



## **Office of the General /Counsel/ Fundraiser: Developing Your Fundraising Skills as a Lawyer**

**Nonprofit Organizations**



## CHEAT SHEET

- **Be credible.** While donors might be motivated by a cause, emotional appeal or ambitious goal, they most likely will give because they were asked by someone they know, like and trust.
- **Make a deal.** Ask for a dollar amount, get a concrete “yes,” then set a schedule for making it happen.
- **Maintain your contacts.** Just like any other professional relationship, don’t stop talking to someone after you get a little money out of them.
- **Deal with the no.** You deal with “no” all the time as a lawyer, and you’ll deal with it in fundraising as well.

You may work for a nonprofit organization or serve on a nonprofit board of directors. You may have a cause you care passionately about. Inevitably, somebody is going to ask you to help raise money. Does the idea of your involvement in a fundraising campaign bring a cold knot of dread to your stomach?

Maybe you think you don’t have the skills you need to successfully fundraise for your nonprofit organization. You do. Everything you need to know you learned years ago. So let’s talk about what you know and how you can apply it.

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In brief, effective fundraising is not about making a cold call asking for money. It's about getting to know a person or organization, letting them get to know you, learning what they care about, offering solutions and then making sure you maintain the relationship in the long term. Now that process should seem much more like your day job. Let's unpack the fundraising process into a series of steps.

## **Build credibility**

In-house lawyers know all about building trust. We can't help our client unless they trust us to help them achieve their goals. We can't negotiate effectively unless we trust the attorney across the table to behave in an honest and ethical manner. Our reputations are built slowly and within a close community of associates. It is not enough to be trustworthy on this one transaction; your relationship with a donor will continue through many more campaigns and events. They need to feel like they know you enough to trust you; it helps if they like you. You could have the most noble and exciting cause in the world, and your donor could be swimming in cash that they're dying to give away, but they won't give you anything if they don't trust you. Before you can sell your product, you have to sell yourself. Ultimately, while donors might be motivated by a cause, emotional appeal or ambitious goal, they most likely will give because they were asked by someone they know, like and trust. People give to people.

## **Build a personal relationship**

Every first year law student learns that you can't just walk up to a stranger and ask him or her to give. Whether you're asking for an internship, a job or money, you never start with the ask. You start by building the relationship. You've likely been expressing empathy and engagement with your clients for years, and interacting with donors is exactly the same. Humans are social creatures and we long for personal connections. They help us build trust, a necessary first step if you plan to ask them for money.

## **What's their motivation?**

It may be clichéd to think of the young actor asking "What's my motivation?" but the truth is, nobody does anything without a reason. One of the authors of this article, Kristen Tassone, counsel at Goodwin Proctor, forgot this once during an interview in her college days. The interviewer pointed to her pen and told her she wanted Tassone to try to sell her the pen. Tassone went on and on with what she thought was a pretty good sales pitch for a rather nondescript pen, without convincing the interviewer to buy the pen. It turns out that while she was extolling the virtues of a click pen over a pen with a cap, all that the would-be purchaser cared about was that the ink would be blue. Tassone got the job, but never forgot the lesson that you can't sell without understanding what the other party wants to buy.

Around 70 percent of the time you meet with a potential donor should be spent listening to them. Lawyers know that listening is more than just not talking. It is the well-developed skill of keeping your mouth shut while the other person answers your (sometimes unasked) question. You take mental notes and ask follow-up questions to get the information you need. Your job is to find out what motivates the potential donor so that you can sell them your "solution."

## **Make them the hero**

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Once you understand the potential donor's motivations and interests, it's time to paint a picture for them. Actually, it's better to create a movie. Describe the situation in the world that you now know they care passionately about. Tell the story of what happens if nobody does anything, but then show him or her the power of one individual who cares. Ask them to imagine the impact that he or she can have by becoming involved. By showing them that they are an agent of change, you are offering the opportunity to be the hero of the story.

