



The Law Firm Marketing Director: Breaking New Ground?

[by Cary J. Griffith]

Two-and-a-half years ago the Legal Marketing Association had fewer than 1,000 members. Today, it has more than 2,400. Founded in 1985, the organization has experienced growth that has mirrored the growth of the acceptance of marketing by America's law firms.

Twenty years ago, most lawyers believed their work was somehow different from the rest of American business. The same tools, activities, and practices that characterized the competitive marketplace didn't apply to law firms or the practice of law. Today, that perspective has been turned upside down, paving the way for a revolution in the advertising, sale, and promotion of legal services.

A Brief History of the *Marketing of Legal Services*

In 1978, the U.S. Supreme Court decided lawyers had a right to advertise their services using television, radio, and newspapers. The decision sought to ensure that America's legal system would be accessible to everyone—not just those with the means and influence to procure the best available legal services. The Court believed competition among law firms would ultimately result in better service and lower cost.

True to the legal profession's characteristic slow progress to adopt new ways of doing business, it took another seven years before the founding of a fledgling organization designed to assist lawyers with marketing. The Legal Marketing Association (LMA) was established as a forum for law firm partners, marketing professionals, consultants, and vendors who supported legal services marketing. Currently, its primary purpose is to provide its members with a network through which it can share ideas, marketing knowledge, and development opportunities, as well as continue their education. According to the LMA's website, the organization was also established to educate the legal community "about the important role law firm marketing

plays within the legal industry."

Roles of Early Legal Marketers

The first wave of early legal marketing usually involved the tepid process of getting the firm's feet wet. Often the professionals who were given the job of attending to the firm's marketing efforts were legal assistants. According to Greg Wolsky, Chief Marketing Officer for the 176-attorney law firm of Lindquist and Vennum, "the first wave of marketing directors were often paralegals in law firms that knew the law firm and were tasked with making up brochures, coordinating events, and attending to similar matters."

As more firms began to consider the role of marketing, more true marketing professionals began to get involved. Gradually, experienced, educated marketers were brought in from the outside as Directors of Marketing, Marketing Managers, Marketing Officers, or under any one of a variety of other titles.

Part of the flux in responsibilities for law firm marketing professionals was reflected in what law firms chose to call these new positions. One marketing professional remembers being given the title of Director of Communications because the firm was sensitive about using the term marketing. These higher-level non-attorney professionals often "came from marketing, finance, insurance, or from other professional services with experience in marketing communications or 'Mar-Comm,'" notes Wolsky.

During these early years, there was also a fair amount of turnover in the industry, much of it due to the peculiar structure of law

firms. Most MarComm people have one solid line boss or perhaps a marketing committee made up of a few select partners. But because large law firms are comprised of multiple partners, the Director of Marketing is also likely to have a dotted-line reporting relationship to every partner in the firm. Having to answer to that many bosses, each with his or her own strong opinion about what a marketing professional should be doing for the firm, created—and still creates—massive headaches for the profession.

According to Larry Bodine, a law firm strategic-marketing consultant based in Glen Ellyn, IL, "Up to now, law firm marketing has involved seven different duties: brochures, newsletters, seminars, press releases, advertising, direct mail, and websites." Bodine describes the concern with managing and producing these marketing tools as the primary responsibility of MarComm professionals. "But," he's quick to point out, "since 2001, everything changed when the first law firm hired a sales director."

Recent Growth and Changes

From 1985 to the start of the new millennium, the effort to convince the legal profession of the importance of marketing has been stubborn and slow. But since 2001, the idea of marketing has gained plenty of traction and is beginning to expand. "I think it's safe to say that this is the best time for legal marketing, in terms of acceptance at all levels in the marketplace," comments Carl Wangman, Executive Director for LMA. Wangman points to the remarkable growth in LMA membership as statistical proof of his assertion.



The increased acceptance of the concept of legal marketing has actually led to an evolution of the job's responsibilities. The bread and butter of marketing - brochures, advertising, publications, websites, and the other obvious tools of the trade - is still a very important part of the marketer's job. But increasingly, the firm's chief marketer is taking a more active role in all levels of the firm's promotion and sales-from senior partner to associate to non-attorney professionals.

