

LAW OFFICE MANAGEMENT

By Sally J. Schmidt*

In a recent survey of law firm marketing the question was posed: "What is your firm's one biggest concern in the area of marketing or new business development?" Nearly one-quarter of the respondents answered, "Developing and implementing marketing plans."

Why are so many firms having such difficulty in this endeavor? One reason is that most firms are trying to develop their marketing strategies on a firmwide basis. Each practice area gets its work in a different way, and in order to be effective, marketing plans must acknowledge and reflect these distinctions.

Marketing planning is most effective when done at the practice group or industry level for a number of reasons:

(1) It is easier to identify and target the appropriate audiences, whether they are clients, prospective clients, referral sources or the media.

(2) Marketing strategies will be more effective when they are targeted to a more distinct group.

(3) Marketing efforts will be less expensive, because less time, effort and money will be wasted reaching inappropriate people.

(4) Surveys of clients consistently show that among the most important criteria when selecting a lawyer are specialization and expertise.

(5) It is easier to identify competitors

*The author, president of a Burnsville, Minn. consulting firm bearing her name, specializes in law firm marketing. This article appeared in the September 1990 update to *The American Lawyer Management Service*.

Marketing Law Firm Specialty Practice Areas

by practice area and, consequently, the ways in which the firm can position itself to compete effectively.

(6) Firms will be able to measure the results of their efforts more easily.

Examples of appropriate planning groups are health care, high technology, financial institutions, colleges and universities, commercial real estate development, immigration, international and insurance. In some cases, such as non-profit law, the practice area narrowly defines the targeted market. In others, such as emerging businesses, the tar-

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geted group may be less identifiable. follow the same planning steps as the practice group in a larger firm: The difference would come in selecting the marketing strategies or activities.

Whether marketing planning is done at the firm, office, practice or individual level, it is commonly defined as answering three questions: Where are we now? Where are we going? How will we get there?

Marketing planning is most effective when done at the practice group or industry level, and the planning process for boutiques is essentially the same as for the practice groups of large firms.

Situation Analysis

In order to develop plans for a specialty practice, the firm must first understand the marketing planning process. A boutique or specialty firm would

weaknesses, opportunities and threats. This means analyzing such factors as the practice area's level of competence and experience, reputation in the community, depth or strength of expertise, efficiencies, clientele, personnel, competition and the marketplace and industrial base.

For example, a commercial real estate practice in a midsize, litigation-oriented firm might develop the following situation analysis:

• **Strengths:** The senior partner has 20 years' experience in real estate. The new lateral partner was former general counsel of a major real estate developer.

• **Weaknesses:** The firm's reputation is primarily in litigation. It has no visibility or recognition in the real estate industry. Only three lawyers have any significant experience. The firm represents no large commercial developers.

• **Opportunities:** The firm's legislative practice learns of new real estate development projects before they are public. The firm has experience representing construction companies in litigation matters.

• **Threats:** The commercial real estate market is slowing considerably. Many developers are building their legal staffs and taking work in-house. Another law firm in the area has developed a significant reputation in the industry.

Perhaps the most important aspect of the situation analysis is the identification of opportunities. This involves asking lawyers in the firm — both inside and outside the practice area — for their help in identifying:

(1) Existing clients with cross-selling potential. These might be groups of clients, such as construction companies that might need help from an environmental practice, or specific individuals or companies.

(2) Prospective clients. Once again

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this might include groups, such as large companies for self-insured work, or specific individuals or companies.

(3) Present or potential sources of referrals for the practice. For a real estate practice, these referrals might come from brokers; for a small business practice, from accountants.

(4) Appropriate industry resources. Every industry has its own publications, directories, and professional or trade groups. These resources include community and civic organizations, such as the small business committee of a chamber of commerce, directories, such as the *Red Book* for bond lawyers, and publications, such as *For the Defense* for the insurance industry.

Goals and Objectives

The second question — "Where are we going?" — involves setting goals and objectives. A goal is written in fairly broad terms and is unlikely to be reached within a year.

Some examples of a practice group's goals are: improving the productivity (billable hours) of the lawyers in the group; developing additional clients in the practice area; improving communications with clients; and gaining visibility for the practice.