And, while sharing this story is an important step to fundraising success, you will be even more effective if you add an aspect of your personal story. You've already established that the prospective donor trusts you and probably likes you. Connecting the case for support — the story — to you will be even more motivating for them.

Everyone wants a chance to feel like they can make a difference. If you can make them feel like their gift is an opportunity for them to act on their own desires, you're 75 percent of the way there.

## **Create a sense of urgency**

Even good gift solicitations can fall short if there is a lack of urgency in the ask. Sure, your prospective donor agrees with the need and senses the opportunity for them to be a change agent, but they do not feel the need to give now. You need to give them the reason to say yes today.

Urgency can be established in many ways. All campaigns have a deadline — the end of a fiscal year or the completion of a capital project — that you should always highlight. At other times, urgency can be illustrated by showcasing your prospect donor's gift to encourage the giving decisions of others. By making their influential gift today, they will help motivate others to follow through on their commitments.

## **Close the deal**

You've had a great conversation with your potential donor so far — maybe several great conversations. Now it's time to get down to business. You need to close the deal. Most adults hate asking someone else for money. It runs contrary to our nature as self-sufficient beings. It also makes us feel like one of those sales people. You know the kind. The problem is, you aren't one of those sales people. You've built a relationship with your potential donor, found their motivation, shown them how they can be your organization's hero and now you need to give them that chance. Ask them for money.

Just like asking someone for anything else, specificity is the key to making it happen. Make a concrete ask for a dollar amount, get a concrete "yes," then set a schedule for making it happen. Until you've done this, you haven't actually closed the deal. Nobody ever went out with a friend after agreeing to "grab a drink sometime." You pick a date, time and location, and make a solid plan. Do the same for your donor and they will follow through.

### **In a nutshell:**

- Be credible.
- Work from personal relationships. It's easier to say yes to someone you know.
- Find their motivation. You can't offer a "solution" until you know the "problem."

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- Make them the hero. They have the power to make the impact, you're just guiding them to the opportunity.
  - Add your personal story.
  - Aim high, negotiate down.
  - Create a sense of urgency.
  - Close the deal. Make a concrete ask and get a concrete yes. Then, stop talking except to say thank you and confirm the terms of the gift.
  - Keep the relationship going. Follow-up keeps feelings positive and primes the donor for the next ask.

## Start high

As with any negotiation, you want your initial ask to be a reach. Don't be afraid to make a bold ask. A common mistake made in fundraising is thinking that someone will be offended if an ask is too high but, in fact, the opposite is true. People only get offended when an ask is too low. They are flattered that you think that they can give that bold amount. Hopefully you have, either through research or relationship building, learned what the potential donor can afford. Now be direct: "Jane, I know you care deeply about X, and you understand how much additional resources are needed. A gift of \$25,000 could change the lives of Y people. Can I count on you for a gift in that amount?"

People feel good when they say yes, and bad when they say no. Think about how hard it can be to say no even to strangers: the telemarketer selling magazine subscriptions, the homeless person outside your favorite coffee shop or the kid selling cookies door to door.

Despite the displeasure people have in saying no, it is often their first answer. Don't get discouraged when this happens. Why did they say no? Before you can get them to say yes, you have to find out the reason they said no. It may be that your ask was just too high for them. Before you bring down your ask, think about the conversation so far. Have you heard what motivates them? Have you tied their motivation to a specific project or mission of your organization? If the groundwork of the conversation and relationship isn't strong, it won't survive an ask for a dollar.

When you bring down your ask, make sure you can tie it to a concrete reason. This is a great time to use the knowledge of your cause and make use of that research experience. If \$10,000 will keep one shelter running for a month, then what would \$9,000 do? What about \$8,000? Tying your ask to a real life result does two things; it builds credibility into the ask and gives the donor something to brag about. They didn't just give you \$1,000; they gave 10 homeless kids a bed and a warm meal for the week.

After you've achieved your objective — your prospective donor has agreed to make a specific gift — stop talking! Too often people feel the need to continue to present their case after the deal has been closed and this can only lead to the donor changing their mind. The only statements you should make after the gift is closed are thank you and confirmation of the terms of the gift.

