staff?

Bell: Despite stereotypes about salespeople, all different kinds of people can be effective at sales. To be sure, some successful salespeople rely exclusively on outgoing personalities. But it is also true that other successful salespeople are, for example, low key, analytical, empathetic, or highly efficient resource coordinators.

What is most required to be successful at professional services sales, no matter the personality type and background of the sales professional, is a commitment to help clients. To put their interests first. To be their ombudsman at the law firm. To “have their backs.”

Sales professionals at law firms have at least two sales targets – the external clients and prospective clients...and the internal clients otherwise known as the lawyers.

As to the internal clients, one must have the gravitas and credibility to earn their trust and cooperation in efforts to land new business or to expand work at existing clients. The best orientation is one where there is great teamwork between a sales professional and a lawyer. Each brings a different set of skills to the sales effort. While, ultimately, the buyer is purchasing the knowledge, skill, experience and personality of the lawyer, the types of contributions that a sales professional can make in advancing the pursuit include understanding the business, setting appointments, preparing for appointments, ensuring that penetrating questions are asked at client meetings, ensuring that sales visits comprise much more listening than speaking, following up, organizing, integrating resources, and so forth.

As to how this position relates to other staff professionals at the firm, that's easy. Every person at a law firm – whether at the receptionist desk, beside a server, in the word-processing center, or at the chairman's desk – must be attuned to outstanding client service. Every person must be attuned to growing the business. I see all staff professionals as part of the effort – which often is led by lawyers in tandem with sales professionals – to ensure tremendous client experience and to grow the business. We're all in this together.

Kevin: Whom should we hire? What attributes or characteristics are important for success?

Bell: Individuals who have gravitas and credibility, both for internal and external clients. Smart people. People who: can write clearly and express themselves eloquently; love to help; can conceive of new ways to solve client-acquisition and client-service challenges; are resilient and who have a healthy relationship with to the word "No!"; who demonstrate a generally positive attitude, and especially a thick skin.

Maybe it's difficult to find individuals like this, which is why there are not so many sales professionals at law firms. At least yet.

Kevin: Evaluation and compensation? What matters? How do we avoid fee-splitting issues?

Bell: Sales compensation at professional services firm is part science and a whole lot of art. Since I've been in professional services sales – more than 20 years (*note: 30 years in 2023*) – I've seen firms and consultants labor to solve the compensation issue, and it has not yet been solved perfectly as far as I know. Sales professionals who deliver great results – new clients and delighted existing clients – expect to be compensated. Law firms who want sales professionals' assistance in acquiring new clients and delighting existing clients need to pay close attention to how each sales professional perceives financial reward. It's a wild card, at best.

Fee-splitting is not permitted, so pure commissions *per se* for law firm sales professionals are off the table. Rather, we attempt to identify an incentive opportunity based on sales success in three arenas:

1. New client acquisitions that would not exist absent his or her personal efforts;
2. New client acquisitions on which the sales professionals contributed materially and mostly likely operated in-person with the client but did not initiate the relationship; and
3. Expansion of work at existing clients.

Kevin: What are the long-term prospects for sales teams? Are they inevitable, really? What are your predictions?

Bell: Everyone in law has his or her prophet, I suppose. Mine is Richard Susskind, and in particular, I think often of the concepts in his book, [Tomorrow's Lawyers](#) in which he says the shape of law practice in the future will be much more bifurcated between service that is rendered in the form of trusted advice on the one hand and, on the other hand, service

that is automated, computerized, and delivered by individuals possessing exactly the right skill at the right level.

Though law firms are fighting this evolution, it is here already, in the form of non-law-firm providers, computerized legal solutions, outsourcing, offshoring, near-sourcing, you name it. All these evolutions transform a good deal of the practice of law into, in essence, products that repetitively can be packaged, described, priced, and delivered. Sounds a whole lot like what IBM, Computer Sciences Corporation, and PWC have been doing for decades via the efforts of true professional sales forces. So, yes, professional sales forces are inevitable at law firms, and they will rise in response to how the day-to-day practice of law already is headed.

In addition, many of the greatest sales professionals in the services world have the title of account manager. At the global CPA firms, senior non-accountant sales professionals already lead major accounts, where attributes such as industry knowledge and connections, organizational ability and leadership, high-level relationships, and so forth are at a premium. These attributes require neither a CPA certification, nor a law license. Major-account leadership by individuals without law licenses will be a major development of the next decade.

Steve Bell is a partner at LawVision Group LLC, where he specializes in advising law firm managing partners and other senior leaders on whether and how to implement sales functions, sales processes, and nonlawyers sales forces. He, along with LawVision's founding principal Silvia Coulter pioneered the introduction of professional sales at law firms beginning in the early 2000s. To speak with LawVision about sales at law firms, please don't hesitate to contact Steve Bell at 202.421.5988 or sbell@lawvision.com.