



AND THE ART OF LEGAL NETWORKING

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Wooing the Gator Brain: A Lesson in Behavioral Economics

BY LINDSAY GRIFFITHS ON APRIL 4, 2017



Last week, the Rotterdam School of Management posted [the results to a study](#) that showed that a lack of sleep leads to more arguments at work. I retweeted it with the comment “In other news, water is wet.”

But even though we may consciously realize that things like lack of sleep and hunger affect our mood and even our productivity, are we really paying attention to how *much* this impacts our business, and harnessing the power of persuasion effectively?

This was the subject of the keynote session at the [Legal Marketing Association's Annual Conference](#) last week in Las Vegas, which brought together 1,600 legal marketing professionals to learn how to do their jobs better, see the trends on the horizon, and yes, even let off a little steam that comes from working with lawyers on a regular basis (sorry lawyers!). LMA brought in [Zoë Chance](#), Assistant Professor of Marketing at the Yale School of Management. According to her bio, she is an

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expert on persuasion, leveraging behavioral economics to help individuals and businesses do better. Her MBA elective, Mastering Influence and Persuasion, is one of the most sought-after courses at Yale School of Management. Zoë will be applying her expertise on behavioral bias to the law firm environment and sharing the results of a customized survey during her presentation.”

Gator Brain VS. Judge Brain

She told a packed room that behavioral economics involves two systems, the “gator brain” and the “judge brain.”

The gator brain is about what you'd expect – that's your instinctive side. It's unconscious, fast (think: your first thought), intuitive and automatic. On the other hand, your judge brain is more conscious and slow. It's deliberate, and more effortful.

Think that as lawyers you have more control over your gator brain than other professionals? Not so fast, says Chance. She talked about an Israeli study that found that in over 1,000 parole hearings, the primary factor in parolees getting shorter sentences was how recently the judge had had a snack. The more recent the snack, the higher the likelihood of a favorable parole ruling.

Another important lesson about being ruled by gator brain (and this one particularly impacts those of us in marketing) is that statistics are less powerful than individual stories, even for people who consider themselves rational.

Lawyers: let that sink in for a moment.

We're in an incredibly rational profession, with equally rational clients (for the most part). And yet...

Stories still rule the day. Your story, your firm's story, your practice's story – how are you telling that to connect with people instead of acting like a statistic? (This, incidentally, is also why word of mouth marketing, both online and off, is SO much more effective than seeing an ad) Chance even gave us a statistic to back this up – when she ran a survey among LMA members asking whether they'd be more willing to contribute to a

surgery for a dog with hip dysplasia versus showing them a photo of a dog with hip dysplasia who requires surgery, 10% more were willing to help.

A UK study showed that the effectiveness of ad campaigns when comparing rational to emotional to a mix saw the following success rates:

- Rational: 17%
- Emotional + Rational: 28%
- Emotional only: 33%

Ease Trumps Price & Satisfaction

So if we're rational people, acting with our gator brains, what does that mean for our marketing and business development? The short answer: we have to make it really easy for people to do business with us. Think about companies who have cornered the market with this very idea – Amazon, Uber, Dominos – they're not necessarily cheaper. But they are easier to do business with.

Will I buy something from Amazon because I know I can pretty much one-click through an app on my phone, and it will almost always be delivered in two days because I'm an Amazon Prime subscriber? Even if it's a little bit more expensive? Yes, I will.

They may be consumer businesses, but how can you emulate their service models and make it easier for your clients to do business with you? How can we as legal marketing/business development professionals make it easy for our lawyers to work with us?

Chance talked about the "Customer Effort Score" – this is the amount of effort a client/customer personally has to put forth for a request. The lower this is, the better. This score matters because it consistently predicts the likelihood of future purposes more than any other metric – even more than satisfaction, by the way.

