



A Client Perspective On Law Firm Marketing and Sales

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By Craig Levinson and Gabriel Miller

Managing Partner. Chief Marketing Officer. Director of Client Development & Sales. Marketing Partner. Director of Communications. Marketing Committee Member.

In the law firm context, what does each of these positions have in common? In terms of marketing and business development, each person on this list serves, primarily, as an instrument of change.

As the competition for premier legal work continues to stiffen, firms are increasingly forced to change the way they position, promote and sell themselves. Firm leaders and marketing professionals face a daily battle of convincing their professionals that the tactics of 15, 10, even 5 years ago may no longer be relevant.

Often, the most persuasive ammunition a marketing agent can possess is the opinion of a client — someone who is a professional buyer of legal services. In that vein, Craig Levinson, Director of Business Development & Marketing at Brown Raysman Millstein Felder & Steiner, sat down with Gabriel Miller, General Counsel of Captivate Networks, a Gannett Company.

Positioning

Levinson: One of the biggest challenges a CMO faces is convincing partners that they can no longer sell on the basis of being unique — particularly when it comes to commoditized work. In the supply economy law firms face today, that is no longer a viable strategy. *How do you react when an attorney tries to convince you that his or hers is the only firm that can handle a specific type of joint venture or litigation?*

Miller: I think they are either liars or fools or both. In 15 years as a GC (in a variety of industries), I cannot think of a single piece of legal work that I have sent to outside counsel where I was not familiar with at least five to 10 law firms that could have adequately handled the work. The question is always which firm to choose, not finding a firm that can do the work. Please don't misunderstand me. I am talking about the difference between overselling oneself versus differentiating oneself. In order to get my business, law firms must absolutely find ways to differentiate themselves. At the end of the day, however, it is an issue of credibility that will affect how I view everything else they tell me.

Levinson: Differentiation is a critical aspect of our sales and marketing training programs. Our best marketers continually position themselves around cutting edge business issues and niche areas of the law. I do get backlash from some attorneys who say, "If I target one business issue or industry, I will be pigeonholed." *What is your take on that?*

Miller: This is a great example of why most attorneys are still lousy marketers and sellers (and why I sympathize with most law firm marketing directors). The attorneys think in terms of themselves, not in terms of what the client needs or how the client purchases legal services. Educating clients on cutting edge issues and niche areas of law is a necessary part of keeping current clients from going elsewhere when these issues arise. In terms of marketing, specialization is the number one differentiator. If I am going to add to my roster of law firms, it's generally because an attorney there has a unique area of expertise. If he proves to be talented and adds value, his specialty would not be a limiting factor. I would not hesitate to buy additional legal services from him or his firm.

Levinson: Many law firms are terrified of conducting client surveys. Those firms that are more progressive recognize that surveys are important not only for maintaining client satisfaction, but also for determining how the firm is perceived in the marketplace. *What would you tell firms hesitant to solicit client feedback?*

Miller: In every other industry, the most basic element of salesmanship is finding out what the client needs and thinks. Attorneys need to stop thinking that the selling of legal services is somehow unique. It's not. Why do law firms get the impression that client surveys don't work? Because law firms often do an abysmal job of conducting client surveys. Doing a poor client survey is about the only thing worse than not doing one at all. If a firm sends out a boilerplate survey to its clients, then ignores any worthwhile feedback ... its clients will react accordingly. They will feel that it is a useless exercise and that the law firm takes their business for granted.

Promotion

Levinson: Many GCs complain that law firm Web sites are not easily navigated. *What do you look for in a site? What advice would you give to a firm designing a new site?*

Miller: By the time I get to a law firm Web site, I already have a reason to go there. It is generally because I am checking out the background of a particular lawyer or the experience of a particular practice group within the firm. I also might be going to the Web site to get basic contact information for one of the firm's offices. In other words, I am there to work. I am not going for and am not impressed by some multimedia experience that I have to wade through in order to get the information I need.

Levinson: Law firm Web sites and brochures still tend to have extensive practice descriptions. My assumption is that potential clients rarely read those. *What is it that you look for in terms of collateral content?*

Miller: You are exactly right. Wordy prose describing the practice groups is not helpful. Specifics that show the depth and breadth of specific task and industry experience are beneficial. I look to see whether or not other companies that my business folks or I recognize are clients of the firm. You can never go wrong assuming that most of your clients are cowards and bureaucrats at heart and that they will take great comfort in knowing that others assumedly smarter and more successful than themselves have used your law firm.

