



Best Practice Playbook Summary 2010 LMA New England Annual Conference

This year's annual conference offered to members a variety of forums for the exchange of useful information about planning, strategies, and tactics related to law firm marketing and business development.

Consequently, LMA New England has decided to provide a summary of the best marketing and business development practices and suggestions that came out of the nine discussion groups and the presentations by distinguished guest speakers.

What follows is a highlight reel of the scoring plays that have worked in competition, according to moderators, panelists, presenters, and participating audience members.

This playbook summary is divided into 12 sections for your quick and easy reference as follows:

- 1. Keynote - The Legal Hot Buttons of a High-Profile CEO**
- 2. Building a Marketing and Business Development Function**
- 3. Sales Lessons for Law Firms from the Corporate World**
- 4. CRM and ERM - A Winning Team**
- 5. The Secrets to Cross-Selling**
- 6. PR and Media Coaching for Lawyers**
- 7. Best Practice Tips to Win Business in Any Market**
- 8. How to Get "First Downs" in Business Development**
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- 11. Corporate Social Responsibility**
- 12. Tips from In-House Counsel (the Thursday night panel)**

We hope that this summary will prove helpful to those who missed out on sessions they wanted to attend, and to everyone who can benefit from a simple and handy reference to useful information provided at the conference.

1. Keynote - The Legal Hot Buttons of a High-Profile CEO

Robert Bowman, President and CEO of MLB.com, offered up his perspectives on what gets lawyers hired and what gets them fired, as well as providing suggestions for legal marketing enhancement.

Bowman started by noting some similarities between sports franchises and law firms, observing that “the talent is the product that you are selling” in both cases. In that regard, he recommended the book, “*Management by Baseball*,” written by baseball writer and management consultant, Jeff Angus.

Law Firm Websites

Bowman, who hires many lawyers for MLB.com, shared his insights into how to get noticed on the Web. He offered the following suggestions:

A. Websites: Shape your site to fit the concerns of those who buy your services. MLB.com takes its Website to “farms” full of people who are customers and potential customers just to test it out, see how they use it, and figure out what they like and what they don’t like about it. It pays off in the form of increased utilization and revenue.

B. Profiles: Law firm lawyers too often have profiles for “legal robots,” Bowman joked. He urged lawyers to humanize and personalize their profiles, stressing the need for more information about their passions, hobbies and interests, stating that: “We want to know ‘Who are you really?’”

C. Photos: Bowman decried the standard use of ordinary headshots, suggesting that photos of lawyers engaged in their passions, such as rowing, gardening, or cooking would be much more engaging to a CEO who wants to hire them. He explained that competence is “just the ticket to the game,” stating that profiles which only talk about competence are not useful in demonstrating who you are as a person.

Meetings with Clients and Prospects

Bowman also shared the following advice based on his experience in meetings with lawyers who represented his company or wanted to do so:

A. Know my company - know my mission. The veteran CEO said that it is critical for lawyers to understand as much as possible about his company and his mission when meeting with him. “If it is obvious that you have not taken the time to at least Google me before the meeting, then I don’t want to hire you,” he said.

B. Punctuality. “Somebody needs to teach lawyers how to tell time,” Bowman quipped, noting that too many lawyers show up late to meetings. “You better be Alan Dershowitz if you show up late to meetings,” he jested.

3. Leaving early. “Don’t leave a meeting before it is over, and don’t tell me you have another client to go see,” he added. “I am not impressed with how busy you are.” Bowman emphasized

that “being of service to others starts with respecting their time,” adding that business people are not so tolerant of those who miss meetings, show up late or leave early because it is disrespectful to others.

4. Listen and be likeable. “You have two ears and one mouth for a reason,” Bowman asserted. He urged lawyers to try asking two questions of the client or prospect for every one question that is asked of them. He also urged them not to ramble about themselves. “People get this wrong all of the time! If I give you 10 or 15 minutes to make an impression, you better take that time to be different, to be smart and to be liked,” he said.

Managing Lawyers

Harkening back to his sports analogy, Bowman offered up a few tips on managing lawyers:

A. Look for maturity. “In baseball, having a good arm, speed and power are all nice, but maturity counts too,” Bowman said, noting that an immature presence in the clubhouse can rip a team apart. He argued that lawyers in firms similarly need to be team players if a firm is to thrive, asserting that management must set and enforce this expectation.

B. Play to your strengths. Just as players are put into specific positions to succeed, lawyers must be put into positions at which they will excel, Bowman asserted. “If you have a good speaker, have him speak. If you have a good writer, have him write. If you have someone who is good with people, have him meet with clients,” he urged. He also said that managers should know the weaknesses on their team and avoid them while knowing the weaknesses of the competition and exploiting them.

