

There's no Business (Development) like Show Business (Development)

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As you may have seen on LinkedIn, I've recently celebrated a year at MCMS as their first Business Development (BD) Manager. In addition to an obligatory post featuring an AI generated MCMS branded cupcake, I thought I'd mark the occasion with writing my first blog. Despite now being over 12 months into the role, one of the overriding questions that MCMS Directors, Jonathan and Matt, still get asked is, *why do you both need a BD Manager?* While I certainly don't want to talk myself out of a job, I have to admit it's a valid question

Not least because Jonathan and Matt have between them been appointed as adjudicators, arbitrators, mediators, expert determiners, conflict or dispute avoidance panel/board members in around 1500 construction and engineering disputes. And, of course, as full-time dispute resolvers, they differ from the professional services offered by so many others in the industry. In particular, expert firms. Experts (often in delay, quantum, or technical disciplines) may support one party to a dispute. Their business relies on being retained for engagements typically through law firms, contractors, or developers. Tribunal members, on the other hand, are appointed to resolve disputes, not represent or advocate for either party. While both worlds collide, and both groups operate in the same ecosystem, a tribunal member's obligations, and therefore approach to BD, are very different and present a number of unique challenges.

Selling the unsellable

In the world of professional services, BD is no mean feat. It's not sales. It's not marketing. It's somewhere in between. It's somehow all three. Expert firms, like many service providers, must be commercially visible, and so in most BD roles, the goal is simple: build visibility, promote your experts, and win work. This is made significantly easier by being allowed to market their people and services, doing so by, for example, hosting events, wining and dining lawyers, taking contractors to VIP sporting events, thought leadership, pitching for appointments and sponsoring the countless events and arbitration weeks. This list is endless. All of this is not only accepted, but expected.

But when your firm is home to the likes of adjudicators and arbitrators, traditional BD rules don't quite apply. Because, unlike consultancies or law firms, tribunal members and their supporting professionals are not just promoting services, they're navigating specific legal sensitivities too. In fact, much of the usual playbook such as targeted promotion, relationship management, and client-aligned messaging has to be handled with extraordinary care, due to a number of key challenges. For

example:

1. Impartiality: In the world of tribunal appointments, impartiality isn't just a professional obligation; it's the product. Dispute resolvers are trusted precisely because they appear (and remain) independent and impartial at all times, and as such, they don't have "clients" in the traditional sense. For BD professionals, this is tricky: how do you raise someone's profile without appearing to push them as a "hire" and win work from clients who aren't clients?

2. Overt selling: Following on from number one above, actively marketing tribunal services or pursuing appointments can raise concerns about independence. Aggressive promotion, sales-driven language, cold outreach can undermine the very neutrality that appointing parties are looking for. The line between visibility and marketing is thin, and missteps can quickly make a tribunal candidate seem biased, over-eager, or even unprofessional. How do you balance the pursuit of new opportunities with the need to maintain impartiality and uphold professional ethics? That's why BD in this context needs to feel more like curated presence than active pursuit. The strategy leans heavily on content, credentials, and quiet influence, never on pressure or persuasion.

3. Conflicts - Another core challenge is avoiding conflicts of interest while building a "client" base or professional presence. Professionals involved in tribunal work such as adjudicators and arbitrators must ensure they do not engage with parties or firms that are appearing before them. This includes careful screening of cases, clients, and affiliations. Transparency, robust conflict-checking procedures, and clear ethical boundaries are critical to prevent reputational or procedural issues. Of course, so many dispute resolvers know the score and are sensible and respectful enough to know where to draw the professional boundary, however, ultimately, successful BD in this area depends on cultivating trust, maintaining a low profile where necessary, and prioritising integrity over visibility. One badly judged article, one familiar conversation, or one ill-placed, late-night arm round a shoulder for a photo can cast, perhaps unfairly at times, doubt on someone's independence. But once trust is lost in tribunal work, it's hard to regain.

Times have changed

Against the backdrop of all of this, the world, and indeed the world of BD, has changed over the last few years. The post-pandemic era has ushered in new routines, and the old BD classics are starting to feel a bit, well, vintage. Five days in the office? Not anymore. Long, boozy lunches in the City? Fewer and further between. Seminars with 100+ delegates? If you're lucky. These have been, at least to some degree, replaced by remote working, hybrid events, and breakfast meetings if everyone is "in that day". And, of course, with a greater focus than ever before on physical and mental wellbeing, it's no wonder that running clubs, and sponsored cycle rides to Paris Arbitration Week are just some of the latest in a line of new networking trends.

None of this is a bad thing. Just different. And, of course, no matter what your working pattern or appetite for a physical challenge, there's always one ever-present opportunity for BD ... LinkedIn!

LinkedIn - algorithm or alchemy?

