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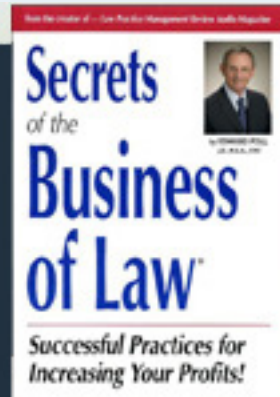
Week of **August 12, 2008**

What is Marketing?

Marketers have frequently complained that they are not given a "seat at the table" of law firm management. The Legal Marketing Association, in *Strategies: The Journal of Legal Marketing*, recently tried to address this perceived lack of respect by setting forth the organization's new definition of marketing: "Marketing is the activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large."

That's a pretty broad statement, yet lacks simplicity and directness. This may be one reason why the seat at the table is still denied to many who claim the title "marketer." One commentary from LMA suggests that their definition is no longer about a function but, rather, describes an education process. I don't get that aspect of the concept from the words they've used. Education is the basic function, in my opinion, of marketing.

In my experience, vendors don't sell, but rather customers and clients buy. If this is true, then vendors must educate the market about the quality, value, and availability of their service or product. As an example, years ago, when I was a General Counsel, our company engaged a major law firm. That firm always handled our matters with three lawyers: a senior partner, a junior partner, and an associate. The thinking behind this policy was to assure that our company remained with the law firm even if any one of the three firm lawyers left the firm. Assuring the client



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of service continuity was paramount, and the process of doing so this way was the best marketing.

Ultimately, clients belong to the firm and not to the lawyer, and that is in the best interests of firm, lawyer, and client alike. Lawyers who have successfully "branded" themselves as personalities, like a Melvin Belli or Johnny Cochrane, are few and far between. Most clients presume each lawyer is as competent as the next. If clients place primary reliance on the firm, the lawyer benefits as the firm itself maintains relationships and generates new ones. When the selling function promotes the law firm, even if a lawyer with special skills is the "product" sold, I suspect that it will be the law firm as an institution that will be seen as the service provider in the attorney-client relationship.

Educating both the vendor and the buyer is the primary function of the marketer. That leads me to an alternative, shorter definition to describe the function and process of marketing. It is every activity throughout the day that enables one to educate and persuade another as to the value of his/her idea/service, and the availability to serve the client when the client is in need. It's a concept so basic that even lawyers—and their marketers—can get it.

Best wishes,

Ed Poll

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