## Keep it going

Remember, the first step we talked about was building a personal relationship. Just like any other

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relationship, you don't stop talking to someone after you get a little money out of them. Keep the conversations going and you keep the relationship going. It's five times more expensive to cultivate a new donor than it is to keep an existing one, and your goal now is to build a foundation for the donor to continue their giving into the next campaign and the next year. So how are you going to keep the relationship going?

Start with a thank you. Thank the donor for their gift, their time and most of all their caring. You want their act of giving to feel good, whether you got exactly what you were looking for or not. The thank you is the first step in cultivating the donor for their next gift.

Keep them engaged with the campaign and its progress. Your program is important enough to them to give you money, and they care about the outcome. Periodic progress reports keep your organization fresh in the donor's mind and make them feel like a part of your successes, which they are. They become invested in the project and want to see it succeed. If the project gets stuck in a rut, they can be a resource for expanding your network to other potential donors.

Prepare them for the next year's ask. While thank you's and regular updates are a great way to maintain your relationship with a donor, it should also be the build up to their next gift. Don't be afraid to bring their attention to other campaigns and giving opportunities other than the one they've already funded. You've taken the time to get to know this person, listened to their interests and motivations and helped them become an agent of change in a cause they care about.

Now you have a chance to do it again, so do it smart. This is a great opportunity to increase the ask and increase their buy in. Last year they gave \$2,000; this year they can make an even bigger difference with a \$3,000 gift. Did last year's gift go toward shelters for at risk youth? This year tell them about another project to reach those still on the street. This year they could continue their gift from the first year, and match it for the second project.

### **People who hate it become great at it.**

“When I was asked to join the board of the Gay and Lesbian Community Center of Southern Nevada, the board chair made it quite clear that the organization was soon starting a big fundraising campaign to build a new center. In accepting the position, I made it known that I would not solicit my contacts. Fortunately, for the center and me, the board chair accepted my condition but refused to let me avoid fundraising. As it turned out, I actually enjoyed it! People became excited about our ambitious project and wanted to join in the cause and make a difference. Seeing their excitement made me realize that I was actually helping them by asking them to give, because I was giving them an opportunity to feel good about themselves and their contributions. It was an emotional high, very similar to that feeling after winning a case, and it motivated me to get on to the next ask. I realized that these prospective donors trusted me as a lawyer and that trust carried through to believing in me when I asked them to make a commitment to the campaign.” –Gregg Kamer of Kamer Zucker Abbott, Las Vegas, NV

### **Dealing with the no**

Sometimes you lose a court case. Sometimes your client decides to settle in a situation where you're sure you could have won. You deal with “no” all the time as a lawyer, and you'll deal with it in

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fundraising as well.

Even though your job in fundraising is to anticipate problems and always get the yes, you're not going to have a perfect record. That's OK, and something you'll have to square. Whether your potential donor backs out at the beginning of the conversation, or has a great conversation and then writes the check to another charity, you won't win them all. What is important from that moment on is how you deal with the "no."

"No" does not have to be the end of the conversation, it just slows your progress right now. Keep the lines of communication open and value the relationship. The donor who doesn't give now may have a friend who feels more sympathetic. They might do all of their giving at a different time of year. If you maintain communication and keep them informed, you keep your foot in the door for a gift at a later date.

Remember that in your in-house day job, you constantly have to build relationships with your internal clients and third parties. You are most effective when you listen deeply and understand their motivations before speaking. You do better when you offer up solutions than make counter-offers. Finally, you do better the next time when you continuously nurture the relationships you've established. Fundraising is no different. Practicing making the ask in a fundraising context will make you a better lawyer. Raising the money itself is your opportunity to be the hero in your world.

