

DO YOU RECOGNIZE YOUR MARKETING PROGRAM?

by Sally J. Schmidt

As I travel from law firm to law firm, I often am amazed at the similarities in how marketing programs are organized—or not organized. In fact, some of the most common marketing structures are downright dysfunctional.

Whether a firm makes its marketing decisions in one of these ways is sometimes related to how long the firm has been engaged in marketing. In other cases, it is a result of the firm's culture and the degree of individuality that it allows.

Since many of these structures actually can produce negative results—as in poor use of resources, internal competition, ill-designed strategies and potential conflicts—I would like to use a few borrowed clichés to point out the characteristics of six faulty marketing programs, and the problems they may create for you, your marketing director or your firm.

Six Dysfunctional Marketing Programs

❶ The Squeaky Wheel Marketing Program

Defining Characteristic: The lawyers who demand the marketing resources get them.

Discussion: Without a marketing plan or firm-wide goals, decisions about allocating marketing resources are made on the basis of demand. So it's possible that the firm is spending money on lawyers who are ineffective marketers, and activities that will not produce results.

Result: The firm is not working toward any common objectives, and individual attorneys use firm resources to build their own practices and potentially portable books of business.

❷ The Flavor of the Month Marketing Program

Defining characteristic: Something more “sexy” or interesting always comes along to capture the attention of the marketing effort.

Discussion: In these programs, the attention span of the marketing director, marketing committee or marketing partner is relatively short, and new ideas always receive immediate endorsement. One month it might be a client survey, the next a home page, and the next an image advertising program, with no real commitment to any direction or strategy.

Result: The firm engages in scattershot initiatives instead of building a foundation and conducting the follow up necessary to achieve a real marketing success.

❸ The Monkey See, Monkey Do Marketing Program

Defining characteristic: The firm imitates the marketing efforts of its competitors or other law firms in its market.

Discussion: I can't tell you the number of law firms that have decided to undertake an activity because another firm is doing it. From hiring marketing directors to writing newsletters, their strategies simply reflect those that their competitors employ. My advice is, if another firm has already cornered the market on an activity, your firm should do something else; the innovator firm almost always receives the greatest rewards.

Result: Since these firms do not take the time to determine what they are trying to accomplish (their objectives), and the best ways to achieve these objectives, their marketing efforts are usually ineffective.

❹ The Pass the Buck Marketing Program

Defining characteristic: Something or someone else is always holding things up in marketing.

Discussion: I think the lawyers in this type of marketing organization would have a hard time

selecting just one response to this multiple choice question:

"I cannot do [whatever I was supposed to do] because:

- (a) The management committee never responded to my memo.
- (b) The marketing director never set up a meeting.
- (c) The brochure is hopelessly out of date.
- (d) My contact never called me back."

Result: No one ever takes initiative or implements marketing ideas.

⑤ The Grass is Always Greener Marketing Program

Defining characteristic: Other law firms' clients are a lot more attractive than the ones the firm already has.

Discussion: Usually the result of a poorly designed compensation system—providing too many incentives for origination or not enough for client retention—this type of program encourages lawyers to pursue new relationships, sometimes at the expense of existing ones. Taken to the extreme, some lawyers refuse to work on matters for the client of a colleague, or to introduce other lawyers into their own client relationships.

Result: Lawyers are chasing new business while existing (hard-earned) clients slip away.

⑥ The Every Man/Woman for Himself/Herself Marketing Program

Defining characteristic: Everyone in the firm gets equal time and resources for marketing.

Discussion: Obviously, not every lawyer has the same skills or opportunities with respect to marketing. While everyone should be encouraged, not everyone warrants the same resources. The internal competitiveness and lack of coordination usually found in this marketing structure even can be apparent to prospects and clients, who may see lawyers from the same firm call on them on consecutive days or notice a lack of internal

communication. Working together, the lawyers would undoubtedly see greater marketing success.

Result: The lawyers are not taking advantage of their collective contacts and ideas, and may even be pursuing conflicting opportunities.

Conclusion

There are some firms whose primary goal is just getting the lawyers to undertake marketing activities—any lawyers and any activities. And the last thing a firm should do is construct what the lawyers perceive to be barriers to marketing, such as processes, controls or approvals.

Still, without a better system for making decisions about marketing strategies and resources, many law firms will find their levels of activity and expense going up appreciably without corresponding results.

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