

Have Your Story Straight Before the Reporter Calls

By John Tuerck

The call comes at 3 p.m. A business reporter from the local daily wants to know if a lawyer in your firm can comment on a hostile takeover bid of a well-known local company. The reporter sounds harried; her deadline is just 2 hours off.

For a public relations veteran, the call is a catalyst to action. Who's good on mergers and acquisitions? Has she dealt with the press before? Is she available, and can she make the reporter's deadline?

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• **Reminder** •

— **The MLF 50** —

The Top Fifty Law Firms in the areas of Marketing and Communications will be announced in a Special July/August issue of Marketing The Law Firm

By popular demand, submission deadline extended to **June 10, 2005**. All submissions should be sent **via e-mail only** to Elizabeth Anne "Betayn" Tursi, Editor-in-Chief, *Marketing The Law Firm* at elizabethtursi@aol.com. Any collateral materials accompanying the essay must also be in a format that can be transmitted via email. No entries will be accepted that are sent via mail or fax to Law Journal Newsletters.

Building and Sustaining a Marketing and Sales Culture at Your Law Firm

Or, How to Make Marketing Really, Really Matter

By John Remsen, Jr.

Getting lawyers and law firms do things differently is not an easy task and instilling a marketing mindset among lawyers is a major effort for most firms, resembling the proverbial challenge of "herding cats."

A national consulting firm recently examined personalities of lawyers from around the country using the Caliper personality index and was able to quality what many of us have known for years. Compared to the rest of us, lawyers:

- Hate change, respecting precedent because it was drilled into them at law school;
- Are highly skeptical of new ideas and concepts, demanding proof that change will work;
- Love autonomy, preferring their own judgment over that of any hierarchy or policy; and
- Have a high sense of urgency, expecting immediate results on even complex efforts.

It's not surprising, then, that most law firms (especially smaller and mid-size firms) operate much like fraternities. Governance and decision-making are often difficult and time-consuming because everyone wants a voice in the process.

MORE LIKE A BUSINESS

However, the most profitable firms are moving closer to a corporate model of governance, with institutional goals, strong leadership and streamlined governance. They are also starting to embrace marketing, recognizing the need to get closer to existing clients and invest time and resources on focused, proactive strategies to go after new ones.

So why try to roll the marketing boulder uphill? Simply because any firm that wants to survive in today's increasingly competitive marketplace must support a marketing and sales culture. Mergers, acquisitions and consolidations, rising associate salaries and operating costs, and client cost-cutting are making lawyers run their firms more like a business, and less like a profession. Failure to market brings

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Scripting the Client Experience: How To Really Differentiate Yourself

By Mark Merenda

I'm always coming across articles and books by marketing gurus about how you must differentiate yourself from your competition. Their writing is usually peppered with advice on how to "position" yourself and "brand" your practice.

And many attorneys spend a lot of time, energy, and money trying to convince potential clients that they are somehow different (read: better) than others who provide the same service.

It's a fool's errand, and I'll tell you why.

First, you aren't really a whole lot better or worse than others in your field. Oh, I know, I know, you're terrific. But guess what? You're not the only one who's terrific. There are others who are pretty darn good as well. Maybe even better than you.

But let's assume you *are* much better than everyone else. This brings us to our second point. *Your potential clients can't tell the difference.* They do not have your expertise in the complicated financial and legal strategies in which you deal every day. What you tell them may sound compelling, but then so did what they read in *Money* magazine, or what their friend told them at a cocktail party, or what another advisor told them last week. It all sounds good, but they have no real way of judging. As far as your potential clients are concerned, any special knowledge or strategy or technique you advocate is simply a claim you are making.

Mark Merenda founded Smart Marketing in 1994. Since that time he has built Smart Marketing into one of the country's premier marketing firms for financial professionals. He can be contacted by telephone at 239-403-7755 or by e-mail: mark@smartmarketingnow.com. The company's Web site is www.smartmarketingnow.com. Merenda's blog can be found at <http://smartblog.typepad.com>.

I hope you're the world's greatest attorney. Maybe you are. But in marketing terms, that won't do you much good. Believe me, you can be world's most brilliant lawyer and still starve.

But don't despair. I am going to tell you the real secret — how you can differentiate yourself, blow your competition away, and have an endless line of referrals at your door.

Are you ready?

Develop great customer service.

Let's face it. In most businesses, the service stinks. There isn't a week that goes by that my friends and I don't exchange anecdotes about the cable company, the phone company, the bank, or some retail or service business that actually seem to be going out of its way to alienate everyone who deals with them.

SERVICE PLEASE

Service everywhere is bad. But that's good for you.

It presents you with an opportunity. It means that if you can deliver even halfway good customer service, people will rave about you and tell their friends.

Unfortunately, most lawyers don't know the first thing about customer service. And the first thing they have to change is how they think about themselves and their business.

Here's the concept I want you to understand. You are not a law firm. You are a customer service organization whose work product happens to be legal documents.

Let me quote from Jack Mitchell, CEO of Mitchells/Richards, one of the most successful clothing stores in the U.S., serving the upscale clientele of Connecticut and New York:

"At Mitchell's, clothes are not our priority. It's not the first thing we think of, nor the last. Don't get me wrong. We like fabulous product, and we search the world to get it, but we're all about customers.