Making an Impression - Good or Bad

A. Collections and disputes. Bowman said that law firms too often fight over everything, noting that he wants to hire lawyers who get along with others. He cited an instance where one of his own firms fought with him over \$200,000 in dispute on a \$3 million legal bill. “We will not ever, ever hire them again,” he concluded.

B. Office decor. Bowman also noted that law firms were missing an opportunity to fill their hallways and offices with the energy of historic legal heroes, just as Busch Stadium and the Hall of Fame are filled with iconic pictures and memorabilia of baseball greats. “Mahatma Gandhi, Abe Lincoln and many of the people who shaped our history were lawyers. They should grace the halls of law firms, instead of photos of old partners.”

2. Building a Marketing and Business Development Function

John Neidecker, Chief Client Development Officer at Edwards Angell Palmer & Dodge, facilitated a discussion about how to build out a complete marketing function at a law firm with significant reach.

At the outset, he noted the importance of the unique democratic structure of law firm partnerships, which allows all partners to operate like independent businesses, likening the process of getting lawyers to act as a team to “herding cats.” He suggested that internal development strategies must take into account that “there is no simple top-down acceptance” at law firms because managing partners do not have the power of CEOs.

“You have to identify champions and detractors and develop your strategies accordingly,” he said, adding that it helps to identify “potential converts” to marketing philosophies because they can become the best internal catalysts for change.

What follows are the contributions of both the group members and the facilitator regarding the successful build-out of a marketing function.

Hiring

A. First hires. It is critical to make early hires who are substantial contributors and fit the culture. These early hires can bolster your credibility and the credibility of your function.

B. Positions. As Stanford business professor and author James Collins has noted, “You have to get the right people on the bus and put them in the right seats.” It helps to have top-notch people filling specific roles that you identify as critically important (Webmasters, graphic artists, proposal developers, sales trainers, etc).

First Steps

It was noted that partners are “natural skeptics” who are prone to testing people. Thus, it was suggested that it might be best to avoid taking on a “first step” project that was enormous, controversial and/or easy to derail.

A better first step would be something like an internal communications initiative that might offer low risk and low cost, but great return on investment. Just facilitating the sharing of successful selling tips through webinars, internal newsletters and internal meetings can be a big help.

Enrolling Law Firm Leadership

Participants acknowledged that no program is likely to succeed without buy-in from the leadership of the firm. Thus, it was suggested that marketing professionals should enroll law firm leadership in promoting business development in the following ways:

- Setting expectations and minimum standards for marketing activity;
- Inspecting performance to see that expectations are met;

- Contributing to and supporting business development training;
- Learning and understanding the relationship of specific activities to revenue; and
- Setting revenue-related goals for groups and individuals.

Lateral Integration

Because large firms are constantly acquiring successful practice groups and individual lawyers from other firms, it was noted that lateral integration is an essential function of large firm marketing.

The following suggestions were made with regard to lateral integration:

- Get the marketing people involved in the hiring process so that they can identify opportunities and problems early;
- Set up a structure and checklist for smooth and orderly integration of lateral individuals or groups;
- Remember that it is easy to “lose” laterals in the volume and frenzy of a large firm, so visit with them and ask them for feedback - they can offer a fresh and invigorating perspective, coming from another environment.

Building Trust

It was acknowledged that partners sometimes see other partners as internal “competition.” Thus, it can be very helpful for marketing functions to work on building trust and familiarity among partners.

This can be done through special events, meetings, and simple, fun exercises (such as “speed dating” conversations between laterals and established partners).

Some noted that you might have to get partners to see how cross-selling and internal referrals work for them, not just from a compensation viewpoint, but from the perspective of building a more powerful firm brand with more selling power behind it.

Specific Strategic and Tactical Tips

Participants also offered the following tips for success in building a marketing function:

- Develop a “cheat sheet” of questions for each practice group to help identify opportunities for and obstacles to business development;
- Match up groups that don’t normally talk to each other at events, such as firm retreats;
- Develop client teams geared to specific key clients and prospects;
- Identify and come up with a plan to eliminate any stumbling blocks to success;
- Look at what some partners are doing well and propagate it;
- Look at what the competition is doing well and copy it or improve on it;
- Do what you preach - get out of your office and listen to your internal clients;
- Come up with a system of rewards and acknowledgements (i.e., at Wolf Greenfield they give out “Wolfy” awards that have become quite popular).

Client Feedback Programs

Participants commented upon the usefulness of client surveys, noting that:

- It is best to start with a few clients that you know will grade the firm well;
- It is important not to let any of the client lawyers do the client surveys;
- It is easy and important to share the positive client feedback;
- It is usually easy to fix problems that clients identify with negative feedback;
- It is important not to embarrass anyone who makes client service mistakes; and
- It is important that management commits to fixing identified problems (before you start).

