

TRANSCRIPT Episode 15 – David Ackert

Jonathan Bench: Today I'm joined by David Ackert, CEO of Pipeline Plus, which guides professional services firms to build stronger pipelines, deeper client relationships and sustainable growth. He is a business development thought leader and author of the bestselling award-winning book, *The Shortlist, How to Drive Business Development by Focusing on the People Who Matter Most*. David, thank you so much for joining me today.

David Ackert: Jonathan, it's a pleasure. Thanks for having me.

Jonathan: And I have to comment, and we talked about this before, that you and I got introduced to each other. This is our first conversation. We got introduced to each other by a mutual contact in Cyprus, of all places.

David: That's right.

Jonathan: So I think that indicates the power of real networks, real people who will connect you for real business purposes. And I'm sure you have a lot to say on that topic.

David: Well, I hope she's listening and I hope she knows how much we appreciate the connection.

Jonathan: So let's start with your background. I always like the origin story for every guest I meet, clients even. I want everyone to tell me the origin story, the most salient points of your background and how you got to where you are now.

David: Sure. Well, I came to be the CEO of a company that helps law firms with business development through one of the most circuitous routes I think you will ever find, which is through the entertainment industry. So I was a television actor for many years, and that was my first aspiration professionally.

Jonathan: Okay, so now I have to stop you and you have to tell me what you've been in. Maybe I've seen you, maybe I haven't.

David: Probably, you know, in the mid-90s to sort of early aughts, I was in a bunch of TV shows like *The West Wing* and *Six Feet Under* and *Jag* and *Bones* and *CSI Miami* and a lot of things that you'd have to dig to watch now, but they're still out there. And I was playing a lot of villain of the week because of my swarthy appearance.

Jonathan: You do look very intimidating.

David: I am. I'm actually secretly very evil. So just be warned. So anyway, that was my first career. And actually, the more I've worked with lawyers, the more I've met litigators who were also actors and then kind of transitioned into that and found the stage of the

courtroom to be more interesting and more satisfying than the struggling life of an artist. So I think I share some traits in common with folks like that. But basically, I was an actor for many years and started to become disenchanted with the feast-or-famine lifestyle that comes with that.

And then I started taking other jobs to kind of explore what else I might do, including I was at a tech company for a while running their business development function. And I met my wife, who's a lawyer, and it was really she who pointed out that maybe it was time to refocus. And so she helped me see how many of the skills that I had been developing—whether that was business development or communication or presentation or technology—are all things that were emerging in the legal industry and also skill sets that most lawyers didn't learn in law school. And so I think she wisely pointed out that this might be a really productive direction to pivot into. And she helped me develop our first business development curriculum and helped make some introductions to get the whole thing moving. And the rest is history.

Jonathan: Here's a good question for you. Are there too many lawyers in the world?

David: I don't know how to answer that question. I haven't met all of them. I've met a few where I thought maybe there are one or two too many, but people who are drawn to this profession who are not lawyers but who are business professionals and looking to elevate the commercial acumen of the profession, I think, are really drawn to working with people who are skeptical, working with people who are really smart, working with people who are sort of neurologically wired a particular way. And it requires an understanding of that persona so that you can help them.

Jonathan: It's really interesting because I half-jokingly tell people that I was the business development or marketing guy who went to law school because no one told me not to. No one told me I wouldn't belong there. So when I got there, I figured out, I don't really belong here, but I'm already here. And I dumped the time into taking the LSAT. I was a good student, but really didn't know anyone. I'm from a small town in the Midwest. And so I didn't really know any lawyers. I didn't really know what people did outside my small sphere of influence, which was my parents—both teachers.

David: Yeah. Yeah. Yeah.

Jonathan: And so this resonates with me. And even at my first job, I felt very out of place. A small law firm, great lawyers, well trained, but very different personalities from mine.

David: Yeah.

Jonathan: And I didn't have any mentors who I felt really understood the way my brain worked. And so I just assumed I was a bad lawyer or unskilled in the right ways. And I would never be a good lawyer.

David: Yeah.

Jonathan: And so I've tried to be the mentor through the years now as I'm coming into mid-career, I guess, for people who are looking at law school and especially young people who I see as having a similar skill set to mine, but not necessarily knowing the path forward and how to carve out their own place within a legal infrastructure, which can be very robust.