Objectives, on the other hand, should be one-year targets that are quantifiable and measurable. Examples of a practice group's objectives are: a dollar or percentage increase in practice-area revenues; a number or percentage of new clients or new matters; a number of client communications; and a number of articles written or speeches made.

Strategies and Plans of Action

The final question — "How will we get there?" — involves strategies and action plans. A strategy is the link between the practice group's objectives and its action plan.

For every objective there are numerous strategies that a practice group could pursue. For example, if a financial institution practice group developed an objective of communicating with banking clients three times a year, possible strategies could be: a banking law newsletter; periodic client updates on important developments in the banking industry; a seminar for loan officers; and periodically calling and entertaining clients.

If a high technology practice group

set an objective of building its visibility, potential strategies could include: writing articles for high technology publications; making speeches to technology-related groups; conducting a seminar on computer law; taking a leadership role in appropriate organizations; or cultivating a relationship with a reporter or editor of a high-tech publication.

The final step in planning is creating an action plan, which will indicate responsibilities, budgets, and deadlines — who will do what, by when, and how. Each specialty practice area should discuss existing and prospective clients and referral sources in order to establish the opportunities with the greatest likelihood of success.

This discussion would involve such questions as: Can the practice do the work? Does the client or referral source consider using or referring to the practice? Does the practice have good contacts with the key client decision-makers? Does it want the client?

Similarly, in evaluating possible activity or visibility in organizations or publications, the members of the practice group should ask: What publications do the group's targeted audiences read? Where do they go for their education? What level of credibility is given to various outside activities?

The strategies and action plans developed by any practice group or specialty firm will depend entirely on the situation, goals, and objectives. However, the following describes some possible strategies in developing practice group marketing plans.

Internal Strategies

One of the most important, yet overlooked, aspects of marketing is developing and implementing strategies that educate lawyers about the capabilities of the firm, or which organize firm information in a way that is useful to lawyers in their marketing efforts. Such strategies include:

- Creating a resume of the practice group and circulating it internally to all lawyers and staff.
- Creating a matrix of attorneys and areas of expertise within the practice group and disseminating it to all lawyers and staff.
- Implementing an individual marketing planning program.
- Developing a mailing list of the practice group's targeted clients, prospective clients, or referral sources.
- Completing a worksheet indicating

entertainment and other activities undertaken to maintain and develop important clients.

- Holding regular meetings of the members of the practice group.

- Creating a photograph book or roster of attorneys.

- Exploring ways to add efficiency or value to the group's services, such as the hiring of paraprofessionals or development of software.

- Circulating minutes of the practice group's marketing meetings to lawyers in other practice areas.

- Implementing a program of client management, such as designating responsible attorneys.

- Writing a memorandum or article for the firm's internal publication on the practice group and its capabilities.

In one example, the business lawyers in a large firm dominated by an insurance-related practice developed a marketing plan targeted primarily at the other lawyers in the firm. They did this to raise awareness of the non-insurance capabilities of the firm and to get help in marketing the business practice. Among their strategies: developing a list of the business attorneys and their areas of expertise, and disseminating a memorandum that described the group's targeted audiences.

Practice Development Strategies

Another important aspect of practice group marketing is ensuring that the firm has the necessary levels of expertise and credibility to develop and do the work. Examples of some practice development strategies:

- Enrolling group attorneys in appropriate continuing legal education programs or seminars to develop their expertise.

- Conducting research on the practice area and relevant legal issues.

- Exploring lateral hires, mergers, or affiliations to strengthen the practice group's depth or breadth of expertise.

- Joining and participating in organizations or activities related to the practice area or industry.

- Subscribing to appropriate legal or industry publication for further education.

- Teaching on a related subject for bar association programs or at a local law school.

- Creating or participating in a network of law firms committed to a particular practice area. TechLaw, for example, is a resource network of nine major law firms dedicated to the advancement of technology law and the encouragement of technology-related businesses. Among its resources is a newsletter, "TechLaw Update," which each member firm can use for its own clients.

External Strategies

External strategies seem to receive the most emphasis from practice groups in their marketing efforts. While important, they should be part of an overall plan which addresses each of the areas outlined above. Before undertaking any external marketing activity, firms are advised to consult the Rules of Professional Conduct related to advertising for any state in which their targeted audiences reside.