Recommended Reading

William Flannery highly recommended Daniel H. Pink's "*Drive: The Surprising Truth About What Motivates Us.*" Pink has 10 basic recommendations based on his findings about how people are motivated:

- (1) Hire goal-oriented people who are internally motivated;
- (2) Put them in positions that fit their strengths;
- (3) Listen to them;
- (4) Give them freedom to operate;
- (5) Provide them with regular, actionable feedback;
- (6) Inspire them with individual goals and missions;
- (7) Explain their role in the larger purpose and mission;
- (8) Give them a comfortable, positive work environment;
- (9) Educate and train them; and
- (10) Be constructive about how they can develop further.

3. Sales Lessons for Law Firms from the Corporate World

William J. Flannery, Esq., the founder and president of The WJF Institute in Austin, TX, offered up a detailed list of lessons that law firms could learn from their largest and most successful corporate clients. He focused on several key themes, including: what is required of law firm leadership; how to grow revenue by focusing on key clients; setting a business development tone; the use of metrics; spending wisely; and motivating people.

Law Firm Leadership

Flannery made it clear that successful marketing and business development initiatives depend upon active and committed leadership. Asserting that law firms are “over-managed and under-led,” he pointed to specific ways in which law firm leadership can improve by:

- Having a vision for the future;
- Developing a competitive strategy that fits the vision;
- Setting a tone that values business development and client service;
- Setting expectations;
- Inspecting performance to see if it meets expectations;
- Enforcing expectations; and
- Not tolerating “lone ranger” behaviors that stray from expectations.

Growing Revenue by Focusing on Key Clients

Flannery recommended that firms follow the example of highly successful Global 1000 companies, which:

- Focus on developing high profit, high renewal rate customers;
- Get 80 to 90 percent of their revenues from their top 150 clients;
- Use dedicated service teams to support each client;
- Incorporate good vendors into their supply chain for the benefit of clients; and
- Emphasize that customers belong to the firm rather than individuals in the firm.

Setting a Business Development Tone

Stressing the importance of creating an organization that values the critical importance of business development and client service, Flannery also recommended that firms imitate their most successful corporate clients in the following ways:

- Stressing the importance of face-to-face time with clients (which should far exceed the 30 hours per year that Boston lawyers spend on average with all of their clients in total);
- Avoiding the use of the “term” laterals and recognizing the need to incorporate new hires into client service and sales teams immediately;
- Emphasizing the importance of market research and coming up with action plans based on that research;
- Treating business development as a process based on well-designed plans aimed at growing trust and relationships with specific clients;

- Adopting useful metrics to help navigate the direction of your business.

Useful Metrics

Flannery suggested that law firms should track *revenue* and *expenses*, not just by lawyer or practice group, but *by client* and *by industry* as well. He also suggested that firms track *market share*, *share of wallet* (percentage of work you get from a client's wallet) as well as *renewal of client work*, and *trends in revenue* by client and by practice area.

He asserted that firms should also measure *profitability by client* so they can understand the resource load necessary to serve various clients. "Some clients just call you a lot without sending profitable work, or they use up resources on lots of small projects. You may be better off dumping them," he said.

Finally, he urged law firms to measure *client satisfaction* and *loyalty* as predictors of future success or indicators of developing problems with specific client relationships. He further noted that every highly successful corporate business sets its navigational compass based on feedback and guidance from its customers.

Spending Wisely

When firms study their revenues and how they correlate to specific activities, they are likely to find the optimal ways in which they can invest their time and money on business development, Flannery added.

He asserted that bar activities, public relations, and fat brochures were not likely to produce measurable results. On the other hand, he suggested that the following were likely to produce measurable business development gains:

- Leadership training;
- Sales training;
- Face-to-face meetings with clients; and
- Client service team formation and training.

Motivating People

Based on his work with and study of corporate clients, Flannery also argued that effective sales programs are not necessarily tied to expensive compensation incentives. He noted that the most effective corporate clients emphasize instead the development of:

- Individual and team recognitions;
- A sense of purpose; and
- Passion for service.

4. CRM and ERM - A Winning Team

Group leaders Christina Fritsch and Kim Kaufman Lipsy led a well-organized discussion concerning the adoption and implementation of client relationship management (CRM) and enterprise relationship management (ERM) programs in law firms.

Fritsch, a lawyer and president of Clients First Consulting, joined with Lipsy, a marketing specialist at Murtha Cullina LLP, in making a number of specific recommendations for law firms to consider in purchasing and implementing CRM/ERM programs. What follows is a summary of the useful information supplied by both the group leaders and discussion participants (who were almost entirely from firms with less than 100 lawyers).