Suzanne Donnels is the Chief Marketing Officer for Allen Matkins, a large San Francisco-based law firm specializing in real estate. "Marketing positions in law firms vary greatly," comments Ms. Donnels. "Sometimes a Chief Marketing Officer (CMO) in one firm will do one thing, while others attend to entirely different matters. One of my first tasks was to develop a marketing plan. How are we going to staff the department? What are the department's major goals and directions for the next 6-12 months? How are we going to drive revenue for the firm?"

Ms. Donnels points to an increasing trend among law firm marketers - the drive to link their marketing efforts to tangible revenue for the firm. While many firms don't look for a direct one-to-one correspondence between firm promotional efforts and revenue, others consider it the true test of marketing.

At Lindquist and Vennum, Wolsky was hired because the firm was interested in working with someone who could implement a more "sales-oriented marketing plan." Wolsky, who is both an attorney and a marketing/sales person with several years of direct sales experience, some of it in the legal arena, was the perfect candidate for the job. "Most large law firms," Wolsky notes, "are shifting gears to a business development philosophy, which is really a sales philosophy."

Is There a Sales Director in Your Future?

In "A Sales Director at My Law Firm?" Debo-

rah Rhodunda, a marketing consultant with Altman Weil, Inc., stated, "More than 100 law firm marketers met at the [LMA's] Mid-Atlantic Chapter meeting in February [2003] for a presentation and discussion of what could be a new trend in law firm business development - the sales director." The meeting participants pointed out that sales is different from marketing and has a different focus and process but in many instances is being managed by marketing departments.

"Today," comments Larry Bodine, "I estimate there are at least 50 sales directors at law firms across the U.S. The difference between marketing and sales is that sales involves face-to-face meetings. None of the marketing is face to face. Sales involves developing leads, taking an existing relationship, or building a relationship and turning it into a lead. Sales has been around forever, and there are various steps to a sales process. Salespeople know that process and manage it. "Sales people," Bodine concludes, "know how to close people."

Mark Cowan, Business Development Partner with Patton Boggs in Washington, DC, is one of the pioneers in the promotion and sales of legal services. Cowan is Chairman of the firm's Marketing Committee and works closely with the firm's Marketing Director. "We must have exchanged twenty-five emails just today," explains Cowan, referring to that day's correspondence with the firm's Marketing Director.

We caught up with Mark Cowan in a Grand Rapids hotel room, where he was attending to the business of his firm. Cowan sees the primary mission of a business development person as "helping the firm's partners and associates develop their own practice."

What Kind of Person Does Law Firm Business Development?

"I'm the quintessential Sagittarius," jokes Cowan. "I don't have some of the traits; I have them all." The traits Cowan refers to

include an insatiable curiosity, love of travel, and an independent spirit which doesn't like to be confined to a small office. These people are usually gregarious, with large social networks that include a variety of people, many of whom have differing perspectives. They're also characterized by cheerful optimism and sometimes tactless directness.

Cowan believes most of the preceding characteristics "make one good at the complex sale." "What you're doing in a law firm business development situation," he explains, "is figuring out how to motivate someone. In most cases, you don't know what the product is when you go in the door. You don't know what it is they're interested in buying. It requires an ability to switch hats and suits real quick."

Many Take a Wait-And-See Attitude Regarding Business Development/Legal Services Sales

With so few people actually working in law firm sales, is it safe to call it the latest law firm marketing trend?

"Several firms have gone to sales-type positions and added them to their strategy," comments Nathalie Daum, the current LMA President and the Marketing Director for the Arizona-based firm of Quarles & Brady. "They're getting a lot of press," Ms. Daum continues. "I don't believe that the industry has totally embraced it. It's a new thing, and a lot of people are waiting until they see the results." With regard to her own firm, Ms. Daum notes they're both taking a wait-and-see attitude but also beginning to move toward the business development model by working hand-in-hand with the attorneys to develop that new business.

"The guys that say it won't work here - " comments Cowan, "that's classic law firm theology. It used to be lawyers don't sell. That's smarmy. We sit and wait for the business to come to you. Those lawyers aren't practicing any more."

"Today," concludes Cowan, "the law business



is very competitive. Multiple firms pursue the same client." And those firms demand much more than they used to. "They want to know how you charge, how you're going to solve the problem, the firm's background and experience." They want to know if the firm has done this kind of work, and if so, for whom. Law firm marketing has finally come of age. Widely accepted across the entire legal marketplace, the marketing of legal services is becoming a mature profession. Time will tell if law firm sales is the next promotional trend.