Examples of external strategies for a practice group:

- Conducting surveys or audits of existing or potential clients to assess satisfaction or needs.

- Entertaining clients, prospects, or referral sources.

- Developing a brochure or resume describing the capabilities of the practice group.

- Developing individual resumes of the practice group's lawyers.

- Developing a standard proposal or

letter of qualification to send to prospective clients.

- Setting up meetings to introduce the practice group's capabilities to existing or prospective clients.

- Writing and disseminating a newsletter, or sending periodic legal updates about the practice area or industry.

- Sponsoring, jointly sponsoring, or participating in seminars for clients, prospective clients, or referral sources.

- Sending announcements about the official formation of a practice group or communicating the addition of key personnel.

- Organizing open houses or get-togethers with clients, prospects, or referral sources.

- Monitoring and making referrals in an organized fashion to recognize and reciprocate with key referral sources.

- Preparing a formal presentation of the group's capabilities.

- Organizing or participating in industry roundtables or meetings.

- Joining and becoming active in key associations.

- Sending press releases and attempting to gain publicity for the practice group.

- Writing and speaking for key groups or publications.

- Advertising the practice group's capabilities in key publications.

- Taking a listing in a directory which targets the appropriate audiences.

- Sponsoring the activities of targeted groups, such as annual meetings or conferences.

- Conducting or sponsoring research of the industry.

Administering the Plan

One of the most common downfalls for firms in their marketing efforts is follow up. An immigration law firm sends a legal update on the new immigration law to prospective clients and referral sources, but never follows up with additional correspondence or activities. A health-care practice group in a large firm holds a seminar for hospital and nursing-home administrators on withholding nutrition and other ethical dilemmas, but fails to get back in touch with the attendees.

What can the practice group do to ensure that its plan is implemented? One important technique is obvious: regular meetings of the group. Lawyers in the practice area should plan to meet on a regular basis to discuss new clients, developments in the law, progress on substantive matters, and the implementation of the marketing plan. Marketing should be on every agenda.

Another important step is selecting the practice group leader. Someone needs to be in charge, if for no other reason than to set the times and send out the reminders for the meetings. The primary responsibilities of the practice group leader should be to facilitate the marketing planning process, and then see that the action plan is carried out.

If the firm has a marketing director or coordinator, that person can be an invaluable resource in the administration or implementation of the marketing plan. Among the important contributions the marketing director can make are monitoring schedules and assignments, and assisting in the implementation or coordination of activities, such as newsletters, seminars, or press releases.

By placing responsibility for marketing planning and implementation at the practice group level, firms will begin to realize better results from their efforts. Of course, in a larger firm, practice groups should receive some guidance from the firm as a whole.

Ideally, firm management should develop a mission statement and some firmwide goals indicating priorities for development. These goals then would serve as a foundation for the efforts of the individual practice groups. For the specialty practice firm, or the practice group in a firm lacking such a firmwide vision, however, effective marketing plans can be developed within the practice or industry group.

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Even today, lawyers representing indigent defendants are outgunned and outmanned in terms of resources. And the so-called war on drugs is making the problem worse.

If today is any indication, in the 1990s the lawyer representing poor defendants will continue to be the weak link in the chain. The United States justice system is in crisis. It has become a system whose overwhelming focus — the war on drugs — is directed toward the poor and minorities, and funding for that war — 75 percent of it — is disproportionately focused on apprehension, prosecution and incarceration.

Minimal resources are committed to the courts, indigent defense systems, prevention, education and treatment which are the other links in the chain that proverbially ensures justice for those accused of crime and protection for society.

The question becomes: in the 1990s, will we have adequately funded, well-trained defense lawyers who not only provide quality legal representation for poor clients but who are trained to explore acceptable and safe sentencing alternatives? Will we have "real" lawyers defending the poor, or process agents masquerading as lawyers and propping up an assembly-line justice system that incarcerates or subjects to some form of court supervision 25 percent of African-American males between the ages of 19 and 29?

In shaping a future role for lawyers for the poor in the 1990s, we must join the debate and seize control of our destiny. Or as one young public defender said, in commenting on the resource imbalances and inequities in the criminal justice system, "We had better pay attention, all of us, and do something about it in the 1990s or it could turn around and bite us all in the ass."

She got my attention. And with all due respect, I hope I have yours. ■