At the outset, the panelists helped the group to understand the differences between CRM and ERM by defining the relative benefits and resource requirements associated with each. The differences have been summarized in the following table:

	CRM	ERM
Purpose	Helps manage relationships and contact information.	Helps gauge strength of relationships and assemble industry specific information.
Attributes	CRM can enhance mailing lists, event management, planning for meetings or phone contacts with clients and prospects, and other sales activities.	ERM can mine e-mail traffic to measure frequency and reciprocity of communications within practice groups or industries, and gauging strength of relationships.
Requirements	Generally requires some data input and/or data checking after contacts are imported from other programs; also requires some training to get the most out of it.	Requires very little data entry, but require some commands for data sorting; less training required, but more need to analyze data and make decisions on what to do with it.

The participants noted that CRM adoption and implementation can produce significant benefits and cost savings if simply applied to mailing list functions. The group cited various stories about avoiding the cost and embarrassment of incorrect or uncoordinated mailings to the same client contacts from different lawyers, and they noted that clients are impressed when invitations and messages come from a group of contacts who act like a coordinated team. CRM can also help to identify conflicting internal information about proper names, titles, addresses and spellings associated with key client contacts.

Some of the leading products used in the legal industry were also cited for each software application:

CRM	ERM
ContactEase	ContactEase - Relationship Discovery
Contact Manager	BranchIt
CRM4Legal	ContactNet
IntelliPad	InterAction IQ

The panelists also suggested that it is a good time to look at purchasing these systems because there has been a rush of competition to serve law firms and unit costs have dropped after roughly a decade of exponential sales growth for CRM/ERM systems.

Purchasing CRM/ERM Systems

It was recommended that when purchasing a system, a buyer should consider and perhaps even test out the following:

- Ease of use;
- Ease of integration with other software systems;
- Client service and availability of troubleshooting support;
- Experience of vendor in dealing with law firms;
- The ability to flag and/or correct data quality issues;
- Pricing;
- How much the software might slow down your other systems if running in the background (a big complaint among some lawyers).

CRM/ERM Implementation

The group also came up with a number of practical tips for smooth and successful implementation of these programs, including:

- Getting the IT department and the lawyers involved in purchasing decisions so that they buy into and support the program;
- Buying only what you need, adding bells and whistles later;
- Rolling out program adoptions in stages, using one office or one practice group or one volunteer as a beta-testing pilot to iron out the bugs;
- Giving the lawyers and staff measured amounts of “change” in each phase of rollout so they do not have too much to learn at one time;
- Offering food (lunch in particular) at training or rollout meetings, which has a track record of insuring more complete attendance in the experience of many in the group;
- Offering awards and recognition for those who adapt early and adapt well and/or find creative uses for the data and capabilities produced by the programs;
- Making sure you get the support of secretaries, who often manage the contact information for partners and can be a huge help or huge roadblock;
- Skipping past people who are opposed to the process or just don’t want to adapt;
- Getting “star pupils” to share their success stories in working with CRM/ERM;
- Constructing an information maintenance strategy to prevent data from going stale;
- Setting data quality and inspection standards for spelling variations, proper names, abbreviations, etc.;
- Setting protocols for the blocking of access to certain information (such as the Governor’s private cell phone number); and
- Finding other fresh tips published regularly at **CRMSuccess.net**.

Experienced participants also agreed that after doing a very “basic” phase one rollout, a firm should consider staging the rollout of other phases according to levels of complexity, the eagerness of individuals to adopt the new capacity, and the utility of the software capacity or capability being adopted.

The panelists suggested that firms should plan for a rollout time that could vary greatly, depending on the size of firm, the level of cooperation and training, and the number of phases/capabilities involved in the desired CRM/ERM program. They stated that a rollout might take anywhere from a *few months* to a *few years* to complete.

5. The Secrets to Cross-Selling

James Durham, Chief Marketing and Business Development Officer at McGuireWoods LLP, presented a compelling case for the best approaches to successful cross-selling, asserting that cross-selling of new services to existing clients is the ultimate way to show those clients that you are thinking about their needs well beyond the narrow way in which you might serve them now.

But he warned that successful cross-selling efforts must be built upon a foundation of trust between the client and the service partner and among the other partners involved. "Random cross-selling will not work. It leads to lack of credibility and can do more harm than good," Durham asserted.

Before You Start

Durham pointed out that the most successful cross-selling efforts are a product of groundwork done before approaching clients. He recommended taking the following initial steps to maximize chances for success:

- Know who you want to approach - not just which client, but which contact(s) within the client's organization;
- Know how you want to approach them, keeping in mind their preferences for how they like to interact (if they hate ballgames, don't take them there);
- Do your homework on them and learn how your firm can really help them to save money, make money or eliminate enormous risks;
- Prepare your sales team to be good listeners because the best sales people score high on empathy - they know "it's about them and not about us."

