

LEGAL MARKETING

Grappling With the Basics of Business Development

BY KIMBERLY ALFORD RICE

Special to the Legal

Some firms still grapple with how to produce more rainmakers from their attorney pool to more evenly spread business generation responsibility. After all, not all lawyers are comfortable “marketing.”

Given the economic factors at play and the shifting legal landscape, there is no better time to examine and enhance how your firm is investing in its business development program.

What should firms focus on to maximize their significant marketing investments? Even more importantly, how can a firm generate profitable work through its business development endeavors?

This article addresses these questions as well as how firms can employ time-proven methods of advancing their goals by educating its lawyers in the basics of practical business development.

For many years, firms have struggled with how to generate new work, build loyal client relationships and cement their position in a crowded market place. Even when top-down support exists for formalized business development initiatives, there is often little institutional cohesion or accountability.

As I served in various in-house marketing roles for nearly two decades, I witnessed firsthand attorneys’ futile random acts of marketing and attorneys who became frustrated with their marketing activities yielding few or no new clients. Management did very little to constructively assist lawyers with learning and practicing the basics of business development, leaving coordinated initiatives to the lawyers. This long-standing management style is not sustainable since the economic crisis turned the legal services sector on its head.

What profitable firms have realized is that many traditional marketing activities are not yielding the same results as they once did. It is not enough to publish a periodic practice group newsletter without consistent follow-up or to host a series of charitable golf outings and expect clients to materialize. These random acts of marketing are not strategically focused, are often ineffective and can be a tremendous drain on a firm’s limited resources, rendering few results.

“I sometimes see marketing/business development activity for the sake of activity, and it concerns me because it’s rarely a productive use of an attorney’s time, and often not a good use of the marketing department’s time,” says Heidi White, Fox Rothschild’s chief marketing officer,

White adds, “The key is to target an industry or other audience wisely, and then plug away over [a period of] ... years, to become a known quantity and develop a network of high potential contacts.”

Successful rainmakers understand correctly that to build, grow and sustain healthy practices, it is imperative to consistently nurture the relationships, which they have been cultivating throughout their careers.

Peter R. Spigel, Flaster Greenberg managing shareholder, says, “Institutional business development starts at the top. Firm management must recognize and appreciate

that business development activities provide



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opportunities for the firm’s attorneys, which lead to the firm’s overall success and financial well being. Once this core principle is understood and accepted, the practice of business development begins.”

RAINMAKER SUPPORT

Despite their size, many law firms do not provide sufficient support or assistance to their business-generating lawyers. Often, these few rainmakers are highly independent, very focused, and keep their assistants busy with marketing-related projects. They rarely seek additional outside assistance.

For the majority of firm attorneys, however, there is little support and attention paid to cohesive business development and marketing support. The reasons usually boil down to several issues: 1) Lack of communication around what resources are available to them, either from in-house staff or external sources; 2) The lawyers are not clear about how they can best utilize business development support to help them grow and service their client base; or 3) When business development opportunities arise, there is little planning time factored into responding appropriately.

These reasons accentuate the need for firms to place a higher priority on tracking the support and assistance provided to their primary rainmakers. By providing designated, experienced support and resources, the firm will more quickly see a return on their investment resulting in new clients, new matters from and stronger ties to existing clients, and a stronger position in its marketplace.

Regularly touch base with your top rainmakers to ensure they have the business development resources they need. Educate them on the full range of resources available to them. Provide them with a dedicated and experienced lawyer coach who can assist them in their efforts.

BUSINESS DEVELOPMENT METRICS

Who in your firm is monitoring the ongoing business development activities and whether they yield desired results? Is there any type of reporting or time-keeping mechanism which captures this potentially valuable intelligence?

Or, as with many firms, do lawyers chat casually about what they are up to during firm meetings and gatherings with no measurable tracking in place?

Some firms systemize their efforts in a variety of ways including recording business

development initiatives on timekeeping sheets to be analyzed by in-house marketing professionals, an external consultant, or a marketing/practice development committee usually comprised of practicing lawyers or a mix of law firm professionals.