[Rob Falk](#)



General Counsel

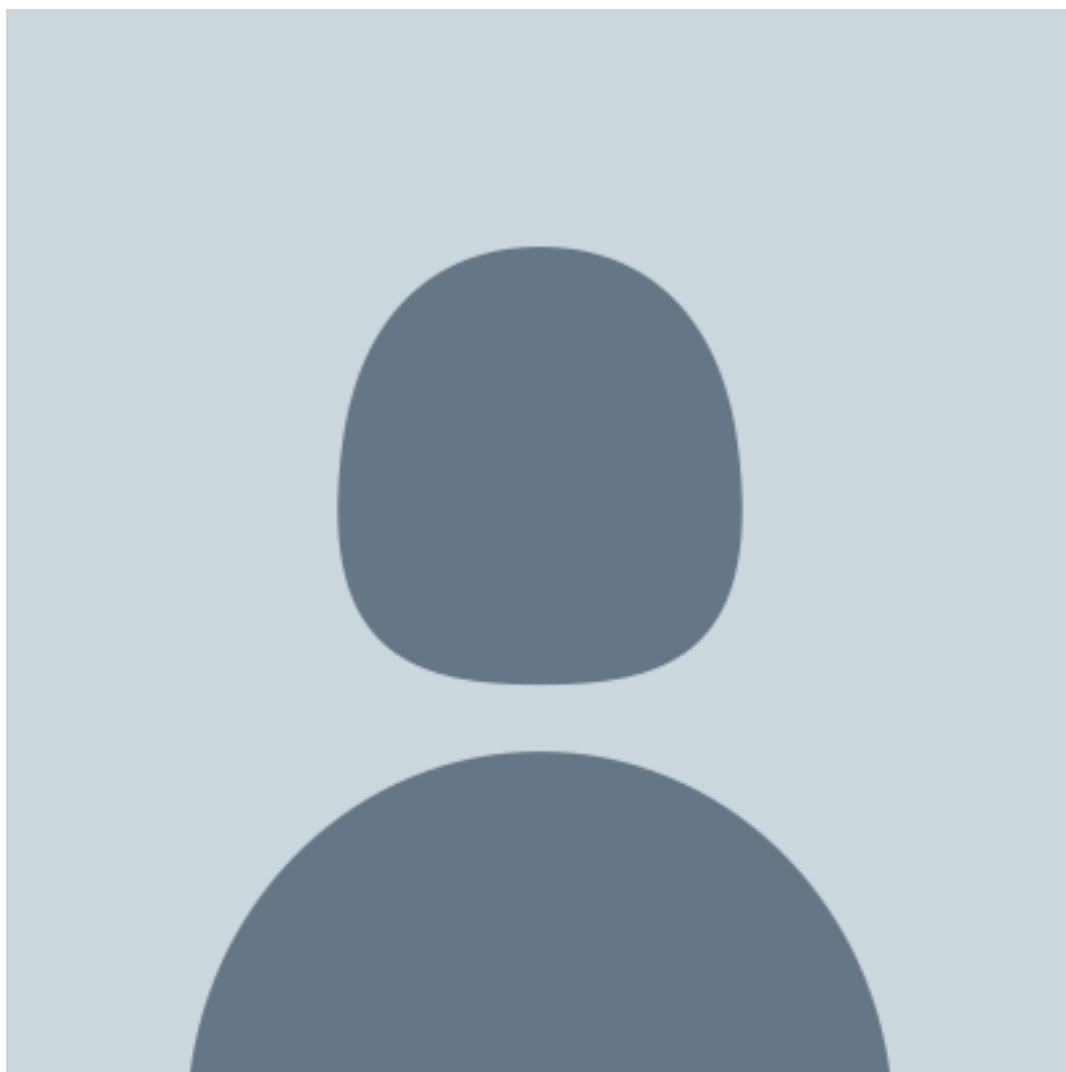
Truth Initiative

Rob Falk is general counsel of Truth Initiative and a member of ACC's board of directors. This article represents the personal views of the authors and is not attributable to their employers. He contributed the sidebars on individual diversity action plans and cultural agility growth charts.