There's no doubt that LinkedIn remains the number one professional networking site and is almost always the "place to be" morning, noon or night. So much so that there's an argument it's gradually becoming more akin to Facebook over recent times. Once the go-to place for job opportunities, building connections, and white papers on the likes of renewable energy, such posts are now diluted by selfies, the occasional holiday photo and more personal topics. And it's often just these types of posts that get the most engagement. Tribunal members can take hours away from fee earning to write their views on the implications of the latest industry changing case in the TCC for it to be entirely shadowed (engagement wise), by a photo of their name badge from a recent conference.

There are certain schools of thought that suggest that authentic, personal posts are really important

and for every 4 posts, try and write 3 professional ones, and one personal one. Timing wise, Thursday morning was at one point the best time to post for maximum visibility, but nowadays such algorithms don't necessarily always ring true and the so-called "golden hour" seems to be different for everyone depending on your content, followers, persistent activity and engagement.

And that's just it. What works for some firms and individuals, doesn't necessarily work for others. Because, let's face it, we never know how, when and/or on what basis we're being judged? Be it by partners, clients, peers, LinkedIn followers and by ourselves. Which is why we often feel the pressure to be everywhere and do everything - breakfast briefings, conferences, arbitration weeks, podcasts, running clubs, social media, you name it. If it's not on LinkedIn, did it even happen? Of course it did. But, how do you promote tribunal members without, well, promoting tribunal members?

What BD can do if it's done thoughtfully

Despite these challenges, changes and constrictions, there is undoubtedly space for BD in tribunal work. To answer those who still question the why's and the how's, it just requires a more subtle, strategic, and trust-based approach. So, here are my thoughts and suggestions:

1. Longevity over visibility: BD in tribunal work is about playing the long game and takes place on a much slower timeline. One article in a legal journal won't lead to an appointment next week, but it might plant the seed for one year down the line. Similarly, a panel seat at an arbitration conference isn't about direct leads, it's about association, recognition, and trust that accumulate gradually. It's a patient, layered approach. Less about chasing the short-term wins, more about curating a long-term narrative.

2. Word-of-mouth credibility: Equally, a tribunal member's name shouldn't just be familiar, it should be respected and building that kind of credibility compounds over time. Familiarity is less about visibility and more about strategic consistency which can take time.

3. Establish thought leadership, carefully: To assist with building credibility, encourage tribunal members to write or speak on neutral, educational topics. They should avoid content that favours claimant or respondent perspectives or issues which the dispute resolver is currently deciding upon.

4. Promote the process, not just the person: Following on from point three above, rather than persistently pushing the skills and experience of the tribunal member, have them take part in wider industry events or publish insights which focus on procedural changes, enforcement trends, or commentary on systemic improvements. Again, thought leadership pieces, neutral panel discussions, and publications in legal journals can build authority without compromising impartiality. It's a "quiet professionalism" influence through expertise, not branding.

5. Strengthen relationships with industry gatekeepers - It's not just what they know, it's who knows them. Tribunal appointments are rarely won through traditional sales funnels. Instead, they emerge through tight-knit professional circles and relationships are still very much at the heart of BD. These stakeholders make decisions based on reputation, past experiences, and word-of-mouth trust so tribunal members should work with professional bodies (RICS, CI Arb, TeCSA, etc.) to share knowledge and increase visibility on panels and events. Maintain contact and relationships with law firms, by all means, but steer clear of the "sales" pitch and, as a BD manager, certainly don't over-do it when the firm/lawyer is currently in front of the tribunal member.

6. Conflict awareness - last, but by no means, least, avoid inadvertently creating conflicts. Make sure marketing doesn't suggest a preferred party or sector. Make sure you're aware of past and current appointments when networking and avoid any commercial entanglement that could inadvertently impair their neutrality.

Conclusion - The BD Balancing Act

I've only been doing a BD role for 3 years, so I'm not pretending to have all the answers. I'm not even sure there necessarily are any answers, or any silver bullet or any one-size-fits-all, because what works for one firm, or one dispute resolver may not work for another.

But, broadly speaking, when it comes to BD for tribunal members, it becomes a subtle, strategic game of trust-building and reputation management. That includes supporting them with consistent thought leadership, selective networking, profile maintenance and keeping up with emerging legal trends that may align with their expertise. Visibility is important and valuable, but trust and consistent thought leadership matter more. In a field where reputation is everything, and everything is a potential conflict, BD must speak softly making the BD process more discreet and relationship-driven than overt sales or advertising.

In short, BD isn't always straightforward and, nowadays, it can feel a bit of a patchwork when you're trying to do the right things, at the right time, with the right tone. As tribunal members, you want to be visible, but not partisan. Recognised, but not "in demand" in a conventional sense. The line between reputation-building and reputation-risking is extremely thin and often shifting. However, in a world of shifting expectations and ever-evolving platforms, one thing remains: people still buy people.

So, as we're surrounded by AI, deep fakes, social media personas, and product placement, authenticity and credibility really matter, perhaps more than ever. The irony is, of course, not lost on me, that one of my most popular posts was the AI generated, overtly branded MCMS cupcake celebrating my (hopefully perennial) role as their BD manager ...



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