If you're not sure about that, think of your own experience. If you had a slightly negative experience with a company, such as Amazon, are you still going to continue using them because it's easier? For example, I can get real, pan-made pizza made from fresh ingredients right up the street from my house. But they don't deliver. And the parking lot can be a hassle at busy times. I can order Domino's from an app on my phone (or in a thousand other ways lately), have it show up to my door thirty minutes later, sign my credit card slip and be done – it's not as good, but it's MUCH easier. Ease wins over satisfaction because the gator brain leads.

So you never want to underestimate its power, says Chance, and you never want to take someone's attention for granted. What does this mean for lawyers and legal marketers? Deliver your message as a story, to your clients/potential clients at the right time and place, and make it easy for them to make the decision to hire you and to continue to work with you.

People are most likely to give you a “yes” during what Chance called “moments of truth.” Humor can help to create these, because it gets past the natural resistance to influence. An example of this done brilliantly was CEBU Pacific’s advertising in the rain. They caught people at their most miserable, during the rainy season in Hong Kong, when they were likely desperate to find a warm travel destination, and snagged their attention with water-resistant paint ads that were visible only in the rain. Brilliant, eye-catching, timely, and EASY because people also had access to a QR code to book their tickets immediately. How can you translate this to your practice?

Woo the Gator – with Ease and Attention...but also Trust

Our goal here is to “woo the gator” – either as legal marketers working with our lawyers and their clients, or as lawyers working with your clients. To do that, you need ease, attention, and trust. Make it easy for your clients to take action, find a way to get their attention, and gain, and then keep, their trust. People make decisions based on these factors, and in this order:

1. Do I like you?
2. Do I trust you?
3. Are you good at what you do?

We’ve been leading so much of our work in this industry with the third piece, that we don’t always remember that the first two are even more essential.

We’ve talked a lot about trust here on Zen, and the old axiom that people do business with those they know, like and trust (in part, that’s true, but Chance also emphasizes that they do business with whom it’s easiest). What’s more important than building and developing trust is not losing it once you have it – losses loom larger than gains.

A breach of trust doesn’t have to be a total loss though – after a service failure, 70% of customers will return if you resolve the problem in their favor. I’ve experienced this myself. I had an issue with the transmission on a brand new car several years ago, and while I fully understood that issues like that could come up, the more looming problem was that the car company worked very hard to make it my fault. They ultimately fixed the issue, and after pushing it up the chain to a very senior manager, I got the apology I was looking for – had I gotten that apology early on, it wouldn’t have turned into a major problem. But instead, it blew up – not because the car was faulty, but because they refused to quickly and efficiently resolve the issue in my favor. When companies do, I’m an even stronger advocate for them, because I feel as though I’ve been treated like a person, instead of a number.

Mistakes with clients are similar opportunities for relationship building – they’re uncomfortable, and awkward, yes, but they can help to create stronger bonds for the future.

A useful tactic here, and in other cases of problem-solving, says chance, is to use the magic question:

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What would it take...?”

The Bottom Line

The takeaways:

- We may think that we use our “judge” or conscious, evaluating “brain” more often in this rational profession, but we’re just as susceptible to our intuitive “gator brain” as anyone else.
- Tell stories to have more influence over people – emotional connections have a far greater impact than rational ones, or even a combination of the rational and emotional.
- Make it as easy as possible for people to do business with you – all of the greatest disruptors (Amazon, Uber) have favored ease above else. Ease does not automatically mean cheap.
- Ease of doing business is more important to clients than their satisfaction with your service.
- Never take someone’s attention for granted – use these “moments of truth” to make it easy for people to say yes to working with you.
- Woo the gator with ease, attention and trust – whether someone likes and trusts you is more important than whether you’re good at your work.
- See a breach of trust as an opportunity to take ownership of your mistakes and build on your relationships to strengthen them for the future.
- Use the magic question, “what would it take...?” to switch people from judgment mode to problem solving mode.

Thanks to Zoë for an excellent session and a lot of great food for thought!