

## How to Optimize Cold Calling

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I need to do more marketing. A few years ago I got a huge construction company as a client by cold calling them, unfortunately due to budget issues all their patent work went in house. And a former boss of mine gave me this nugget, "You can't get work from big clients unless you ask for it."

Thus, based on the above, I plan to renew/start a cold calling marketing campaign, a few calls every day. I can create a list of businesses that can use my services (patent/trademark law). My plan is to cold call them, but I am not sure how to improve the odds of my getting business? Should I just offer them my services? Should I take them out to lunch, or to dinner, e.g. wine and dine the potential client? Any ideas? Thanks.

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A couple of thoughts:

1. I'd review your state's version of ABA model rule 7.3 to make sure that you're complying with the restrictions on advertising. Cold calls to prospective clients sounds like it might violate rule 7.3:

[http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_7\\_3\\_direct\\_contact\\_with\\_prospective\\_clients.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_3_direct_contact_with_prospective_clients.html)

2. A bigger point, though, is that regardless of ethical restrictions, cold calling is one of the least productive ways to drum up new business unless you know someone at the company you're calling. A better use of your time might be to ask your current clients if they would recommend you to their colleagues at other businesses. I've found over the years that existing clients are the best sources of both new work and new clients.

Kevin W. Grierson, Virginia

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Or contacting lawyers who don't do what you do and asking for referrals while offering to be a resource for them.

Deb Matthews, Virginia

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Great point. One of the good things about being a patent lawyer is that not only are other attorneys not tempted to dabble in what you do, they CAN'T. Most couldn't take the patent bar even if they wanted to, so they generally don't hesitate to refer patent work out (provided, of course, they don't feel as though you'll try to poach any non-patent work from the referral).

Kevin W. Grierson

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## SoloSez Popular Threads, July 2013

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I will echo Deb and Kevin's suggestions and point you in the direction of your local and State bar groups. If they have a solo section, find out when they meet, go regularly and get involved. Go to their luncheons and other meetings and make friends. Join multiple other sections like the corporate and real estate sections, for example. Corporate always has IP work and commercial real estate gets business and branding questions all the time. As you get known in the section members, they will begin to remember you and send you referrals or ask you for help. Good luck.

Lyza L. Sandgren, Paralegal (not an attorney), Georgia

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Agreed. A #1 source for referrals may be small business lawyers. And of course IP lawyers who can't do patents.

To get around your Kevin's note about the ABA rule on solicitation, if you can structure the cold call without a solicitation I think it's fine. Make sure the call, and the first lunch, isn't about you offering your legal services. Tough, but can be done. I think, if you know the person you are calling is in need of a patent attorney right at that moment, you have to pump the brakes. But if you don't, what's the harm? Just don't sell, which is good business anyway.

Notice in the ABA model rule, the prohibition is on soliciting, which has a very specific legal meaning. Just don't solicit, and you're all good!

Might I say, a lead magnet might work great here.

Who else might be potential referral sources?

Joseph D. Dang, California

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Thanks for the replies so far. I have already checked my local rules, and under the right circumstances I can cold call potential clients. I am also marketing to local non-patent lawyers. But I also want to reach out to businesses that could use trademark/patent legal services. So, when cold calling, what would be the most return on my time? Should I just offer them my services? Should I take them out to lunch, or to dinner, e.g. wine and dine the potential client? Any ideas? Thanks.

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Cold call by phone may be annoying. Forget lunch, etc., INSTEAD make live cold call--just drop in intro to receptionist ask if boss has a moment. Don't sell--say just wanted to meet you (everyone believes that and are flattered) and wanted you to know what I do and available.

If they don't ask questions, leave. YOU ARE PLANTING SEEDS, not harvesting. Later on, find ways, excuses, to cultivate.

## SoloSez Popular Threads, July 2013

Consider "farm" technique that some REALTORS use.  
John Page, Florida

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I disagree. I have had a few people drop in on me and I find it INCREDIBLY annoying. If I don't know you and you just pop in on me I am never going to want to meet you because you have no respect for my time.

One of my best friends and best referral sources I met by sending him a personal letter inviting him to coffee. I saw his website while searching for other international attorneys in my area (checking out the competition). I found he did exclusively customs law; which complements but does not compete with my practice. I enclosed a copy of my brochure, and mentioned quite specifically in the letter why I thought we could work well together. It took him about 3 months to get back to me because he was busy, busy, busy.

Since then we've been best friends. We've worked together on cases. We've cross referred. We've celebrated holidays and gone to parties together.

If I had dropped in on him during his busy time a) I probably wouldn't have met him because he was so busy traveling and b) he would have thought I was a kook for showing up at his door uninvited.

Michelle Rozovics, Illinois

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All "strong" sales techniques have the potential for backfire. Salesmen accept this on the "sell-'em-or-spoil-'em" theory.

I suspect even those who are annoyed will remember the caller as someone who will go the extra mile & may use them later.

WHO KNOWS .....without trying. And salesmen also say, "When you have little to lose and everything to gain, BY ALL MEANS TRY."

John Page

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I agree with Michelle. It's one thing to arrange an appointment or coffee with someone. It's quite another to just drop in. Apart from taking up the person's time when they weren't expecting you, the whole thing reeks of "I'm trying to learn about you so I can get some business from you."

I've found that initial encounters with prospective clients outside their business work best. I've met clients at tech council meetings and even on the plane once. In those contexts showing genuine interest in what someone else does doesn't come across as a marketing ploy, and on several occasions

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I've actually been invited to visit the person's place of business to find out more.

Kevin W. Grierson

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Conduct a free CLE. I bet you could get a reasonably priced conference room in a hotel somewhere. You would be the event sponsor and get CLE approval through your bar. I secured a lecture hall at the law school for a very reasonable price. Get your powerpoints in order and maybe invite a colleague or two to help out.

I have done this. It was a pain, but the reviews were great. I used eventbrite for sign-ups and it processed everything.

If anyone showed up on my doorstep for anything and expected me to drop what i was doing to speak to them, that would be the last conversation we had. Respect for my time is #1. Of course, if you have a fist full of cash and need to retain me, I will take a break to write you a receipt.

Michelle Kainen, Vermont

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