

Top 10 Marketing Mistakes

Your client roster reveals who you swim with, and what kind of business you draw.

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There are an infinite number of ways that law firms screw up marketing. The list includes hiring a marketing director without defining the job. Spending a dumpster of money on advertising without a "call to action" in the ad. But 10 dumb mistakes stand out time and time again:

1. Focus on yourself, not on your clients. This is the traditional approach to law firm marketing: describe your practices on your Web sites and printed marketing materials. Detail your internal administrative structure. Let's call this "marketing your organization."

A Midwest firm fell victim to this mistake, marketing itself as having three practice areas: real estate, real estate taxation, and tax practice. Think about it: these distinctions can only confuse clients. They can't tell which practice they should choose, and besides, clients don't think of themselves as customers of a practice group. Instead, focus on how your clients think: they see themselves as members of an industry. Present your firm according to the industries you serve. This approach, called "organizing around the market," is done well by two firms: Foley & Lardner (www.foleylaw.com) and Hale & Dorr (www.haledorr.com). (Full disclosure: I advised both firms.)

2. Don't mention representative clients. Partners have been known to recoil at the suggestion of revealing whom they work for, saying they thought it was creepy and exploitive. They are appalled at the idea of having to ask clients for permission to use their names. But failing to list whom you represent is stupid, because it is one of the first things a potential client wants to know. Your clientele reveals who you swim with and answers potential clients' question about what kind of business you draw.

In the old days before the Web, it was a common practice for firms to list representative clients in Martindale-Hubbell listings. Somehow, this got lost in the electronic age. As the saying goes, GMTA: great minds think alike. Spelling out your client roster is an excellent way for a firm to distinguish itself, and to flag appropriate clients. Don't be shy about asking your best clients to show the flag--they may well be honored to be asked, and delighted to be listed. Your clients are in business too, and understand the power of client lists and testimonials.

3. Failing to list success stories. Most firm marketing falls into the category of throw-away brochureware, because it is nothing more than general blandishments about the firm's "tradition of excellence" or "adherence to the highest level of ethics." This fails to offer prospective clients examples of what you've achieved--a key point of information and an excellent way to distinguish your firm.

Lawyers are known by their reputations, so hiding the firm's record undermines its marketing. The problem, of course, is getting lawyers to write down their accomplishments, and generally the most successful lawyers say they have the least time available to write. But this is no excuse. This information is easy to get by simply looking up the firm's public cases using Westlaw or Lexis, or transactions using Thomson Financial.

Or take the time to interview each of your partners--even if just for a half-hour--which also can have a side benefit of improving relations between the marketing staff and lawyers.

For example, Mayer Brown Rowe & Maw recently won the Your Honor Award from the Legal Marketing Association for publishing Retrospective 2002, which offers 23 engaging stories about successful cases from the client's point of view. (See www.lawmarketing.com/publications/news/pub443.cfm.)

4. Institutional Mistakes. These are the marketing errors a firm commits year after year because "We've always done it this way." For example, buying tables (that go empty) at a charity event, or mailing out thousands of holiday cards that nobody reads, or sponsoring expensive annual parties that attract freeloaders but no new business. You can usually find the fingerprints of a high-ranking partner behind these decisions. For example, one firm bought ads in a university football program book because the managing partner went to law school there. It was a vanity project that had no marketing purpose at all. Institutional mistakes are all a waste of money.

How can you combat this? Argue that all expenditures must have a return on investment. Your ammunition: Tally current marketing expenditures and collect so you can see--and show the partners--the damage. To measure R.O.I., tie each item to a result: the name of a new client or the total revenue generated as a result of effort. If there is no result, each item needs to be justified by meeting a specific goal of the firm. Otherwise, kill the project.

5. Having no marketing strategy and focusing instead on tactics. When I begin working with a firm I always ask for a copy of its marketing plan. I am repeatedly astonished to hear that the firm doesn't have one. The strategy may exist in the mind of the managing partner, but it's not written down. Firms typically have many marketing activities, but they're not connected or organized in any way. This is like having an orchestra where the musicians can play whatever they like at the same time.

6. Why is a written plan necessary? Because it can be read by other lawyers, who can align their activities with your firm's overall goal. Writing also forces your

firm to develop answers to questions such as: What makes us different from other firms? Why do clients hire us? Who are our target clients? What are the most profitable practices we should be promoting? What are our strengths? Weaknesses? What opportunities can we pounce on? Which competitors pose the biggest threats?

7. Don't get feedback from your clients. A recent survey by Boston's The BTI Consulting Group revealed that only 42% of firms have conducted a formal client satisfaction survey in the last two years. This means 58% of firms don't really know whether their clients are pleased with them or are about to fire them.

The only way to truly find out is to ask. Client feedback can take the form of an end-of-matter survey tucked into the final invoice, or a questionnaire mailed to chosen clients, or a personal interview by the managing partner. All these approaches are good and will reveal a wealth of information.

Most clients like being interviewed, and, in fact, get feedback from their own customers. But firms often get tripped up in getting feedback because a partner may not want anyone else intruding on his or her relationship with the client.

Firms also are deathly afraid they might hear something negative. These are all bad reasons that get in the way of an extremely potent marketing approach.

8. Run Million-Dollar TV advertising campaigns. Brobeck, Phleger & Harrison did this with splashy commercials on CNN. Bad idea. Other variants include hiring an ad agency to design gorgeous ads that say nothing, or creating an effective advertisement, but running it only once or in a publication that is not read by target clients. Just like prescription medicine, advertising is very effective when used properly and in the prescribed dosage. Advertising is an art and science and people spend their careers learning it. Lawyers cannot master it overnight. That said, here's a 73-word tutorial: You can use advertising to buy your way into the consciousness of clients, but the ad must have a particular message. It must carry the firm's unique selling proposition. The frequency that the ad runs is also important, because it takes seven to 10 viewings by a reader to make a lasting impression. Finally, the firm should identify target clients and publish its ads in magazines that they read.

9. Use a compensation system that discourages marketing. At many firms, marketing is a distraction to lawyers, because they get compensated based on billable hours. At these firms, very little marketing happens. The rule is, "What gets rewarded gets done." You cannot run a marketing program based on lawyers being "good citizens" and voluntarily doing their part to market the firm.

The worst compensation systems are "Eat what you kill," rewarding lawyers only for new business they bring in. This is death to firmwide marketing. Most firms reward origination, giving a partner a lasting percentage of the fees generated from a new file she opens. But this rewards instant results--a lawyer is compensated only when the matter is opened. Marketing takes time and rarely shows immediate results. It can take a corporation two years to change its legal representation, and it may take dozens of meetings, seminars, mailings and RFPs. Firms should reward marketing

activity, not just results. Marketing activity must come up during compensation reviews; no marketing, no reward.

10. Keep your marketing impersonal. Many firms buy advertising, put up a Web site, mail out newsletters, write articles and broadcast e-mails. But the firms fail to mix in any personal interaction. As a result the marketing is impersonal and gets few results. It's no good if all of a firm's marketing is done by remote control. Marketing is a contact sport, and lawyers must get out and visit clients, referral sources and prospective clients in person. Lawyers must be visible, give talks, appear on panels and be visible at trade shows. The more personal, the more effective the marketing.