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Massachusetts Lawyers Weekly

## CAREER CONSULT

# Learning NOT To Communicate Like A Lawyer

By Stephen Seckler

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Success as a lawyer requires attention to detail.

If you file a discovery request and fail to include a category of business records, you may not get the documents you need to win your case.

If you draft a contract that is missing definitions of key terms, then your client may have an ambiguous deal.

If you prepare an SEC filing for a client and fail to disclose all relevant and material facts about the client's business, you might subject your client to liability and your firm to a malpractice claim.

No matter what your area of practice may be, part of your job as a lawyer means getting the details right. This is true even if you have achieved partnership and rely on associates for document review, due diligence and other organizing tasks.

While effective lawyering requires meticulous attention to detail, success in marketing your legal services requires another set of skills. Marketing success depends on being able to effectively communicate the big picture. In marketing, too much detail can dilute your message.

- *Associates are rewarded by partners for paying attention to detail. In contrast, most clients and potential referral sources do not want your detailed legal analysis. They want to know what is and*

what is not *possible*.

Limiting details does not come easily to many lawyers. As a junior associate, you learn to be thorough and are criticized for not paying enough attention to detail. Partners expect that the work you submit should be precise and as close to perfect as possible. Most partners highly value associates who they consider detail oriented.

Your non-attorney clients, on the other hand, are probably less concerned with the details that are the stock of your trade. They want to know that you can get the details right; but they don't necessarily want to hear a lengthy explanation about how you arrived at your conclusions.

Similarly, when you are at professional gatherings and have the chance to meet potential clients, you are much better off introducing yourself in a succinct fashion. Business people are more likely to connect with you and remember you if you aim for brevity when you describe what you do.

A well-crafted sentence or two about how you provide value to your clients is much more likely to open up a conversation than a lengthy discourse about the deals you have been working on.

Consider the following example: Imagine you are at a trade association meeting for the biotechnology industry. You are interested in doing more work for startup technology companies. You are standing by the bar when someone comes up to you and introduces himself as an inventor who works in the biotech sector. He then turns to you and asks what you do. Do you reply:

(a) "Well, I'm interested in doing work with startup technology companies. Actually, most of my clients are in traditional manufacturing although I'm working on one deal where an investment fund is trying to buy up manufacturing facilities in China. Lately, I've been advising a lot of my public company clients on Sarbanes-Oxley compliance. I also just finished an interesting research project having to do with the domestic tax implications of the sale of foreign subsidiaries."

Or do you say:

(b) "I represent startup technology companies who are looking for early stage funding and need help with a mix of corporate, contract and employment issues."

Technically, answer "a" might be correct. But most readers would agree that it is not very effective. It contains too much detail in general and too much irrelevant detail in particular.

Answer "b" on the other hand is focused and targeted to the recipient (who in this case is an inventor.) Answer "b" is a much better way to open a dialogue with a business person and invite more questions about what you do.

- *We can retrieve information more effectively if we have a place to "file" it.*

Think of the brain as a giant filing cabinet. If information has no particular place to be filed, it becomes difficult to retrieve. The same is true if there is too much information to file.

By choosing a focus and keeping it brief, we make it easier for our contacts to help us by giving them a place to file the information that we provide. Once information is properly filed, it is more likely to be remembered.

It comes down to the adage that "less is more." Think about how advertisers boil their message down to something simple like "Just Do It, Nike." If you wanted to sell sneakers, you would not create a 10-

minute commercial explaining in detail your manufacturing processes and how you procure inexpensive rubber to keep your prices low (though this is something that you might document in a prospectus or in other securities filings).

- *Talk to potential clients in a language they can understand.*

I am not suggesting that you come up with a slick advertising campaign to sell your legal services. "Law Suits 'R Us" would probably do little to generate legal work for you. Law is still a profession that requires intellect and we want prospective clients and employers to believe we have the requisite intelligence to help them identify potential problems and solve them.

But unless you are speaking to another lawyer who happens to share your subject matter expertise, keep shop talk to a minimum. Most clients have no real way to judge your technical proficiency and most non-attorneys will not be interested in the subtle nuances of your work. They will measure your value by the way you communicate.

If you communicate in a clear and responsive way and show that you really understand their business, they will be impressed. If you talk about how you cured title defects in your last real-estate transaction, you will lose them.

- *You are not compromising your integrity when you leave out details; rather, by simplifying your message you are opening the door for further discussions.*

It is important to maintain your integrity in all your communications with existing or prospective clients or employers. But that does not mean you have to be entirely transparent when you talk about what you do.

If you are a litigator, talk about how you successfully defended a company in a trade secrets case. Don't talk about how the case was originally filed in state court in Virginia and removed to federal District Court in Massachusetts, at which point you were retained as local counsel and then filed a motion for summary judgment on the issue of punitive damages.

If your specialty is tax, talk about the million-dollar tax liability that you helped a client avoid. Don't talk about how you structured a deal using 1031 like kind exchanges.

As long as leaving out details does not distort your competencies, you should feel comfortable with sticking to the highlights of how you helped your clients. If the other individual is interested in getting more details about how you solved a legal problem, you can always add this information in later.

- *Marketing success will bring important benefits to your career.*

Marketing may not be your primary interest. Many lawyers are proud to say that they did not go to law school to become a salesman. But bringing good work into your firm will have numerous benefits for your career.

If you learn to master a few simple principals, you will get more of the work you want, have more control over your destiny and earn more respect from your colleagues. A great place to start is to find simpler ways to describe the work you do. \_\_\_\_\_

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