

## Good Marketing Transcends Geography

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Fascinating as it is to those of us who market legal services, the debate about who markets more progressively or more effectively - U.S.-based or U.K.-based law firms - is most interesting in terms of the spotlight it casts on what constitutes best practices in the professional services marketing arena. Whether your firm practices predominantly within one set of continental borders or across diverse country and continental lines, a handful of common principles - best practices, as it were - informs the service marketing initiatives of market leaders.

This is not to imply there is a one-size-fits-all prescription for effective legal marketing tactics. What works for a full-service Magic Circle firm may not accomplish the objectives of a highly focused U.S.-based boutique. But the strategic imperatives that underlie our choice of tactics should be based on universally proven concepts that reflect the needs and priorities of the clients they are designed to attract.

While ours is a still-developing discipline, professional services marketers already have overcome two significant challenges. Governed by conservative codes of professional responsibility (as stringent in Europe as they are in certain U.S. jurisdictions) and practiced in an environment that often honors precedent over innovation, legal marketing has made a quantum leap from its purely promotional roots to the strategy-intensive marketing programs of contemporary market leaders.

Today we see a lot less of what Bill Flannery once dubbed "random acts of lunch." At the end of the day - or should we say, at the end of the year - when firms evaluate their previous year's marketing accomplishments, they now can point to marketing programs that are client-focused, research-based and consistent with overall firm strategy and resource-allocation goals. That evolution from random to focused, from purely promotional to strategic, is evidence of dramatic and positive evolution!

But while talented and creative marketers and the firm leaders who collaborate with them have reshaped the role of legal marketers and the value of the marketing programs they craft, the impact of the economy on legal marketing programs has been less salutary. In times of sustained economic performance, firms have tended to invest heavily in external visibility-raising tactics like advertising or media relations. In times of economic contraction, firms have economized by siphoning dollars from their legal marketing programs into other operational expenses, which, by default, fosters a greater emphasis on face-to-face business-development activities.

As the economic pendulum swings, firms tend to create programs vested at one end of the spectrum - centralized external communications or face-to-face relationship-building - or the other. Encouragingly, we now are seeing annually revisited, strategically driven legal marketing programs that marry and integrate the benefits of both direct relationship-building and external communications, a sign that legal marketing is not only evolving, but maturing. Let's define what those enlightened programs look like, regardless of their country of origin.

1. Model the process by which you define what is truly distinctive about your firm on litigation discovery. Don't stop digging for memorable points of distinction until you have uncovered descriptors that are as memorable as they are unique and as aspirational as they are descriptive.

Clients repeatedly echo a common concern: that law firms seem fungible to them. On their side of the boardroom table, firms appear undifferentiated, each claiming unparalleled levels of excellence, cost-efficiency and service. But as many law firms have demonstrated through carefully crafted positioning strategies, firms need not sound so much alike. In fact, all are unique in some way. Either their practice is distinctive, their culture noteworthy in some way that creates a corollary benefit for clients or their approach to client service palpably superior.

The process by which firms learn to articulate what distinguishes them from others in ways that resonate with clients is not unlike the intensive discovery process through which litigators go for every engagement. When lawyers and marketers collaborate to articulate one or more "value propositions" - reasons why clients are best-served by choosing the firm over others - clients' need for differentiation is met. At the same time, firms enjoy the corollary team-building and pride-instilling benefits of a clearly defined identity and personality. The best legal marketing programs weave those strategic differentiators into marketing messages by which the firm presents itself to clients, prospects, recruits, the media, other friends of the firm, etc.

2. A "best practices"-driven marketing program ensures that firm lawyers are trained to invest their individual marketing with those concepts by which the firm distinguishes itself in the larger marketplace.

The majority of firms that dominate markets at home and abroad have developed integrated marketing strategies and balanced marketing programs that benefit from diverse marketing tools and approaches. For example, many successful firms have created sophisticated business-development programs that help lawyers identify, research, and design strategy for face-to-face marketing to individual entities, industry segments, etc.

Similarly, successful firms often produce highly professional external communication programs that exploit one of any number of marketing tools: advertising, media relations, sponsorships, direct mail, Web sites, etc. But the true market leaders are the ones that utilize both and, furthermore, have integrated the two effectively.

Market-leading firms work with their lawyers to ensure that each practitioner is comfortable with the concepts, images and even the tag lines featured in firmwide promotional materials. By doing so, those firms avoid a disconnect between the way in which the firm describes itself in its centralized marketing materials and the way in which individual lawyers present themselves, their practices and the firm in their face-to-face meetings with clients and prospects.