Steven K. Mignogna, chair of Archer & Greiner’s trust and estate litigation group and a member of its practice development committee, says, “A practice development committee is essential to foster and coordinate business development activities. If the institution is able to support it, this committee should also include non-lawyers with marketing expertise. At our firm, for instance, the committee is comprised of the department chairs, or those designated by them, and our marketing team.”

If appropriate systems are not in place, carefully institute such a program by which the firm tracks business development efforts and evaluates what activities the firm and its lawyers are engaged and whether they should be continued.

With the help of qualified law marketing professionals, business development plans should be crafted for every lawyer and practice group. A firm marketing plan that complements the firm’s strategic plan should also be produced. These tools are vital to the success of the firm’s long-term health and can be effective measuring mechanisms by which to set future growth goals and evaluate business development efforts.

When evaluating business development plans, a critical eye should be given to whether the firm is allotting too many of its resources to traditional, low impact marketing tactics such as publishing random newsletters or participating in non-segmented seminars and conferences.

Moreover, with qualified professional marketing assistance, firms will learn how to invest their resources into high return on investment activities such as targeted face-to-face interactions and small client group activities. This seismic shift in focus must occur to move firms forward.

It is wise to remember that there is no single solution to generating new business. A combination of business development initiatives complemented by strategic marketing tools will drive a firm’s dedicated growth efforts.

Jennifer Smuts, director of marketing for Connolly Bove Lodge & Hutz in Wilmington, Del., says, “Improving existing client relations present valuable business development opportunities for most law firms. Client services teams comprised of attorneys, staff and administration work to provide service beyond the matter level. This type of service is an expectation today that clients need to support the various limitations they have been hit with since the economy has shifted.”

VALUABLE RESOURCES

If a firm has an organized marketing program, it is often understaffed and frequently charged with handling the full scope of business development, marketing, event planning and corporate communications initiatives. It is destined to fall short of the firm’s mission critical goals. In-house marketing staff, as well-intentioned and experienced as they may be, are often not best suited to initiate strategic

programs which will deliver measurable results. Despite their marketing backgrounds, internal marketing staff may not be the most effective trainers or coaches to help guide lawyers in their business development endeavors.

First, internal marketing professionals are typically inundated with last-minute lawyer requests and crisis projects which monopolize their time. With the exception of the larger firms, the marketing department is often a place from which to request brochures or revise an attorney’s biography, not a resource through which to seek expert insights and guidance on how to pitch a new client company, how to expand an industry presence, or learn how to more effectively cultivate a relationship with a prospective general counsel client. These consulting functions are often best directed toward outside resources whose focus it is to provide an advisory role in addressing strategic goals.

Second, the skill sets required to execute strategic training and coaching, marketing, and business development programs are very different and should not be assigned to staff that lack direct experience in these areas. Not only will it potentially marginalize positive outcomes but predictably, the firm will fail to realize its established goals. Assess the core competencies of your internal marketing resources and allow them to focus on these areas.

EMPOWERING YOUR RAINMAKERS

Despite conventional wisdom, some firms endeavor to economize on their business development skills programs by soliciting a firm rainmaker to speak on how she successfully built her practice by providing examples and hope others follow suit; facilitating training programs which are non-interactive and resemble “talking head” presentations with no attorney coaching follow up; and/or providing programming which attempts to be a “one size fits all” that results in only rarely useful instruction for most.

Clearly, each of these scenarios represent lost business development skills training opportunities, which wastes critical time and resources, does not provide effective long-term support for the firm’s future rainmakers and stymies the business development skills learning process for firm lawyers who are committed to producing new business for the firm.

INVEST WISELY

For a firm’s long-term growth benefit and the development of attorneys who are committed to becoming more productive rainmakers, firms would be well served to consider all available resources, both in-house as well as from qualified outside experts.

One of the most valuable lessons firms can learn from this recession is that their overall health depends upon attorneys who are well-educated and disciplined in the nuances of the business development process.

Firms who resist investing in their time keepers with results-driven business development skills training and coaching do so at their own peril and, in all probability, ensure their prized present and future rainmakers will move to a firm which will. •