

## **12 Guidelines For Law Firm Marketing Investments**

Some years back, I ran the U.S. field marketing program for one of the Big Four accounting firms. About twice a year, a senior audit partner in the New York office would implore me to create an awards program. It seemed like an odd request, and on further investigation, he admitted that the reason behind his request was that he disliked walking into his client's office, only to see the award from a competing accounting firm sitting on the client's desk. Patiently, I explained to the partner that awards programs need to synchronize carefully with the rest of a firm's marketing program, and that an awards program did not remotely fit what we were trying to do.

He persisted, so I was as blunt as possible: "Marty, here's the way an awards program works. You select a premise, a reason to give the award, one that hopefully hasn't been taken by another firm. You get everyone in the office involved. They all nominate their clients and their prospective clients. You publicize it repeatedly. You get a media partner. One in 10 of your clients and targets will win. Nine out of 10 will either see themselves as losers or that they didn't win. And you'll spend \$400,000 on advertising, awards, judges, interviewers, events and other incidentals if you want to do it right. And apart from all that, two of our competing firms already have awards programs."

He didn't get his awards program.

Law firms will receive many times more marketing and business development investment opportunities than they can possibly exercise. We see every conceivable form of marketing investment under the sun; every speaking opportunity, event, sponsorship, panel, speech, directory, award, listing, organization, article, presentation ... you name it, and we see it. And almost all of it is "pay to play."

Every prudent marketer must sift from among the range of attractive (and not-so-attractive) opportunities, cull the less-productive or less-attractive options and maximize their budget efficiency by committing to those with the greatest return-on-investment potential.

Much more often than not, we are presented with potential marketing investments from well-meaning attorneys or overzealous salespeople, or in other words, people with an all-too-easily discernible agenda. In an effort to sift through the tidal wave of opportunities, we offer this list of parameters by which we judge ROI potential and exclude low-return opportunities:

### **1. Partner Interest and Passion**

This is the most important factor, the big lever, and it is the most difficult for salespeople to understand. If I can't get a partner interested in an opportunity, or preferably a group of partners, it is meaningless to me and useless for the firm. And I have to cut short conversations that start with one attorney saying, "It isn't right for me, but someone should be interested in it." Fine. If it is so terrific, find me the attorney who wants that opportunity, who craves it.

### **2. Value**

The value payload drives the decision. Most chief marketing officers will invest in an

activity that promises significant ROI, but they hate to sit through sales presentations where the ROI is nonexistent.

One event sales person excitedly convinced one of my partners that they had a new sponsorship model, one that would “revolutionize the meaning of sponsorship.” They kept this revolutionary idea secret until we were face to face, but a reasonably prominent journalist hosted the conference, so we took a meeting.

The revolutionary sponsorship concept? It turned out to be that sponsors would have no other involvement in the event other than supplying their logo. No speaking, no panels, no exposure to participants ... nothing. Needless to say, we didn't invest.

### **3. Opportunity to Make Contact and Build Relationships**

The potential for commencing or building relationships is absolutely critical. This means face-to-face, handshake-to-handshake contact. Does the format of the activity put our attorneys in interactive social situations with potential contacts? If not, I'll have very little interest in participating. If it does, then I am very interested in pursuing it.

### **4. Thought Leadership**

Our charge is to expose our firm's knowledge and expertise to our potential target market. In other words, I want our attorneys to exhibit their expertise and acumen to their clients, prospective clients, referral sources and other stakeholders. It is one of our primary tools that differentiate us from our competitors. If an event or organization cannot or will not give us that outlet, it is meaningless to us.

### **5. Emotion and Interest Surrounding the Event**

The opportunity has to focus on a hot topic of immediate interest to our stakeholder community. If the topic or surrounding *raison d'être* is bland or meaningless or outdated or inapplicable to our targeted stakeholder groups, then I just can't get behind it.

### **6. My Competition**

The degree to which my competition is involved in an event or organization is inversely proportional to the degree to which I will be interested in participating in the event. In other words, the more I see of my competitors at an event, the less I am interested in supporting it. It is worth it to me to have professional exclusivity, and I will generally pay for it. If I have to share stakeholder time with four or more other firms, I will rarely have any interest.

There is one major exception: I will participate in an event with many of my competitors if my firm can look great in comparison. For example, if the local association of general counsel hosts an event, and we can put three of our senior partners in attractive speaking roles, I will not hesitate to take advantage of that opportunity.

### **7. Target-Rich Environment**

It is very common for conference organizers or industry organizations to boost attendance or membership (and sponsorship fees) by being very inclusive with regard to invitees. I need to see financial buyers — literally, I want to see the type of stakeholder who has the ability to select a law firm. The higher the proportion of potential financial buyers, the better the odds that I will participate.

Failing that, I want to see user buyers, or in-house counsel who actively engage law firms if they don't actually make the decision as to which law firm to use. Quite often, user buyers

become financial buyers at a later date in their careers, so I don't mind making that investment to familiarize them with our brand for the future.

If the audience is composed of attendees who neither buy nor use legal services in significant proportions, then we are not interested.

#### **8. Ability to Use the Tool**

If a marketing tactic sounds exciting and meets our other criteria, but I just can't market it with my existing resources, then I cannot support it.

#### **9. Will It Benefit the Firm or Will It Benefit the Partner?**

Ideally, it will benefit both, but if I had a dollar for every time an earnest partner tried to convince me to sponsor an expensive speaking opportunity that would benefit no one other than that partner, I would be retired by now. If a specific opportunity confers benefits to our firm at large or to a specific practice or industry group, it is more useful than opportunities that will largely benefit one individual partner.

#### **10. Time to Market the Event**

If a salesperson or an attorney presents me with an event or an opportunity that is less than a month away, I cannot optimize the ROI from that event. I can't do the pre-event marketing that we like to do, not generally. If I get less than two months notice, I'm not really interested, either. I like to have a minimum of 60 days in order to build up to an event.

Incidentally, if there is less than 60 days to go to an event, I have to wonder why I am being asked to participate at that late a date, and I am forced to wonder which of my competitors either turned down or backed out of the event ... and what they know that I don't.

#### **11. 'Me Too' Opportunities**

Like the example of the awards program, attorneys seem to want to get involved in marketing tactics that other firms pursue. There are marketing tools that can benefit all firms (like client feedback programs), but there are few specific discrete opportunities that work well for all law firms. Bandwagon marketing is rarely a successful strategy.

#### **12. Cost and Time Invested**

The price of an opportunity (both in terms of actual cost and in terms of attorney time required) is the factor that determines the ultimate ROI. It is both the first and the last factor we consider. At the outset, we evaluate whether or not we can afford it. If we provisionally approve the budget, we evaluate the activity using the rest of the above criteria, and then compare the projected ROI with the cost before making a final decision.

At best, it is a challenge to allocate scarce business development resources across the range of potential business development investments. This necessitates a thorough and objective evaluation of all potential business development activities.

While at first glance the criteria list may seem to be intimidating, it is well worth the exercise when evaluating marketing or business development opportunities for the greatest return on investment.

By James J. Stapleton, Fenwick & West LLP *Jim Stapleton is chief marketing officer of Fenwick & West, based in the firm's Silicon Valley office.*