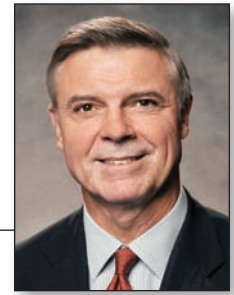


Law Firm Marketing

From Where to Eternity



By James A. Durham

I am often asked what the future of legal marketing holds. Because I have been in and around the legal marketing world for decades, I guess that somehow qualifies me to have a useful opinion. But no amount of gray hair equates to having a crystal ball. There is no clear, global answer, but some strong indicators give us valuable hints about where this profession is headed.

In any industry, there are participants that have pushed ahead in ways that make them more successful than their competitors (think car companies). The legal industry is no different. The model for successful legal marketing is a moving target, and each firm has to determine where it is on the marketing continuum before it can effectively evaluate and develop a future strategy. On a scale from 0-10, how far has the firm moved from doing no marketing (0) to having a highly effective marketing communications plan and a productive business development operation (10)?

As even more information becomes available to clients and lawyers, and attention spans get even shorter, we will need to change the way we do just about everything—again.

Just as culture concerns have limited law firms in their efforts to change personnel and management policies over the years, so, too, culture has long been an excuse for not marketing and not selling more aggressively. It is time for every law firm—large or small, general practice or boutique—to look at where it is on the spectrum of professional marketing and set a clear course to advance to the next level. The clueless need to get a clue, and the most advanced legal marketers need to prepare for a new world order that is hard to envision with certainty; but it is one that will most definitely require further innovation.

Everywhere we look today someone is offering a program of some kind titled “Marketing in a Down Economy.” Law firms that used to invite consultants to do presentations on client service or sales are now asking speakers to tell their lawyers what to do in a challenging economic environment. While it makes sense for firms to focus on some immediate action items to protect client bases and generate short-term income, it is a critical time for them to consider more broadly

where their marketing efforts need to go. They can start by looking at how their legal marketing function measures up with best practices across the industry.

Progressing Along the Continuum

I like what John Collins said in a recent *Fortune* interview: “Turbulence is Your Friend.” His point was that in crisis we find the courage to innovate. When times are hard, you reassess the way you do everything. Despite the incredible progress the legal marketing industry has made over the past 20 years, the marketing function is not immune from scrutiny as every aspect of a law firm’s operation is being reviewed.

Law firms entered the marketing world by producing brochures, hosting events and writing scholarly articles. Eventually, they developed basic Web sites, beefed up public relations, did some modest advertising, improved client relationship programs and enhanced their pitch strategies. With most of the basic marketing communication programs in place, some firms stepped out of the world of minimal marketing with sophisticated branding programs, logos, tag lines and even new firm names. But, along the way, managing partners and COOs wondered about the return on investment for marketing dollars.

As marketing *managers* became *directors* and directors became *CMOs*, more was expected, and the concept of business development came into focus. Sales support (and at some firms, true sales) became a part of the marketing function. But, even for firms that were at the forefront of the sales movement, it has taken almost a decade for their programs to mature.

Today, the most advanced firms have sophisticated research capability, functional CRM systems, formal client teams, complex knowledge management systems and meaningful client interview programs. They have high-impact Web sites, effective SEO, organized social media strategies and far-reaching alumni programs. Business development efforts and results are tracked and compensation systems have been altered to incent more behaviors that lead to revenue generation. Internal communications programs are professionally managed; they are engaging and consistently promote the firm’s strategy, relationships and brand.

A firm can be anywhere along the continuum from brochures and article writing to what I just described...but what is next?

In my experience, most law firm marketers are ahead of their firm leaders (except at my own firm, of course) in their understanding of what needs to be done, and in the desire to do it. Many firms

continue to spend the minimum on marketing and business development; too many lawyers ask the marketing team to do what they want, but they are not asking marketing professionals what they should do.

We used to see a lot of programs on how marketing can get “a seat at the table.” Like many marketers, I have had a seat at the table, and what we have learned is that when it comes to marketing, most firms prefer a simple meal, with the basic food groups and just a few interesting spices—not a gourmet feast. When it comes to eating, a gourmet feast can be seen as a luxury, but competing in the legal marketplace is no dinner party. Sophisticated marketing and business development programs are a necessity to ensure a successful future.

Full Integration

Looking ahead, it is clear that a firm’s marketing and business development efforts must be integrated fully into the firm’s overall strategy. Marketing and sales initiatives should be developed at the executive committee level, led by the myriad talented legal marketers who have emerged in our industry. The Legal Marketing Association has matured beyond the wildest expectations of the 300 or so of us who were members in the early ‘90s. LMA now serves legal marketers and lawyers at all levels. It partners with other professional service associations and offers great training and other resources to help firms advance along the marketing continuum.

Law firm leaders must find a way to get their lawyers to embrace the advice that their marketers and business developers want to give them. Smart marketing people are wasted assets if they are asked merely to produce invitations, print name tags and make sure there are nice brochures on the reception tables. Even basic marketing events, Webinars, teleconferences and sponsorships should be leveraged into meaningful business development opportunities, and your marketing team should be leading that charge.

It takes strong leadership, too, for firms to insist that their lawyers fully prepare for and rehearse for new business presentations. But such preparation is critical to ensure that the lawyers impress the people in the room with informed strategic approaches, good chemistry and creative fee approaches. You do not want prospects shaking their heads over how unsophisticated and self-promoting the presentation was. Strong sales teams will be managing the pitch process at all firms in the future.

Going forward, firms also need to deploy their marketers to help manage a key client-team program. A well-run client team can make a client feel appreciated and loyal and not just serve a partner’s need for more personal income. In firms that have progressed further along the marketing continuum, client relationships can be an incredible firm asset; in other firms, they are well-guarded secrets.

Now, imagine the future impact of social media, technology and increased competition, combined with inevitable changes in client behavior—ranging from greater reliance on mobile communications to more demanding service expectations (such as the ACC Value Index). As even more information becomes available to clients and lawyers, and attention spans get even shorter, we will need to change the way we

do just about everything—again. Firms will have marketing teams dedicated to social media, people who negotiate fee arrangements, business development training for all associates, comprehensive feedback programs, integrated client service teams with both inside and outside counsel at the table and killer research departments. While building a marketing function for 2010, we must have our eyes and ears on the horizon for what’s next—as the bar just keeps moving higher. You should not wait until it is out of reach to grab on.

But there is only so much that marketers can do to move the firm further along the spectrum from minimal marketing to serious results-oriented initiatives. It is time for firm management to challenge the marketers. Ask them to give you their best advice, listen to what they say and learn to trust them. Firms cannot be complacent. As the array of marketing choices and marketing “musts” increases, firms that might have been at the leading edge once may not be there tomorrow.

In many ways, the potential for legal marketing and business development has evolved faster than most firms have evolved in their efforts to be more businesslike. I don’t see the economic downturn so much as a threat to the legal profession as a catalyst—a catalyst for firms to get serious about assessing where they are on the marketing continuum and developing plans to advance along the scale. Only time will tell if firms respond this way. ■

James A. Durham is chief marketing and business development officer at McGuireWoods LLP. Durham is the author of “The Essential Little Book of Lawyering,” which can be seen at www.greatlawyeringbook.com.