Firms today cannot afford to focus exclusively on either external communications or direct business development. In an integrated program, the existence of centralized marketing activities - advertising, for example - supports - not replaces - continual lawyer-driven business development. Ideally, the lawyers' efforts and the institutional marketing program work in tandem, like actors whose performances are enhanced by excellent and appropriate scenery. Firms that have mastered this balance sustain top-of-mind marketplace name recognition and develop strong client relationships - all at the same time.

3. Competitive intelligence and sound strategy go hand in hand. Market leaders have learned to exhaust and employ all internal and external information and data sources before launching a marketing initiative.

Knowing what clients want and will buy can make or break a firm's success. And having a defined strategy is just as important. The global marketplace is too competitive in which merely to "seize opportunities." Being opportunistic - even entrepreneurial - can give a firm a leg up, but aligning resource allocation with vision is a clear differentiator between the firms that chart their own success and those that merely react.

Strategic decisions - like where to practice and what practice mix to offer - must be made with information about what clients will pay for and whether their needs are being well met by other providers. The decision to target prospects with preexisting law firm relationships but also with demonstrated needs that dovetail with firm resources or strengths must be based on good intelligence.

As Ann Lee Gibson confirms, "Professional services marketing is being transformed by an increasingly valuable set of Internet-based information resources. Leading-edge firms are coupling this secondary information with the treasure trove of information in their accounting, conflicts, and contact management systems and with the human intelligence they gather directly from firm clients and prospects. They then analyze and filter that information, turning it into intelligence that informs critical go/no-go decisions that focus and qualify their strategy and the best prospects and

approaches to take to develop and sustain profitable relationships. Competitive intelligence helps answer questions like: Which client industries should we focus on? What clients should we seek? How can we compete successfully against a specific competitor?

#### **What is the winning value proposition for a specific prospect?"**

As firms are looking at the structure of their marketing departments, an increasing number are developing or expanding competitive intelligence-gathering and -analysis capabilities.

4. Market leaders understand that they cannot expect clients to remember or distinguish among the seemingly infinite number of qualified players in the legal marketplace. Accordingly, they are relentless in backing business-development efforts with sustained visibility efforts to keep their names and reputations front and center.

Given the highly promotional nature of the earliest legal marketing programs, it took some time for face-to-face business development and sales activities to ascend to their rightful place in the legal marketing hierarchy - along side of, not in lieu of, communications activities. Not surprisingly, a sustained downturn economy and the long overdue focus on structured business development has swung the pendulum so far in the other direction that some firms have reduced their external communications efforts dramatically.

Market-leading firms, however, understand that the name recognition one achieves through successful branding and positioning initiatives has short-term impact. To sustain top-of-mind name recognition - that is, to be among the firms that a client immediately thinks of in a given area of practice, an industry segment or a geographic market or markets - one must continue to provide busy and deluged professionals in the marketplace with reminders of one's existence and one's strengths.

Once you have achieved the initial benefits of the balanced portfolio of marketing initiatives you have designed, you can substitute elements. But eliminating elements entirely (for example, all advertising or media relations activities because they are cost-intensive) is like eradicating marketplace memory of the earlier impact you made.

5. Clients respond to firms that seem dedicated to continuous improvement and that underscore that dedication with clear evidence of their ongoing commitment to enhancing the client/outside counsel relationship.

There is a significant disconnect in the legal marketplace. If you ask law firm leaders if their firms engage in systematic client satisfaction surveying, they often claim to have programs in place. If you ask clients how often their formal feedback is solicited by their outside counsel, the answer is almost never.

Why the polar responses? It is true that law firms engage in frequent dialogue with clients about their performance - often occasioned by billing disputes, matter staffing, end-of-engagement post-mortems, etc. - but those conversations are as often initiated by the client and inevitably involve the relationship partners themselves.

But few law firms arrange for a more formal and objective representative - a managing partner or chair, a CMO, or a trained outsourced professional - to interview key clients. In an age in which client loyalty is predicated on more than satisfaction and marketplace competition is at an all-time high, it is critical to know at all times whether your major clients feel their needs are being exceeded.

Those discussions surface relationship-critical information: whether the client has issues that potentially threaten the relationship; whether the client has minor concerns, the resolution of which might catapult the law firm into a preferred provider role; whether the client is so satisfied that he/she is open to using the firm for more and different kinds of work, and so on. Truly progressive firms already are implementing extensive feedback and evaluation programs, and it won't be long before others close that gap and gain a similar advantage.

These examples are only indicative of the kinds of initiatives or approaches that characterize successful firms' marketing programs. However, what we see over and over again is that the legal marketplace - regardless of its location - acknowledges and rewards firms that can articulate what makes them special and distinctive in ways that demonstrate a truly client-focused orientation.

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