Client Perceptions

To be a successful cross-seller, Durham maintained, you must understand your client's perceptions about your firm and those lawyers who service the client. He suggested that:

- You cannot successfully cross-sell if the client's current perception of your firm's service is not good;
- Client surveys are the best way to identify where opportunities might exist to leverage highly satisfied clients or improve client service and trust.

What Value Means to Clients

Based on years of client feedback, Durham asserted that a client's perception of value is based on *what the client got* minus *what the client paid* (so the value of your service to a client is zero if service merely equals payment).

He added that clients find great value in a service only if it accomplishes one or more of the following four objectives:

- Makes money for them;

- Saves them money;
- Makes them look good; and/or
- Helps them sleep better (by tackling and eliminating a big trouble).

Eliminating Obstacles

Durham also pointed out the importance of eliminating obstacles to successful adoption and implementation of a cross-selling program, noting that there are two kinds of obstacles that professional business developers are likely to encounter in law firms.

The purported objections that partners will most often raise and the solutions to those objections, as suggested by the presenter and the audience, appear in the table below.

Objection	Solution
I don't get compensated for this or it actually hurts me to spend lots of time on cross-selling under the compensation formula for our firm.	Sit down with the managing partner and/or key members of the comp committee to explain how this is not true.
I am concerned about other lawyers working with "my" clients.	Build familiarity and trust among partners, and explain that "other lawyers are already working with 'your' clients - they are just not 'our' lawyers."
Clients will think that I am pushy.	Bring the best clients in to attest that they like being fully served and made aware of what you can do for them.
I don't know what my partners do and don't have time to learn it all.	This is easy - get people acquainted with each other who might be able to cross-serve each other's clients.

Durham asserted that the real obstacles to progress need to be confronted in order to make forward progress, those obstacles being:

- Fear of the unknown;
- Inadequate relationship strength with the client;
- Lack of a "firm first" attitude; and
- Not understanding what it means to be in the client's shoes.

Addressing Compensation Issues

A number of people in the forum said that compensation issues or compensation perceptions truly affected the ability of partners to embrace cross-selling in their firms. Various people in the group also suggested a number of ways in which those compensation obstacles might be overcome, including:

- Finding ways to convince management to make cross-selling incentives more transparent;

- Finding ways to demonstrate to skeptics that objective and/or subjective elements of the comp scheme really do take this into account (usually true); and
- Generating new programs and incentives to reward cross-selling activities and hours spent on them.

6. PR and Media Coaching for Lawyers

Claire Papanastasiou, Senior Public Relations Manager at Bingham McCutchen, led a lively panel discussion among participating members of the press about the ways in which lawyers can be “coached up” on media relations.

The panelists (Sheri Qualters of the National Law Journal; Lisa van der Pool of the Boston Business Journal; Paul Boynton of Taylor, Duane, Barton & Gilman; and David Frank of Massachusetts Lawyers Weekly) covered several issues of concern to professional marketers who are seeking to promote their lawyers.

Explaining Why Lawyers Should Talk to the Media

Panelists noted that this a threshold issue for some lawyers, pointing out some of the major reasons why it is important to communicate with the media:

- Being quoted in print or interviewed by electronic media gives you added credibility, especially because people trust news more than advertising;
- Being quoted or interviewed gives you added visibility and name recognition, and unlike advertising, it is free;
- If you are good at working with a reporter or interviewer, there is a good chance you will be called upon again; and
- Even if the story or the angle is not one you would prefer to see to covered, the media is going to cover it anyway, and it is likely that they will find someone else to comment (and perhaps give a less preferable spin on the story).

How To Deal With Lawyer Distrust of the Media

The panelists also suggested a number of ways to handle lawyer distrust of press coverage and media generally, suggesting that marketing and PR professionals advise their attorneys that:

- The press is not out to get you - they do not want to burn potential news sources and commentators because it takes time to cultivate them;
- Most members of the media are happy to have you “coach them up” on the issues so that they get it right, provided that you do so in a way that respects their time and intelligence;
- The legal commentator can start by having a very brief “off the record” discussion just to feel out where the reporter/interviewer is going and what they need; and
- Even if the story has a subject and angle you do not like, you can get better treatment in the press by cooperating, and you can at least tell a reporter where to find a good and cooperative source if the story is not right for your comments.