"Now that may sound amazing. A clothing store that isn't about clothes? But it's true. And if we were a restaurant, we wouldn't be about food. If we were an electronics store, we wouldn't be about DVD players. Businesses have lost sight of the idea that customers, not product, are the

most important priority. Most companies think all you have to do is have plenty of great product and the right value and customers will descend like locusts on their stores. Many stores have those things. You can buy a great blue blazer or black skirt anywhere. You can buy a great flat-screen TV at any electronics store. You can get a great sofa at a lot of furniture stores. It's how you treat customers that determines your long-term success."

I'm here to tell you that creating client satisfaction — or better yet, joy — is your job. Not drafting legal documents, not creating legal strategies, not giving legal advice.

HOW TO CREATE

CLIENT SATISFACTION

In their seminal book *The Experience Economy*, B. Joseph Pine II and James H. Gilmore put forth the proposition that customers do not buy goods and services as much as they buy *experiences*. "Work is theatre," they write, "and every business is a stage."

Surveys show, for example, that 75% of the people who travel to Las Vegas, go *expecting to lose*. What a great vacation concept, right? Come to our city and lose money! But millions do, every year. Why? Because the end result isn't what is most important. They are going for the *experience*.

The masters of this approach, of course, are the people at Disney theme parks. Every customer is a "guest," every employee is a "cast member" and every day's business is a "show." What are people really going for? A couple of rides and some souvenirs?

So how do the lessons of "show business" apply to a staid law office?

First, you have to determine what you want your client's (and potential clients') experience to be when they call or visit your office. You need to "script" exactly what will happen.

Questions to ask yourself include: What does the client see when they enter? How does the receptionist behave? Are they escorted to the conference room? What will you offer them? What does the client see as he or she looks around the conference

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Managing PR Agency

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doing for you, and how. There's really no other way.

Some key things to keep in mind as you work with your agency and assess its performance:

Your invoice should never be a surprise. A good PR agency knows that the invoice at the end of the month isn't so much a list of what they've done for you while you were managing other things, but a summary of what you worked on together, traded emails about, had phone calls regarding. There should be no surprises, questions, etc. You should be expecting every item on the invoice. If something surprises you, then it's time to have a chat with your agency folks.

You should know how your agency is working with the media on your behalf. This doesn't mean finding spies amongst your reporter friends to play tattletale. You should, however, ask that agencies seek approval from you and/or appropriate

attorneys for every pitch that goes out. You are also perfectly free to ask questions of your agency reps in terms of how they work with media, their approach, etc. For example, does your agency subscribe to the "throw everything at the wall and see what sticks" approach (which can soon tire or tick off the reporters who receive off-topic pitches), or do they take a more strategic approach focused on building relationships on behalf of your firm? You didn't hire an agency to make a mess of your reputation with reporters.

You should expect communication on every pitch at every step. How many reporters were contacted? At which outlets? What were their beats/titles? If a reporter didn't pick something up, did they have a reason? A status report during and after a pitch is a standard tool agencies use to keep clients informed of progress and results. If yours doesn't, ask why.

Ask your agency to be candid about any problems they're facing in working with your firm. Are they

seeing any internal barriers you can fix? Are you an internal barrier yourself with respect to gate-keeping and not making communication routes between your agency reps and your attorneys more direct? Are they not getting cooperation from key attorneys or staff?

Review your strategic plan regularly. Even the best plan must change and adapt. If you're experiencing frustration with the results of your PR agency, maybe they're working off an outdated plan, or you need to revise things a bit? You should aim to look at your plan at least once a quarter and revise it every 6 months, at a minimum.

It's always frustrating if a law firm and its PR agency are at loggerheads, but there are steps you can take to ensure a smooth relationship. If you've been open in your communication with your agency there are likely very few issues that you won't be able to handle together.



Differentiate Yourself

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room? Does the attorney walk into the conference room at precisely the appointed time? How does the attorney greet the client?

I suggest, in deciding what you want your "script" to be, you solicit the ideas of your employees. It will greatly help the process of getting them to "buy in" to the new way of doing things.

The client comes in the door and sees a sign that says: "The Smith Law Firm welcomes Mr. and Mrs. Jones, June 1, 2005." The receptionist rises from behind her desk and greets the Joneses warmly by name. They are escorted to the conference room and automatically served a glass of water from a carafe. They are asked if they would like anything else — coffee, soda, etc. The conference room is decorated with personal memorabilia and warm objects that reflect the values of the firm's clients. (Example: if the firm specializes in elder law, there are photos of the attorney's parents, a 1930's era antique radio, a

copy of Tom Brokaw's *The Greatest Generation*.) The attorney enters the conference at the precise time of the appointment and greets Mr. and Mrs. Jones warmly.

This is your script — the exact sequence of words and events that will create the desired client experience.

The next step is to turn your script into a series of protocols for your employees. This is how we answer the phone. This is how we greet visitors. This is how we speak about our firm and its attorneys.

And then, finally, training training training. Make sure everyone understands the protocols, has "bought in," and has practiced until it is second nature. Arrange to have one of your friends pose as a prospective client, and test your new script.

Remember this, above all else: *the fact that you have not scripted your client's experience, does not mean that the client will not have one.*

When you think about it, scripting a great customer service — hugging your customer, as Jack Mitchell calls it — is a much easier way to

differentiate yourself, than all the positioning, all the branding, all the continuing education or new designations or niche marketing.

It feels good. Your employees and clients will love it. You will love it. And your bottom line will reflect it.



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