

# IS YOUR MARKETING STUCK INSIDE THE BOX?

By Sally J. Schmidt, Mark Beese, Phyllis Weiss Haserot, Linda Hazelton, and Diane E. Hamlin

**M**arketing and selling legal services is a totally unique proposition for every single different practice area, geographic location, individual lawyer, and law firm. And just as the clients differ, so do the tools that will attract them. Every situation requires a tailored approach. There are some basic questions about common pieces of the marketing puzzle. We've pulled together the common marketing questions that lawyers pose to consultants and law firm marketing directors, and posed them to a team of nationally known legal services marketing experts.

I regularly speak at CLE programs but it doesn't seem to generate referrals. What am I doing wrong? Sally J. Schmidt responds that there are two primary reasons why speaking at CLE programs may not generate work for your practice. The first is if lawyers are not the best sources of business for you. The second is if you aren't following up with the programs' attendees.

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Many lawyers spend their time speaking at CLE programs when, in fact, the program participants are their competitors. For many lawyers, it makes more sense to spend time preparing and presenting speeches targeted to potential clients or other types of referral sources.

Even when other lawyers are good sources of business, if you want referrals from them, you need to have regular, sustained, and substantive follow-up communications with them. To see results, you must find ways to provide your program attendees with information that they will perceive to be valuable and that will build the perception of your expertise.

**One of my partners thinks we don't spend enough "face time" with clients and prospects trying to grow our business. But if we spend good money on our marketing program—which we do—shouldn't that accomplish the goal without sacrificing billable hours?** Mark Beese responds that you should not confuse marketing with business development. Outside of the legal world, business development is spelled "sales," and it is seen as an acceptable—and critical—business practice. Inside of the legal world, where it's about services, not products, there is a central factor: People hire lawyers whom they trust. Trust is built over time through a series of positive interactions that give the client personal and business reasons to have you help solve, manage, or eliminate a problem of consequence. And that's where business development differs from marketing.

Marketing tools such as websites, brochures, and advertisements support marketing goals. Good marketing can also help reinforce a reputation, increase market aware-

ness, and affect a buyer's inclination to hire a lawyer or a firm. In total, this is called branding—and it may not land you a single new client.

Business development (aka sales) is the art of developing trust so that people will pay you to solve their most challenging problems. It is a complex process that involves listening, understanding the unique needs of the client, establishing credibility, creating custom solutions, and progressively "contracting" for more and increasingly complex work appropriate to the level of the relationship and circumstance. Look at it this way: Marketing makes an impression, sales confirms a reputation; marketing is telling, sales is listening; marketing opens doors, sales makes appointments; and marketing sets the stage, sales creates revenue streams. Don't make the mistake of investing time and money in marketing expecting results gained only through relationship-building activities.

**My partners think the solution to our getting more business is that we simply need to bring in a good rainmaker. Are they right?** Phyllis Weiss Haserot responds that it's no secret that many firms' marketing plans are built around one central strategy: Acquire individual lawyers or even groups with substantial books of business. While large firms may have the big bucks to pay for perceived large talent, the "let's go buy a rainmaker" strategy may be trickier for smaller firms to pull off and absorb.

If you think the solution is to bring in a good rainmaker, a seemingly attractive option, you need to ask and answer some questions. What is your plan for attracting and keeping the rainmaker? Rainmakers



can be very mobile. Can your firm accept a culture of free agency? Is the culture of your firm such that it can welcome a "star," effectively collaborating and avoiding resentments? Most importantly, how will you build on the strengths of the rest of the firm to capitalize on what the rainmaker can do?

There are many potentially sensitive issues that can arise and damage a firm's cohesiveness when a new rainmaker is looked to for salvation. A rainmaker that does not fit in can do more harm than good in terms of internal morale, economics, and even client dissatisfaction.

**Our firm doesn't seem to have much luck with "requests for proposal" (RFPs). What do we have to do to win these beauty contests?** Linda Hazelton offers some guidelines. Devote adequate time to thorough preparation. Follow the rules and information flow requested in the RFP. Use all available tools to gather the right information to inform your strategy. Don't limit yourself to online resources—use your networks inside the firm, inside the prospect's organization, and inside the industry. Talk to similar clients to get their perspectives. Find out who your competition is. Ask to meet with the prospect to fully understand its situations, its needs, and its goals. Be ready with a list of topics and questions you'd like to cover, but don't make it a drill. Strive for a dialogue. Spend time making sure you understand the issues and the correct "problem definition" from the prospect's point of view.

Once you've gathered as much information as you can and have framed the issues, begin creating

**(Continued on page 46)**

## PRACTICE MANAGEMENT

**(Continued from page 21)**

your strategic response. Work as a team when possible. When building the case for your firm, be sure to consider your unique strengths. Remember that there are always a few questions in the buyer's mind. Anticipate and answer the questions in your narrative or in your oral remarks.

**Our competition advertises in business publications. We need to advertise in the same publications to get market share, right?** Diane E. Hamlin responds with some questions you want to ask yourself in considering advertising in a particular publication. What are my objectives in placing these advertisements? Do I have, or can I develop, creative materials that support those objectives? Far too many advertisements, placed with the best of inten-

tions, suffer from "development by committee," or worse, development by a well-intended non-advertising professional who "has a flair for design." This is not the place to be penurious with your marketing dollars. If you're going to go the advertising route, you and your firm deserve the advantage of pursuing it with the best possible materials that you can develop.

Do you have any evidence that other law firms' ads have been effective in this publication? Get a media kit from the publication and spend some time analyzing the circulation, geographic penetration, and demographics. Be especially wary of free or controlled circulation, and of publications that have not performed an audit on their circulation and readership. **GSOLO**