How to Handle Crisis Communication and Negative Stories

The following practical suggestions were made about how to handle crisis communications and negative stories involving you or your firm or an industry you represent:

- Understand that ducking reporters' calls will never make a story go away, and could make it worse because your side of the story will not be told;
- You can always score points with a reporter by offering a brief comment, putting your own positive spin on a story, and/or directing a reporter to other sources who are able to speak in more depth; and
- You can also call the reporter back and decline comment, but at least point the reporter in a positive direction for finding facts that will balance the story.

Explaining How News Stories Are Generated

While story generation seems to be a mystery, it need not be so. The panelists suggested that lawyers can help generate, direct and contribute to stories by understanding the following:

- Reporters are always looking for story ideas, and they frequently comb through court filings, legal blogs and law firm news alerts to find law-related stories;
- Reporters need to generate story ideas for their editors, so they usually welcome brief and respectful e-mails and phone calls, even if they don't have time to respond to all of them; and
- Current events, trends and big changes in the law (such as a U.S. Supreme Court holding) can all provide excellent fodder for news stories.

General Tips for Working with Reporters

Panelists also offered the following general tips about working with the media:

- It helps to understand the publication or media outlet's audience, the kind of stories that they do, and what they look for in a story;
- Ideally, you should be prepared when you talk to a press person, but you don't want to sound like you are talking from a script - they can smell "fake;"
- You should never call right at the reporter's deadline - they need time to incorporate your comments into a story and to do so correctly; and
- You need to communicate quickly but clearly when talking to reporters - if you do not do both, then your comments may come out wrong and you may never be called again.

Panelists also stressed that a growing number of reporters are looking at blogs to find story ideas and expert sources or commentators.

7. Best Practice Tips to Win Business in Any Market

Deborah Knupp, a founder of and partner in Akina Corporation, offered up some useful and specific advice about business development strategies and tactics that work. She also illustrated her advice with anecdotes of how it works in action.

Knupp demonstrated how it is useful to:

A. Have a strategy. It is helpful to study, select and be clear about your top 20 to 40 target contacts for developing new business. These target contacts should not just be prospects, but already loyal allies and “connectors” who are likely to help you open doors.

B. Have an authentic reason to connect. People want to make a genuine connection with others, so look to find something genuinely interesting about another person using the three “ins”: *introductions*; *invitations*; and *information*. Remember that you can offer up invitations, introductions and information to help others in order to get “ins” of your own.

C. Target who you approach. This is not just about knowing who you want to approach within a target company, but who you want to approach at events where you find them as well. It is important to approach people in the right groups - approaching a group of three or a person who is alone is usually safe, but you could appear to be intrusive by approaching two people who are having a conversation that could be private.

D. Set definitive next steps in your plan. It is important to set the next step and then the next after making an initial contact, and you should give yourself some goals and deadlines to accomplish each step so that your plan moves to action.

E. Develop a “quick pitch.” This kind of pitch, like an elevator speech, is perfect for describing what you do in a brief but interesting and informative way. Often, you will encounter a perfect client or client contact when least expected, and it helps to have prepared something poignant to say.

8. How to Get “First Downs” in Business Development

Larry Bodine, Esq. of Apollo Business Development and Aidan Browne, Esq., a business development director and partner at Sullivan & Worcester LLP, provided attendees with the benefit of their experience in generating legal business for law firms.

A. The first step. Bodine stressed that the first step in developing a business development culture is to short-circuit the “I don’t have time” excuses. He asserted that senior management needs to set the tone and to communicate that all clients are “firm clients.”

B. The strategy. Once management has set the tone, then professional marketers within a firm need to develop a working strategy for business development and communicate that strategy throughout the firm with the support of management.

C. The game plan. Then, a game plan and tactics must be developed for executing on that strategy at all levels within the firm. Specific expectations and goals should be set with specific deadlines for the players involved.

Bodine also offered up a number of practical suggestions on how to improve business development, including the following:

- Finding your best rainmakers and learning from them;
- Understanding your lawyer compensation system and how that system (or the perception/misperception of it) helps or hinders cross-selling and other marketing efforts;
- Getting people in the habit of generating leads by carefully approaching and socializing with attendees at marketing events;
- Using Webinars and continuing legal education programs to attract clients;
- Coaching lawyers individually and in groups on business development.

A Three-Pronged Approach to Business Development

Browne added that his firm has successfully used a three-pronged approach to business development, which involves:

A. Learning the product. Each practice group is required to learn about other practice groups at various programs designed to encourage interaction and learning.

B. Exchanging ideas and information. Clients are encouraged to come in and share their views about service and business development. Other professional service providers are invited to share business development experiences from their world. Panels of successful rainmakers within the firm are also asked to speak about their methods, what has worked for them and what has not.