David: Yes. Well, I'm sure you're familiar with some of the research that's been done. I mean, people who are drawn to the legal profession, and my wife is certainly one of them, tend to be very analytical. They tend to be more risk averse than the average person, and they tend to be certainly much more skeptical. And all of these skills are critical for good lawyering, but they really get in the way for good marketing. And they also become stumbling blocks for business development, which is very much based on a willingness to show emotional vulnerability, a willingness to take risk and connect with people perhaps you don't know so well with whom you don't share as much in common, but really looking to explore and discover commonalities that might not have been immediately obvious. And it really is less of a flex of the analytical brain and more of a flex of the emotional side of the brain. So, you know, these are obviously things that lawyers are capable of, but they usually—it's helpful if they're guided through the process because it's not necessarily immediately obvious to them.

Jonathan: That's great. So many questions. And I know that you recently—I was looking at, I think, your LinkedIn profile—you were at a very well-known law firm, probably delivering some training on this very topic. So I know that you're well-connected, you're well-read. Certainly what you're preaching resonates very well with me. I tend to be the person when I show up—I'm at my third law firm now because I bounced around the country a bit—and every time I show up, I've learned to kind of let my partners know to expect strange things from me, you know, kind of out-of-the-box things, kind of like launching a podcast at a very traditional law firm where I now have my own podcast room that is being iterated slowly into what I want it to be. But it's been very fun. And so I've just learned to set the tone when I go into a room or into a place and say, I'm probably going to do things a little differently than you're used to. But the relationship-management side of my brain is where I gravitate toward. And as a position of—my first week on the job at my law firm in Maine—first job, first week—my managing partner came and gave me a file and said, I've got a client coming in. He and his brother have been fighting over the business. He wants some advice on what

he should do. And he said, read the file. It's pretty straightforward. I want you to run the meeting.

David: Yes.

Jonathan: And so that was my first time—I'm 30 years old, fresh out of law school—and this client is asking me for advice, and I was kind of blown away. And I said, I wasn't expecting to be in this kind of position of trust. On the topic of things that law school prepares you for and doesn't prepare you for, there's a long list of things on the other side of the coin.

David: Yes. Yeah, well, I think most lawyers would agree with that: law school teaches you how to think, not necessarily how to deal with situations that you're going to encounter once you start practicing. And you mentioned earlier that at your firm, you can sort of warn them—be prepared for some strange things. I think to the industry's credit, there has been quite a bit of evolution over the last few years and more of an openness to hearing about different approaches to things. Which I think is necessary because marketing is changing. Business development is changing. AI is influencing everything—from the way that we promote our practices to the way that we practice and to the way that we, I think, will be distributing labor as we look for leverage in the law firm model. So all of this is going to require some evolution.

Jonathan: So let's talk for a minute about this concept of lasting relationships—business development versus the norm for professional services. How do you help firms understand this need to pull in other people, other types of brains? Do you find that it works better if they're not lawyers? Or do you encourage the firm to look at their current makeup and find people like me, who was just stuck in my first job grinding out 10–12 hour days and feeling like I had more to give in a different way, but the format was different? There wasn't a real... I didn't feel like I could raise my hand and say I'd love to be part of this in a different way. So how do you help them think—even initial conversations with firms that tend to be very traditional but know things are changing, especially in the last few years with AI?

David: Sure. It's not about background. And I do find that less and less firms are fixated on, “Yes, but do they have a JD?” or “What's their pedigree?” I think firms recognize that things are changing and that they have to be open to new ways of thinking. But ultimately, it really comes down to a cultural resonance. There are some firms that are going to culturally resonate with more innovative approaches than others. And I'm not even sure what I'm out there talking about is all that innovative. I mean, at the end of the day...

The book that I wrote is *The Short List: How to Drive Business Development by Focusing on the People Who Matter Most*. And when I share that concept with lawyers or law firms,

most of them are relieved. They're like, wait a minute—you mean less is more? I can just focus on the people I'm familiar with and double down on those relationships? Maybe they're my key clients. Maybe they're a few trusted referral sources. Maybe it's a few internal relationships where I'm collaborating and cross-selling. And I could actually grow my practice that way? Because I keep hearing that I'm supposed to be a serial networker or I'm supposed to go out there and attend every industry conference and somehow find another part-time job's worth of non-billable time to grow my practice—and then pile social media on top of that and everything else.

Jonathan: Okay.

David: And the fact is—you can make yourself very busy with marketing and business development without necessarily being particularly productive.

Jonathan: Absolutely.

