

Rainmaking Matters



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Do Nice Lawyers Attract Fewer Clients?

“People want to do business with people they like.” That is one of the most common sentiments you hear about business development. For example, you hear it a lot in networking groups that involve referrals among professionals such as attorneys, accountants, and other financial professionals. But to what extent is being nice helpful to lawyers who seek to be hired directly by members of the general public?

There is some reason to believe that lawyers don't have to be as conventionally nice as, for example, a server at a chain restaurant. After all, lawyers are sometimes called upon to do decidedly not nice things. This is especially true in litigation or negotiations where there is a contentious relationship between the parties. A fair amount of the advertising for litigation on behalf of consumers and members of the general public in matters involving divorce, criminal defense, personal injury, includes a message of aggression against an opponent.



But does the fact that a client is expecting you to be not nice to a litigation opponent or an adversary in a transactional negotiation mean that they are willing to put up with you not being nice to them? I have never seen any research about this issue as it applies to lawyers. This may be because many lawyers and law firms would be uncomfortable with a suggestion that something other than nice might be effective from a marketing standpoint.

There is, however, anecdotal evidence that consumers are attracted to powerful people who are abrasive. It's no surprise that some of the most popular reality television programs feature abrasive personalities who can be downright insulting. Simon Cowell and Judge Judy are just two examples. Their ability to be not nice is based in part on the perception that they do know what they are talking about and that their abrasiveness is legitimate. Likewise, some of the frustrations you see about how society is now too politically correct might be based on a feeling that too much niceness gets in the way of honesty, and that there is a place to be blunt and direct, even to the point of rudeness.

To be clear, I am not suggesting that lawyers be rude just for the sake of being rude. And an abrasive lawyer is more likely to pay a price with clients if their advice proves to be misplaced or the client experiences a bad result. And being abrasive to opposing counsel or difficult on the party on the other side of a deal doesn't excuse being unresponsive to your own client. There is plenty of evidence from state bar complaints and other sources that unresponsiveness is the single most common complaint filed against lawyers.

But can generally nice people be too nice when they seek to be retained by a client? Do some clients equate politeness with lack of confidence or even worse lack of being authoritative? Given that being nice has a certain gender-based element, some of the criticism that is leveled against women attorneys for being too pushy or aggressive reflects that we do expect people who have authority not to be nice on some level. The fact that this accusation is leveled more at women shows that how much niceness we accept is in many ways a social construct.

Just as some nightclubs become popular because they make it difficult for patrons to get in, lawyers should recognize that being an effective rainmaker isn't simply a matter of being nice. The relationship between being perceived as nice and being powerful and effective is complicated.

So how about you? Have you seen lawyers attract and retain clients in part because the client perceives that the lawyer is not nice?

I look forward to your thoughts and comments, and in the meantime have a nice day.



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