C. Individual attention. One-on-one coaching is also performed with partners and senior associates, who are expected to develop business. As part of the process, each individual must develop a business plan, an activity calendar, and a plan for converting prospects into clients.

9. The New Challenge for Marketers: Social Lawyers

Jayne Navarre, Internet Strategist for Marketing and Business Development at Law Gravity LLC, made a presentation and facilitated a discussion about the challenges of working with “social” lawyers who now can utilize more technological options for making connections than you could possibly manage. The technology options, as well as tips for utilizing them and policing them were discussed.

Social Media Options

According to Navarre and the discussion participants, many lawyers are now actively participating in the following social media:

- Facebook;
- LinkedIn;
- Twitter;
- JD Supra;
- Martindale Connected;
- Blogs;
- Wikis; and
- List-servs.

Lawyers are also using new high-tech publishing tools to generate or participate in:

- Podcasts;
- Webinars;
- YouTube vignettes;
- Blogs; and
- Socially enabled work products, such as White Papers.

Social Media Policies

While law firms may reflexively feel the need to “regulate” participation in all these forms of social media, Navarre and participants noted that the trend among their corporate clients is to move away from strict and Draconian social media policies toward more general, common-sense guidelines for behavior that could reflect on the firm.

Social Media Tips

The group generated the following practical tips for users gravitating toward social media as a tool for marketing:

- Separate your personal use from your business use as much as possible, and consider maintaining separate private and business accounts for Facebook, Twitter and other social media;
- If you are going to use a form of social media for business, don’t “dabble in it” but instead “do it right” because a poor showing is like negative advertising;

- Figure out the few places you most want to be in cyberspace and concentrate your efforts on that because nobody can do it all now;
- The key to getting noticed and having followers on-line is to be *interesting, informative* and *concise*;
- Listen to and observe the etiquette and protocols for participation in various forms of new media before diving into the pool; and
- Make sure to guard your personal data on-line and be wary of sites asking you for too much information.

Social Reputation Monitoring

With more customer and client opinions being posted on-line, and with a growing number of “fake” sites being created by non-authentic users, it is now more critical than ever to know what is being said or posted that could harm your reputation. Thus, it was suggested that lawyers and firms consider using any of a number of social media monitoring sites, such as “*ReputationDefender.com*.”

It was also suggested that the real parties behind various Websites or postings could be discerned through the use of Websites, such as: “*knowem.com*” (for user names); “*ud.com*” (for domain and user names); and “*namechecklist.com*.”

10. Strategies for Small Firm Marketing and Business Development

Jennifer Irvine, Director of Marketing and Business Development at Sherin & Lodgen LLP, and Kirsten Lovett, the Marketing Director at Lahive & Cockfield (recently acquired by Nelson Mullins LLP) led an interactive discussion focused on finding solutions to dilemmas faced by small marketing departments. Topics of interest included business development coaching, client interviews, and CRM programs.

Business Development Coaching

Participants noted that the costs of doing business development coaching programs are a bit daunting for small firms. So they identified a possible cost-sharing solution - having smaller non-competitor firms join together to split the cost of "train the trainer" programs. In that way, the marketing trainers at small firms could pick up advanced training skills and propagate them within their own firms without taking unacceptable hits to their marketing budgets.

Client Interviews

A small-firm professional shared her success story in launching a client interview program that generated additional revenue, improved client retention and great applause for the marketing leader.

She started the program several years ago, and acknowledged that it can be time intensive to get the attorneys on the same page to approve the structure and process involved, but she said it was well worth the effort. Smaller firms do sometimes require every attorney to be involved and to approve of marketing efforts, and one partner with "turf" concerns about talking to his/her clients can block a client survey effort, but it is possible to win support by illustrating the success of other programs (perhaps even done by competitors).

CRM

The group discussion revealed that many small firms have not yet implemented any form of CRM program. Furthermore, the few that have done so have struggled with "data cleaning" (correcting old or conflicting data, incorrect spellings, names, titles, etc). One participant shared a solution that she developed working with Overall Domain Concepts ("ODC"). For a reasonable monthly fee, ODC will now groom your data by cleaning up duplicate entries and updating stale information.

Cooperative Efforts by Small Firms

The group also considered the possibility of doing joint purchasing of associate training programs and other marketing programs. They also considered the idea of sharing non-proprietary information, such as internal social media policies.

11. Corporate Social Responsibility

Kathleen Doran, Practice Development Manager at Ropes & Gray LLP, acted as moderator for a discussion on Corporate Social Responsibility (“CSR”) featuring contributions from session participants and panelists, Susan Finegan, a pro bono partner at Mintz Levin, and Leslie Pine, Senior V.P. for the Philanthropic Initiative, Inc.

Best Practices

The group identified some “best practices” to follow in developing a CSR program, noting that every program can benefit from attention to the following.