David: And so what's important to recognize—and this is maybe a newer thought that firms are starting to grasp—is that the traditional way of thinking about this is instinctive: there are finders, minders, and grinders. And you're either a natural-born rainmaker or you're nothing. That binary is being challenged. And people are starting to recognize that yes, there's such a thing as a natural-born rainmaker, and you should empower and incentivize them. But there's also something to be said for the relationship between input and outcome. Every lawyer at your firm has a shortlist. Every lawyer has an inner circle of relationships where they're comfortable. And if they just had a few additional exploratory conversations, or got to know their clients' businesses just a little bit better, or got to know the capabilities of the firm better to cross-sell more effectively. They would thrive far more than by simply grinding away on the billable hour and being blind to everything else. So how do we encourage those lawyers? How do we incentivize them? Because these are not the lawyers who will naturally go out there and make rain. They need to hear the right rhetoric from the firm. They need to hear that the firm recognizes this might not come naturally to them, but believes in them. That with the right support—internal folks like Jonathan, meaningful early training, exposure to frameworks like those in *The Shortlist*, external coaching programs, and access to technology that helps them track relationships and ideate outreach with AI—they *can* succeed. Rather than rely on the old fallacy that “good work speaks for itself.” That practice will *not* grow on its own.

Jonathan: I think back to when I talk to younger lawyers now at my firm and I just get a little history. The first firm I started at: 30 attorneys. The second: about 20. And now I'm at a firm of about 200. I've taken on new leadership roles pretty early on, whether by default or

because of interest, and I want younger lawyers to succeed. We have retention problems in the law generally.

David: Sure.

Jonathan: Part of it's motivation. Not that we don't motivate them well enough, but we don't—I don't think we have enough conversations with younger lawyers about what they *really* want. And I see this with my kids. My oldest just turned 18, getting into college age.

And so I try to be more of a mentor. And I tell them, I don't want you to do exactly what I'm doing. It doesn't make sense for you to. But I want them to start with this idea that the business development side of your life should be something you look forward to.

So that's where I want them to get. If they have a hockey league on weekends, or they do art or musicals, whatever they're into... I want them to focus on that and start with this immediate network of people they're very close to. And maybe it's now going to lunch with someone they've been playing hockey with for two years. Or finding out what everyone on the team does for work. Or at kids' sporting events—getting to know the parents better. This is a natural network. We're all sitting around on Saturday mornings. And it's okay to deepen the relationship.

My tagline at my firm is: *I want you to do what you like*. And then you'll naturally look forward to events or meeting new people. And if people are happy doing what they're doing, making the money they want, and want their job to be 9–5 or 9–7 or 9–9—I don't push them beyond that. Maybe you're telling me I should do more...

David: Yeah. No.

Jonathan: But I really do. If people are happy and great technicians, then I want them to find joy in this otherwise scary thing called business development.

David: Yeah, that's absolutely right. Everyone needs to play to their strengths. And if their strength is simply being a technician and billing time, then you're absolutely right—that's where their focus should be.

I do want to point to something you just walked through, which is that this more authentic approach to relationship development is critical. Something firms are embracing more and more. Lean into what you like to do. But you talked about a transition I want to underscore, because this is the rub: if you say to a lawyer, “Okay, you love hanging out with your friends on the weekends or going to art class or whatever it is. Just do more of that and get to know these people better.” That's a very comfortable ask for most lawyers. And again—shortlist thinking: keep doing what you've been doing, just shift your strategy.

Now, this is key: lawyers struggle to get out of the *friend zone* with these people they've been hanging out with at hockey or art class. They default to the notion that “good work speaks for itself.” If I keep showing up and being a nice person, one day someone will say, “Wait, you're a lawyer, right? We have an M&A transaction...”

That conversation will *never* happen if you're waiting for your presence to speak for itself. At some point, you have to transition the conversation toward business. Away from casual topics and toward things like:

“How are things at work?”

“How are things at your company?”

“I'm seeing this trend among clients—are you seeing that too?”

And if you get vague answers like “same old, same old,” you need strategies to dig deeper. One technique I teach is the *Lately Technique*. If I ask, “How's work?” and you say,

“Busy as usual,” my follow-up is:

“Really? What does *busy as usual* look like lately?”

That word—*lately*—invites detail. And that detail is what helps you transition out of the friend zone.

Jonathan: That's great. Lawyers—good lawyers—should be asking follow-up questions. You're never satisfied with the first answer. You have to keep digging.

David: Yeah, but it requires an emotional muscle most lawyers haven't strengthened. They don't know how to navigate that conversation without making it awkward, and they certainly don't want to be awkward. So they take the hint and move on. Training them to steer into the conversation rather than be deterred is part of the muscle they need to develop.

