

# OF COUNSEL

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**Unlikely Frontier.** It might seem that Littler Mendelson made a counter-intuitive choice of Caracas for its first overseas office. Yet the labor/employment behemoth is not alone in its thinking, as many other large firms see local and regional growth opportunities here. There's business activity aplenty in Venezuela and, for Littler, the same counseling, collective bargaining, and litigation that defines its practice everywhere ..... **Page 3**

**Opposite Styles.** It pays to advertise only when firms have sufficient understanding of how service ads fundamentally differ from product ads. Bruce W. Marcus looks at two efforts. One, by Ogletree Deakins, hits the mark at multiple levels, buttressing name recognition and credibly communicating capabilities. The other, by the Marcum accounting firm, is a generic exercise with way too much "us" and not enough "you" ..... **Page 5**

**Master Course.** The law firms that survive into the 21st century will likely be those that can inculcate the tips and techniques of our top business development professionals. To aggregate those best practices, David Freeman has created a CMOplaybook, which provides insights culled from a faculty of 28 top legal marketers, including quintessential lessons in niche marketing, cross-selling, client service, and much more ..... **Page 8**

**Daily Curriculum.** For lawyers who don't manage megafirms but are keenly interested in their own personal survival, a new resource called Attorney at Work posts a different tip every day from 14 professional advisors. Co-founder Marilyn Astin Tarlton discusses the objectives of the site with samples on RSS feeds, email management, and how to better market legal services by effectively communicating benefits ..... **Page 11**

**Plaintiffs' Perspective.** In this edition of *Heads Up*, a personal injury lawyer who recently opened her own firm talks about the often overestimated role of the Internet as a factor in practice development, as well the fundamentally flawed litigation strategies that threaten pharmaceutical industry. We look too at last year's ruling allowing foreign plaintiffs to sue Toyota, and the potential impact of that ruling on all global companies .... **Page 15**

**Midsized Stalwart.** Bruce Jeffer's firm seems to be a midsized practice built to last. It's a particularly relevant story now as we wait to see if the gains that such firms made during the downturn outlast the recovery. The odds may favor firms like Jeffer Mangels that were strong pre-recession and remain debt-free today. Hildebrandt's been predicting our demise for years, quips Jeffer, but the reports are apparently exaggerated ..... **Back Page**

## Current Best Practices in Business Development

It is no secret that the current market is the toughest that many lawyers have ever faced. Business development approaches that worked for years, even decades, no longer generate new matters. As we come out of this recession, competition will be fierce for a limited amount of client work. Rainmaking skills may never be in greater demand.

Over the past year, I have conducted interviews with specialists who spend all day every day finding ways to increase the wealth of law firms and individual lawyers. In all, I have collected hundreds of tips and techniques from a faculty of 28 Chief Marketing Officers (CMOs), in-house law firm business development experts, and outside consultants and have based a personal rainmaking system called CMOPlaybook on these insights. Thanks to my colleagues, we now have a master's guide to business development as it's taught by some of the best in the business.

The following is a sampling of some of the powerful strategies that are included in the CMOPlaybook training modules.

### Developing Niches and Developing Your Strategy

In this module, the faculty highlights the importance of maintaining a narrow focus in order to become well known to a targeted group of prospective clients. It can take five to 20 outreach efforts to be noticed by a client before getting hired, and it is nearly impossible to market to all of America while getting that kind of repeat exposure. When choosing a niche, it also helps to find areas of particular interest, special expertise, or personal passion in order to stand out from the crowd.

Find approaches that use your strengths (*e.g.*, one-on-one meetings, onsite visits, bylined articles, speeches and panel presentations, email blasts and alerts, etc.) and develop objective measures of progress toward getting well known by the right people. The faculty also suggests that it is particularly worthwhile to build your brand with referral sources who can send you high-quality repeat work.

### Growing Networks and Staying Memorable

Successful rainmakers identify, collect, and are remembered by people who can help them throughout their careers. Our faculty cut to the chase, explaining the need to assess the business development value of other individuals with whom you can have a relationship and, once identified, to meet as many of them as possible. Techniques for rapidly growing networks include starting groups that can serve targeted prospects, organizing a local chapter of a national organization, or joining the membership committee of an existing trade organization.

Our experts share some of their favorite techniques for "becoming memorable," such as offering onsite presentations, making introductions to others, sending articles, inviting contacts to seminars, or asking top prospects to co-present at a speaking engagement.

