

**LJN**LAW JOURNAL  
NEWSLETTERS

# Marketing

*The Law Firm*<sup>®</sup>An **ALM** Publication

Volume 26, Number 9 • January 2011

## Letter from the Editor

As the new Editor-in-Chief of *Marketing the Law Firm*, I would like to introduce myself and share with you my vision for our beloved *MLF*.

I have worked in the legal marketing space for nearly 20 years and have been eyewitness to so many amazing changes as our industry continues to mature and evolve.

While practicing my craft, I headed up in-house marketing programs for several mid- to large-sized law firms in the Metro Philly area before launching a business development advisory practice (KLA Marketing Associates — [www.klamarketing.net](http://www.klamarketing.net)) several years ago.

I look forward to bringing my in-depth legal marketing background as well as the insights of national experts to ongoing dialogue on how firms can march forth and be profitable in our fiercely competitive legal environment.

With so many of us on information overload these days, we at *MLF* hope to help cut through the chatter and deliver strategic, practically based insights into what are relevant legal marketing topics to our readers. I urge you to share with us your struggles and what topics you would like to learn more about to make your job easier and firms more successful.

To a healthy and prosperous 2011!

— **Kimberly Alford Rice**



## Legal Times, They Are a'Changing

### *A Look Ahead to 2011*

By **Kimberly Alford Rice**

**T**he year 2010 was another challenging one for the legal services community nationwide, though there have been some signs of stabilization. Law firms and lawyers alike are still mired into figuring out how to manage their practices to retain top talent, strengthen ongoing client relationships, and expand upon the business they currently have. And, don't forget, to make a profit while accomplishing all those tough tasks. Even more of a question for law firms, it seems, is how to adjust their standard operations and approach to become more client-centric. We read over and over how client service has risen as a top priority on the radar of most firms, as it should be (finally).

For our first issue of 2011, we have identified five key areas which continue to trend high in relevance to firms and legal marketers and asked some of the legal marketing profession's top experts to provide insights and perspectives on where the legal services market is heading in the following:

- ACC Value Challenge
- Alternative Fee Arrangements ("AFAs")
- Attorney Skills Development
- Evolution of the Business Development Function
- Proliferation of Proposals/RFPs

## ACC Value Challenge

### *Increasing Value for All*

By **Beth Marie Cuzzone**

**W**e have all heard about the ACC Value Challenge and much has been done to help in-house counsel close the gap between legal budgets and value received from law firms. Just for starters, the ACC's Web

*continued on page 2*

### *In This Issue*

ACC Value Challenge .....	1
The Big Picture for Firm Pitches .....	3
Alternative Fee Transactions .....	4
Developing Client Loyalty .....	5
The Next Generation...6 RFPs.....	7

PRESORTED  
STANDARD  
U.S. POSTAGE  
PAID  
LANGHORNE, PA  
PERMIT 114

## ACC Value Challenge

continued from page 1

site ([www.acc.com](http://www.acc.com)) is chock full of checklists, templates and discussion topics for in-house lawyers to use as tools. The ACC has also hosted seminars, Webinars and roundtables to help its members create more values in their legal relationships. The ACC even launched a Value Index rating system to assist in communication among members regarding which firms excel in service and value, and which ones do not.

### WHAT ABOUT LAW FIRMS?

What about law firms? Where can outside counsel go specifically to build skills and understanding about the very same issues in-house counsel wants them to address? In addition to the resource center that ACC provides on its Web site, a steering committee was formed, consisting of law firm leaders, to provide a new level of sharing between law firms and turn competitive advantage into best practices among our industry. It is a unique instance where competitive firms, large and small, sit on the same side of the table to work in alignment with the ACC Value Challenge on behalf of our legal community.

One of its first accomplishments was a document entitled "51 Practical Ways for Law Firms to Add Value", which lists ideas for lawyers and law firms in seven categories:

1. Matter Management and Efficiency;
2. Client Service and Value;
3. Understanding of In-House Functions and Needs;
4. Technology and Library;
5. Client Teams, Client Focus;
6. Fee Structures; and
7. Professional Development.

### A SNEAK PEEK

Below is a sneak peek at the document and a few tips:

- Institute a discipline of process mapping and data anal-

**Beth Marie Cuzzone** is an *MLF* Editorial Board Member, a member of the Value Challenge Law Firm Committee and Director of Client Service and Business Development at Goulston & Storrs ([goulstonstorrs.com](http://goulstonstorrs.com)). She may be reached at 617-574-6525 or [bcuzzone@goulstonstorrs.com](mailto:bcuzzone@goulstonstorrs.com).

ysis (such as lean six sigma) to monitor efficiencies in all areas of work, and institute "kaizen" (continuous improvement) programs where internal and external work groups gather and align processes for efficiency and productivity.

