

In-House Legal Staff Can

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Market Its Own Product

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THESE DAYS, in-house counsel are painfully aware of marketing. As the target of law firm marketing initiatives, they constantly receive newsletters, unsolicited brochures, luncheon invitations and other end products of law firm strategies.

Yet, while often maligning these developments from the client's point of view, many in-house counsel fail to realize the role that marketing plays in their own environment. As companies continue to build their legal staffs, it

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becomes incumbent on in-house lawyers to develop and implement marketing strategies and activities in order to develop and serve their "captive client."

Although some in-house counsel recognize the need to market internally within their company or organization, like outside counsel they often are unfamiliar with marketing concepts and techniques. What should corporate counsel be doing to market their services effectively?

The marketing concept, stated simply, is to sensitively satisfy needs. The purpose of marketing efforts cannot, and should not, be reduced to the self-serving goal of survival. Ensuring the continuing success of the department is an important byproduct of a well-designed marketing effort. But the in-house legal staff also must ensure that it is meeting the needs of its own clientele: the organization's management, staff and departments.

This means providing far more than a work product of good technical quality — it means identifying and meeting the client's expectations for the work. Many lawyers, both inside and outside counsel, find that what the client perceives to be a high-quality legal service may be quite different from what the attorney perceives it to be. In most cases, for example, an easy-to-read and understandable two-page contract will be much preferred to a highly technical 30-page document.

The 'Four P's'

The classic definition of marketing consists of the "Four P's": product, price, place and promotion. Although legal services are basically intangible, this product-oriented definition still can illustrate the broad scope of the marketing function in an in-house legal department.

"Product" includes decisions about the department's services and person-

nel. For example, which legal services or other services will the department provide, instead of obtaining from outside vendors? What methods will be used to develop the technical capabilities of the department — training, or lateral hiring? What types of professionals — paralegals, for example — will the department contain? In a few cases, the department produces tangible products such as briefs and contracts. Other product issues, therefore, involve the production of legal work, such as the development of form files or research memoranda libraries in order to improve efficiency.

As for price, there are many potential price-related issues for an in-house legal department. How will the department measure or demonstrate its value to the organization — that is, how are costs and benefits shown? Will the professionals in the department record their time; if so, will it be billed back to

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Marketing Can Play a Role In-House

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the internal users? Billable hours present many of the same problems for in-house counsel that they do for outside firms. Can the concept of value billing be incorporated for in-house staffs? Can joint incentives be developed?

"Place" denotes the distribution function. For a product, this concept is easy to understand; one can see the product literally move from assembly line to warehouse to retail store. For legal services, the distribution function encompasses everything involved in delivering the service to the client. This involves conference rooms, fax machines and computers. As one specific example, the use of modems to connect the computers of the in-house legal staff and outside law firms falls within the distribution element. Another part of the distribution function is the telephone system — as well as lawyers' telephone responsiveness.

The final "P," promotion, is the most visible aspect of a marketing effort. It is the aspect that gets the most attention from outside law firms in the form of brochures, press releases, newsletters and announcements. The in-house law department can use the very same promotional tools. For example, newsletters can be used to apprise other departments or areas about changes in laws, policies or procedures. Brochures can introduce the department and its staff to the rest of the company.

Strategies and Tactics

Marketing, in the broadest sense, touches on almost all aspects of the legal department. It includes strategic issues as well as tactical responses.

The major areas of concern for in-

house legal staffs in marketing include:

External communications and information. This involves communicating to those outside the department what the lawyers do, what services the department offers and how the legal staff can help — that is, when others in the company should use the in-house staff. It also involves keeping the client informed as to the status of a matter or problem.

Visibility and reputation-building. Like their outside counterparts, in-house lawyers should build their visibility and their reputations by means of professional and community activities. This will enhance credibility for the legal department staff and can be done through writing, teaching, speaking and involvement in professional associations, among other methods.

Internal communications and information. Within the department, the staff should take steps to collect and disseminate information on who does what, what resources are available in which areas of expertise and what procedures or policies are followed. The larger the department, the more necessary it is to implement formal channels regarding information and communication. Such procedures are particularly important for legal staffs that are located in more than one office or geographic location.

Client service. Last, and perhaps most important, the in-house staff needs to provide good service and to work at improving client relationships. On a tactical, day-to-day basis, this means finding out at the onset of a matter what the corporate client needs or expects in terms of turnaround time, fees and outcome. Is this a signif-

icant matter, or relatively small? Should outside resources be marshaled, or will a "quick and dirty" approach suffice?

On a more strategic basis, it means finding out if clients have been satisfied with the department's past performance, and whether they have or anticipate having additional legal needs. In other words, how can the in-house legal staff position itself — in terms of size, capabilities, accessibility and re-

By incorporating a marketing strategy, in-house counsel can better meet the company's needs.

sources — to be of the most assistance in the future?

Marketing Tools

In order to achieve the objectives of effective internal and external communications, increased visibility and excellent client service, the in-house legal staff must set out some specific strategies. The marketing methods available to the in-house legal staff include many of the same strategies used by outside firms. These include:

Research and surveys. In order to find out if its captive client is satisfied, the legal department can conduct in-