Another powerful strategy for staying top-of-mind is to help others make money. Research conducted by a city bar association showed that approximately 80 percent of lawyers gave 10 referrals a year and received 10 referrals a year, whereas about 20 percent gave 50 referrals a year and received 50 in return. One member of our faculty, an expert in growing networks, suggests building

private referral groups populated with targeted complementary service providers in order to jump-start referral activity.

### Obtaining Prospective Client Meetings and Maximizing Effectiveness During Meetings

Our experts suggest working through your existing network to get “warm” introductions to multiple network members and contacts. To make people in your network feel comfortable reaching out to their own valuable contacts, you must offer a compelling reason to meet, such as innovative ways to deliver legal services, in-house training initiatives, or a review of documents and procedures.

Once you get the meeting, you should ask open-ended questions to learn about client needs. Understand what is important to them and, as one panelist recommends, “follow that trail” by offering solutions to their highest-priority issues. Effective rainmakers also close these meetings by getting a commitment for some kind of follow-up activity with the prospect.

### Accelerated Cross-Selling

Our faculty was united in the strong belief that cross-selling is a relationship-driven process and that individual lawyers must invest time to make it work. Those investments can include traveling to other offices to meet key lawyers, conducting internal webinars featuring specific lawyers and their practices, hosting partner dinners, using marketing staff to uncover new opportunities, extending offers to participate in new client pitches, and providing free services to build trust with other lawyers and their clients.

Our experts also offer an important tip to potential laterals who may be conducting due diligence on a new firm. These laterals should study the firm’s client list to see if top clients are regularly serviced by more than

one practice area. If not, that could signal a culture that does not support cross-selling efforts.

### Delivering Exceptional Levels of Client Service

Since service is a very personal experience, you must learn what is most important to each client. Take the time to “walk in their shoes” and ask questions like, “What are your most important issues?” “How do you like working with a law firm?” “Do you have a method and time of communication you prefer?” and “What kind of reports would you like from us, and at what frequency?”

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True masters of client service invest in the relationship. They take time to deeply understand a client’s business and they are highly responsive to client needs. They add value, often above and beyond the delivery of the legal service. They anticipate needs before they arise, and they ask for, and act on, feedback.

### Alternative Fee Arrangements

With alternative fee arrangements, one size does not fit all. Make sure that you fully understand what your client needs. If they want budget certainty, offer a fixed- or flat-rate model. For others who want risk-sharing, a success-fee approach might work best.

Highly effective rainmakers also shift the discussion from price to value, the goal being to develop value-based relationships

as a differentiator. Our experts recommend the ACC Value Challenge Web site ([www.acc.com/valuechallenge](http://www.acc.com/valuechallenge)) as an exceptional resource for learning the best practices in this area.

### **Maximizing a Presence on the Web**

Lawyers must become part of the world of online conversations. Our faculty recognizes that social media networking can be an overwhelming experience, and they suggest asking top clients and prospects which social networks they find most productive. Another way to cut through the noise to find important information is to watch for updates and changes in status.

Our faculty wisely reminds us that social media/networking is not an end in itself. It is just another tool for initiating relationships. Savvy rainmakers use the digital social sphere to build one-on-one connections through personal emails, telephone calls, or to set up live meetings.

### **Maximizing Business Development as a Lateral**

Law firm marketing and business development professionals can be excellent guides for laterals looking for opportunities at their new firms. Successful laterals should also identify key lawyers at the new firms and

invest significant time building personal relationships.

Laterals can make strong impressions on internal influencers by offering outstanding levels of service (to colleagues or their clients) or by providing access to their own contacts.

### **Making Business Development an Ongoing, Sustainable Practice**

All our experts agree that successful rainmaking requires solid business development habits. One panelist recommends a “push-pull” approach by which business development commitments are captured at the beginning of the week and monitored at week’s end. Other suggestions include regularly scheduled time slots to address business development issues, prioritizing contacts, developing buddy systems, working with a mentor, and using assistants for client development support. ■

—David H. Freeman

*David H. Freeman, JD, is CEO of David Freeman Consulting Group. He is a veteran law firm business development expert who has helped thousands of lawyers in hundreds of law firms become better rainmakers. For more information on the CMOPlaybook Personal Rainmaking System, visit [www.CMOPlaybook.com](http://www.CMOPlaybook.com) or contact David Freeman at 949-715-0819 or [dfreeman@davidfreemanconsulting.com](mailto:dfreeman@davidfreemanconsulting.com).*