- Use extranets, project management tools and other technology to provide a more efficient matter management approach and better client service delivery.
- Educate attorneys and staff on how they can add value at the practice group and individual level, including training, assisting with value-based fee structures, developing technology tools and other client-centric programs. Consider developing a value taskforce to assist with this effort.
- Include client relationship activities, adoption of alternative billing models and support of the firm's client service programs as explicit criteria for partner compensation decisions.
- As part of lateral partner integration, develop an on-boarding process whereby the new client team member can get up to speed quickly on the client — at no cost to the client. In addition to training on the client's business, include an overview of how the legal department works, preferred communication methods, any special terminology and important departmental protocols.
- For top clients, publish on the intranet an internal client analysis/overview of each client's business, issues and goals. Enable the clients to participate on the site using social media tools to give feedback, updates, etc., on their business.
- Commit to clear and transparent fee structures by showing the client what tasks are required at each step in the process of the matter, the timekeeper who will perform those tasks and the allotted time for each.
- Conduct margin-per-hour analysis of services provided by

continued on page 8

## Marketing The Law Firm®

EDITOR-IN-CHIEF . . . . . Kimberly Alford Rice  
EDITORIAL DIRECTOR . . . . . Wendy Kaplan Stavino  
MARKETING MANAGER . . . . . Jeannine Kennedy  
GRAPHIC DESIGNER . . . . . Louis F. Bartella

### BOARD OF EDITORS

SHARON MEIT

ABRAHAM . . . . . Foley & Lardner LLP  
Miami

DONALD E. ARONSON . . . . . D.E. Aronson Associates LLC  
New York

MARK BEESE . . . . . Leadership for Lawyers  
Evergreen, CO

LARRY BODINE . . . . . LawMarketing Portal  
Glen Ellyn, IL

JOHN BUCHANAN . . . . . Howard Rice Nemerovski  
Canady Falk & Rabkin  
San Francisco

MURRAY M. COFFEY . . . . . Jenner & Block  
Chicago

ALLAN COLMAN . . . . . The Closers Group  
Torrance, CA

TIMOTHY B. CORCORAN . . . . . Hubbard One  
Newtown Square, PA

SILVIA L. COULTER . . . . . Hildebrandt Baker Robbins  
Boston

BILL CROOKS . . . . . Priority Search International  
Lake Mary, FL

BETH MARIE CUZZONE . . . . . Goulston & Storrs PC  
Boston

MICHAEL DeCOSTA . . . . . Korn/Ferry International  
Stamford, CT

GWEN NUGENT

FLANAGAN . . . . . RR Donnelley  
Arlington, VA

JOSHUA FRUCHTER . . . . . eLawMarketing  
New York

NICHOLAS GAFFNEY . . . . . Infinite PR  
San Francisco

JOHN HELLERMAN . . . . . Hellerman Baretz  
Communications  
Washington, DC

ARI KAPLAN . . . . . Ari Kaplan Advisors LLC  
New York

NANCY ROBERTS LINDER . . . . . Nancy Roberts Linder Consulting  
Chicago

LINDA SEDLOFF ORTON . . . . . Intelligent Video Solutions  
Rye, NY

CLAIRE PAPANASTASIOU . . . . . Bingham McCutchen  
Boston

EDWARD POLL . . . . . LawBiz Management  
Venice, CA

Marketing The Law Firm® (ISSN 0893-7788) is published by Law Journal Newsletters, a division of ALM. © 2011 ALM Media, LLC. All rights reserved. No reproduction of any portion of this issue is allowed without written permission from the publisher. Telephone: (877) 256-2472;

Editorial e-mail: [wampolsk@alm.com](mailto:wampolsk@alm.com)  
Circulation e-mail: [customercare@alm.com](mailto:customercare@alm.com)  
Reprints: [www.almreprints.com](http://www.almreprints.com)

POSTMASTER: Send address changes to:

ALM  
120 Broadway, New York, NY 10271

Published Monthly by:  
Law Journal Newsletters  
1617 JFK Boulevard, Suite 1750, Philadelphia, PA 19103  
[www.ljonline.com](http://www.ljonline.com)



---

# Think Big Picture For Firm Pitches

By Judy Rakowsky

One day when I was covering federal courts for *The Boston Globe*, a lawyer phoned to tell me he had won a judgment in a civil case that had not garnered any public attention.