Levinson: You and I have discussed the fact that much of the law firm advertising out there is highly ineffective. Rare is the firm that has the money, the patience or the stomach to run an effective overall branding campaign. The ones that have been successful tend to brand on a smaller scale — "personal branding" of individual attorneys, practice group branding and/or branding within a geographical footprint. You are in a unique position. You are a GC who is targeted by law firm advertising, plus you are in the advertising business. *What would be your advice to law firms in regards to their ad budgets?*

Miller: You mean other than spend their money with Captivate? All kidding aside, this is another area where I sympathize with the plight of law firm marketing professionals. The early adopters in this area did not spend enough money to launch campaigns with the requisite frequency to be effective, but they spent just enough to irritate a lot of their partners. Despite the inefficiencies and no demonstration of ROI, the secondary adopters make the same mistakes just to keep up with the Joneses. My suggestion is that the law firms benchmark themselves in terms of advertising not against what other law firms spend, but in terms of what their most profitable clients spend in order to be successful.

Levinson: There are tons of law firm newsletters out there — online and in print. My contention is that 90% of law firm newsletters are too generic to gain any traction. They only increase a firm's cost of sales and serve as an easy vehicle for attorneys unwilling to put in the time and effort to effectively market and sell. *Of the countless law firm newsletters you receive, which ones do you actually stop and read?*

Miller: I read a very small percentage of the numerous law firm newsletters that I receive. I almost never read a general practice newsletter that covers a multitude of topics. The newsletters that I am most likely to read are ones that are highly focused on a particular area in which I am interested — whether that is an industry focus or an area of practice focus. Interestingly, I am also more likely to read hard copies rather than on-line e-mails only because I tend to read the newsletters infrequently — usually while traveling. I know many of my colleagues say that they do the same.

Sales

Levinson: Since the attorneys are my clients, I conduct a significant number of internal "client surveys," determining what our lawyers perceive as the foremost obstacles to client development. One of the most frequent things I hear is, "That company won't hire additional firms; they only use firms on their preferred provider list." You said earlier that you use new firms on occasion. *What are the circumstances in which a GC goes "off the list"?*

Miller: There are three sets of circumstances where I would hire new firms. The first is in the event of a conflict. The second is in the event that no one on my current roster of firms has the expertise I need. The third is in a bet-the-farm situation where an attorney or firm is clearly seen as one of the top specialists on a particular business issue. Another interesting question is how to get on the preferred provider list. It is amazing to me how many lawyers never simply come out and say to a potential client, "How do I get your business?"

Levinson: That's an interesting observation. As part of our sales methodology, two of the questions we encourage our attorneys to ask are, "What are the things your existing counsel do that you don't like?" and "What would we have to do in order to get your business?" Of course, every firm still has attorneys who cling to the methodologies of old. There are attorneys at every firm who continue to solicit business utilizing two of the least effective tactics out there. The first is the mob approach — showing up with five or six attorneys to a meeting that requires one. The other is falling into "pitch mode" — we do, we are, we have. To echo your earlier comment, nothing turns off a prospect faster than the perception that lawyers are thinking in terms of themselves, not in terms of the prospect's business. *What do you like to see from a lawyer who is trying to procure your legal work?*

Miller: I like to see evidence of the following: Preparation, focus, confidence and likeability. Show some respect for my time and effort on your part by showing that you know something about my business and why you think your law firm is going to be able to help me. Similarly, focus your presentation on these points. Spare me the generic "we know we are in a service business" speech. Show some confidence in your ability to help me and, by the same token, give me some

confidence by providing some detail to the breadth and depth of your relevant experience. Lastly, show me that you are someone with whom I could envision myself spending a considerable amount of time with.

Levinson: Since we are discussing inefficient tactics, we can't overlook "random acts of golf and lunch." I have seen attorneys wine and dine potential clients for years without of scintilla of business to show for it. *How would you caution attorneys about the dangers of this undirected sales activity?*

Miller: Undirected sales activity is like buying a lottery ticket. It might work, but if it does it is by chance and not by design. For many years, in terms of developing law firm clients, it was possible for attorneys to be successful despite themselves. As the supply of legal work has overtaken the demand, however, it becomes less and less likely to succeed that way.

Levinson: We have certainly given attorneys a number of things to consider in terms of positioning, promotion and sales. *As a final note, what are the other things lawyers can do to add value and make your life easier?*

Miller: I see a lot of value not just in providing free training to my organization, but also to our clients. Of course, the training needs to be topical, interesting and informative. Finally, teach me how to be a good client. Tell me if there are things I can do as a client to help you do your job easier and more efficiently. It is in my best interest to have you look good, because then you are going to be in the best position within your firm to help me look good.

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