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[Tom Kovach](#)

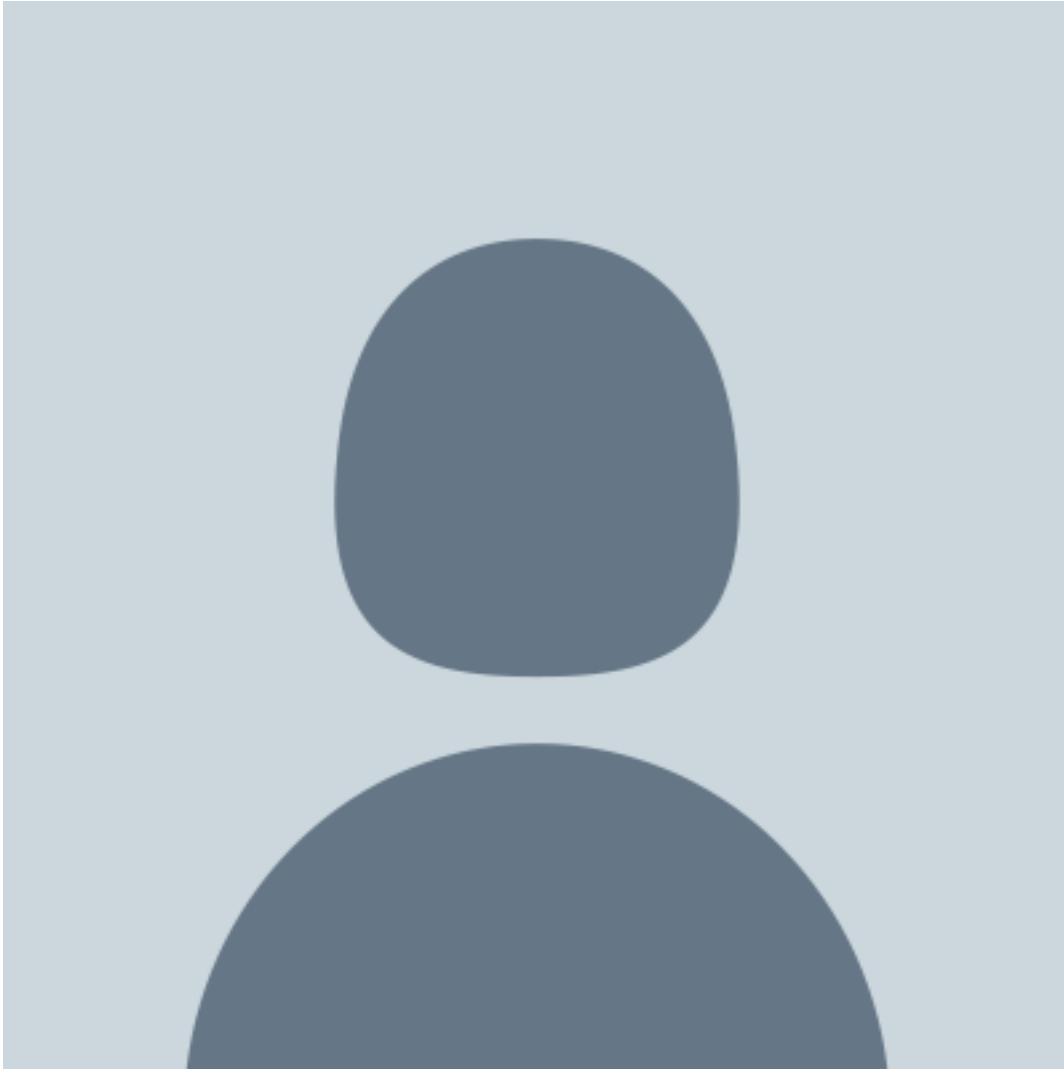


President

DonorBasis LLC

For more than two decades, he has provided fundraising, strategic and management consulting to nonprofit organizations in the United States and abroad. He graduated from Middlebury College.

[Kristen Tassone](#)



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George Washington University Law School

She is the senior chair of the National LGBT Bar Association Law Student Congress, and a former McCleary Law Fellow at the Human Rights Campaign.