1. Management buy-in. Participants agreed that the success of a CSR program, as with other programs, is largely dependent upon management encouragement and support, as well as management willingness to allocate resources to the cause. Thus, management buy-in must be established at the outset.

2. Identification of program goals. The group also agreed that it is important to identify the goals of a CSR program in order to focus energy and effort toward a productive end. It was noted that some firms have a broad focus, supporting many charitable and pro bono causes, while others have a narrower focus, aligning themselves with just a few selected causes that they have adopted. The former option gives employees more chances to participate in different causes in different ways, but the latter can create a unified energy, drive and focus which unites people for the chosen cause(s).

3. Formation of program structure. Like any program, a CSR endeavor can benefit from a well-crafted organizational structure. It was observed that many corporations now have one key person in charge of CSR and sometimes allocate a staff in support. This is not likely to be the case at law firms, but it is possible to get management to recognize the need for significant staff time devoted to CSR.

Some firms, it was observed, wrap much or all of their CSR work under a foundation created in the name of the firm, while others choose a more decentralized internal approach.

The group agreed that it is also important to determine what components a firm might wish to incorporate under the CSR umbrella. Potentially, that could include:

- Charitable giving efforts;
- Community service initiatives; and
- Pro bono contributions by lawyers.

Again, there is no one solution that is best for all firms, but it is important to make conscious choices about how attorneys and staff should be afforded the opportunity to contribute. It is also important to decide what might be expected of individuals in support of group efforts as well.

4. Identification of methods to achieve goals. Participants suggested that the method for achieving CSR goals should be consciously chosen as well. A firm should decide whether it is

committed to donating money, time, legal services or products to various adopted causes. Depending on the methods of support chosen, a firm might also wish to put specific individuals in charge of specific methods of providing support for adopted causes.

5. Setting criteria for responding to charitable requests. Participants also noted that a firm with a demonstrated commitment to CSR can expect to receive an increasing number of solicitations and requests over time. Because it is impossible to answer the call to every request for support, it is best to set criteria for deciding which causes to support as a firm. This not only helps to focus charitable efforts in a productive way, but it provides an objective basis for gracefully declining requests that do not fit into a firms' CSR program.

Communications Issues

Panelists also addressed the importance of communications issues related to CSR programs, noting that there are both internal and external communications decisions to be made in conjunction with a CSR program.

Internally, it is important to communicate about the formation of a CSR program to get maximum beneficial input, and it is important to communicate about the chosen causes, goals and methods of giving, as well as the ongoing successes of the program.

Externally, firms should be prepared to answer a growing number of requests from large corporate clients about the firm's CSR work. In fact, some clients will even ask a firm to address its CSR program in RFP packages.

Firms must also decide if their charitable efforts can and should be tastefully publicized. It was noted that some firms now put out Annual Reports about their Foundations and/or their CSR programs, which can be made available to both clients and employees.

12. Tips from In-House Counsel

For those who missed the Thursday night session, there were some basic themes that emerged from the comments of in-house counsel panelists: John Affuso, Jr., Senior Transaction Counsel for the Massachusetts Port Authority; Steven J. Roberts, V.P. of Real Estate Law at Stop & Shop Supermarkets; and Margaret W. Chambers, Executive V.P. and General Counsel of Boston Private Financial Holdings, Inc.

Lawyers Who Get Noticed

The panelists issued a note that resonated throughout the conference - that lawyers who listen and get along with others are well liked. They also agreed that they are likely to hire a lawyer who can demonstrate particular experience in dealing with the exact issues arising from the exact same situations that they typically face.

What Works

Lawyers have successfully attracted the attention of in-house counsel by:

- Attending industry/trade shows with the in-house counsel;
- Sharing “white papers” with them that demonstrate knowledge and experience in a given area that is relevant to their business;
- Being the first to issue a news alert or analysis of a pertinent development.

What Does Not Work

In-house counsel sounded another note that echoed through the conference, cautioning law firm attorneys:

- Not to over-lawyer or over-argue issues;
- Not to be tardy with communication responses; and
- Not to ignore cost as an element in the value of a service.

Overall, the 2010 LMA New England Annual Conference was a huge success. It was well-attended and featured many contributions to the members from moderators, panelists and participants. We hope this report has helped to capture the value of those contributions for you.

- John O. Cunningham, principal at *C 3 Communications*, prepared this summary and would like to extend his grateful thanks to LMA members Paul Boynton, Kathleen Doran, Kirsten Lovett, Deb Scaringi and Tina Rutherford for sharing their notes from sessions he could not attend. He would also like to acknowledge other helpful members who shared their perceptions about the Thursday night event and Friday sessions without attribution.