Jonathan: Let's talk about technology. I know that you have some technology that you incorporate, but I'm not familiar with it. So give me a rundown on what kinds of resources you would point lawyers to—to help either organize this, be trained, gamify it? What tools have you seen work?

David: Sure. When we work with firms, a lot of times they license our e-learning technology. That makes associate training much more efficient. If associates have access to a five-minute video that gives them, for instance, this Lately Technique, and then meet as a group with someone like you facilitating—that's very efficient. They arrive with five minutes of prep, ready to apply a concept to their practice. Traditional training—hour-long

lunch-and-learns—isn't as interactive. The other technology we developed is called *Tracker*.

Jonathan: Excellent.

David: And Tracker is basically where you track your shortlist. Lawyers enter their clients, prospects, and referral sources. The tool gives reminders—“Hey, you haven't reached out to Jonathan in three months.” And then it provides suggestions about what to say. For example: based on Jonathan's latest podcast, here's an opener. Or based on the fact he attended a conference, here's something to talk about. It just gives helpful, relevant prompts.

Jonathan: And is this the kind of thing that a lawyer might delegate to their assistant to help track their world? Maybe I'm unusual. I'm probably on the far end of the spectrum—my immediate circle of friends is extensive. I always say you can't have too many friends. But you also need touch points. Ways to keep up with them. And I'm in touch with people across conferences, social media, WhatsApp groups... So for a younger lawyer—say a fifth-year associate eyeing partnership—how would they use this app? Would the goal be five contacts? Walk me through the mechanics.

David: Sure. This is all based on data we've gleaned from user behavior in Pipeline Plus Tracker for 14 years. Thousands of users. What we found is that those who consistently grow a book of business have certain behaviors in common.

First: their shortlist is between *nine and 35 people*. It's okay to have a thousand friends, but you're never going to go deep with a thousand people—especially if you're billing 1800 hours a year. Identify the 9–35 people most likely to help you achieve your SMART goals: specific, measurable, achievable, realistic, time-bound. Even a fifth-year associate should have SMART goals: make partner, develop a niche, sit in on pitches, etc.

So who are the people most likely to influence those outcomes? Practice group leader. Partners who bring you into pitches. Folks like Jonathan who support you. Law school alumni rising in their organizations. But they're not likely to send you work if it's, “Hey, I know we haven't talked since law school...” They need to have been on the shortlist for years.

Jonathan: So we've only got a couple minutes left. I want to be respectful of your time and our listeners. I love this conversation—this is something I geek out on all day.

David: Me as well.

Jonathan: So for a hypothetical firm that's good, but business development isn't forefront—how do you get leaders to start embedding BD into the firm's DNA? What are the first few steps from zero?

David: Sure. We talk to firms like this often. Ultimately, we share that there is a growth pathway all firms need to follow, especially those earlier in commercial maturity. The growth pathway is: Educate, Empower, Embed.

First: Educate the BD team and the lawyers on a unifying methodology. Maybe it's the shortlist. But what's the language everyone's going to speak? There must be unifying themes.

Next: Empower. Empowerment usually involves coaching. We talked about the lawyer who needs help getting out of the friend zone. Coaching helps shift behaviors.

Finally: Embed. How do you embed BD into the culture so it's not just lip service at the retreat? You need someone driving it, rewards tied to doing it, and gentle repercussions if you don't. Leadership saying, "We noticed you haven't engaged—what's getting in the way?"

Jonathan: Excellent. I have lots of ideas now to take back to my partners. This is why I had you on—so I could get a free 30-minute coaching session.

David: Happy to do it.

Jonathan: So maybe we'll close with one of my favorite questions. If you were not doing what you're currently doing, what would you be doing with your life?

David: Oh, I suppose I'd probably be working on the next book. Writing *The Shortlist* was very satisfying creatively. It helped me crystallize concepts I'd been using for years but hadn't packaged. We consultants—like lawyers—charge for our time. Not everyone is ready to invest. So I wanted something accessible for \$18. I've started kicking around ideas for a follow-up book, and I'd probably immerse myself in writing that.

Jonathan: That's great. Well, David, thank you so much for your time today. It's been fun. As you can tell, this is something I think about constantly. I'm not an obsessive person except when it comes to business development. It's fun for me. I appreciate your time and look forward to meeting in person and catching up again to hear your latest sage advice—and maybe about the next book.

David: It's been a pleasure, Jonathan. Thanks for having me.

Jonathan: Thanks.