"It would be really good for me if your newspaper published a story about my case," the lawyer said.

"Yes," I replied. "I know."

Was it a significant judgment in terms of its dollar value or the type of case? Was there anything about the case that had broader legal or practical implications? Were the parties well known? Did the decision signal or buck a trend? He didn't have answers. He just repeated that it would help him if I covered his case.

This unabashed appeal was memorable because it was so direct and undeveloped. Back then — before reporters had to feed the dotcom — I had no time to determine whether there was a newsworthy angle to his case. So all I could offer was congratulations.

## SUCCESSFUL PITCHES: THE ESSENTIALS

At a time of great debate on traditional versus social media and the best means of contacting prospective clients, it is worth examining the essentials of successfully pitching a reporter on your law firm's news. It seems quaint to remember my days of trolling courthouse hallways asking lawyers what they were working on. Gone are the days of courthouse press offices full of competing reporters. Easily lost in the dismissal of traditional media in an age of downsizing, however, is the fact that there are still plenty of reporters interested in good stories.

You just have to get their attention.

---

**Judy Rakowsky**, a former reporter and editor for *The Boston Globe*, is the principal of Rakowsky Communications, a Boston firm that focuses on litigation PR. She may be reached at 617-625-9674 or [Judy.Rakowsky@gmail.com](mailto:Judy.Rakowsky@gmail.com).

And no matter how much you embrace social media, the ideal is to retweet a *New York Times* article quoting one of your law partners. Social media is here to stay, and it absolutely has a place in your arsenal. But between blogs and tweets, you can still maximize your efforts with traditional media.

## WHEN PITCHES DON'T WORK

The primary reason why a pitch stumbles out of the gate is because of its failure to address the fundamental question: Who cares? Why should it matter to the readership of a particular outlet?

In the old days, it was okay to publicize the essentials of the decision, settlement or verdict to reporters who had all day or all week to figure out the five "w's" and "h" as well as the context. Now, you leave it up to the reporter to figure out the significance of rulings, especially long dense ones that they don't already know about, at your peril.

On the time-starved landscape of a 24/7 news cycle, reporters are required to blog, Facebook and Twitter as well as shoot pictures and video, and file separate stories oriented to the readership of a sister publication or station. There is scant capacity for analysis, much less research.

## HOW TO HELP

Help a reporter and increase the probability of your news story running if you provide these news elements:

- Freshness;
- Magnitude;
- Conflict;
- Counterintuitive;
- Impact; and
- Relevance.

Reporters need your help because they have to sell the story to their editors and must make a tight case for why it is relevant to their audience. Every outlet, from newspapers to magazines to blogs, knows its target audience, including the demographics of income, education level, and age, where members live and their ethnic background. Journalists don't think in terms of sales like advertisers. But they do think of their

readers and what will resonate with them. Speak their language — trumpet how a story will be relevant to their readers — and you will make a more compelling case than someone with just his hand out.

Analyzing the impact and significance is just the beginning. Your chances of success will increase greatly if you figure out the best media home for your story and are ready to offer the reporter the expert from your firm who can explain why the story matters.

Every case is not worthy of, or best placed in, *The Wall Street Journal* or the *The New York Times*. And, while it is important to aim high first because of the risk that your first choice won't accept seconds, sometimes pragmatism is best. Getting the story mentioned in a smaller outlet can sometimes draw attention from bigger players and bloggers who fuel a sense of buzz, prompting a larger outlet to pick it up.

## MAXIMIZE YOUR RESULTS

Once the pitch is made, you will continue to maximize results if you:

- Are willing to provide background on an area of law or a process to the reporter.
- Help facilitate coverage by providing court papers. Reporters need the actual documents, and getting to the courthouse within business hours and locating the file in pending matters is often challenging. There are ways to do this without flouting court rules.
- Remain accessible and return phone calls and e-mails promptly, even after normal business hours.
- Remain reasonable in your expectations of coverage. Do not ask a reporter to read back an entire story or to show it to you pre-publication. Legitimate outlets will read back quotes.
- Apprise the reporter of legislative, regulatory or other developments that could affect the story and its timing.

*continued on page 4*

---

## Firm Pitches

continued from page 3

### TIPS FOR SUCCESS

As the journalistic landscape changes, it is increasingly rare to find reporters with vast experience covering the legal system. Even in the good old days, there were plenty of reporters with long experience on major publications who had never set foot in a courthouse. Editors at the highest levels of top-notch journalistic organizations even then were often unaware that it was not possible to dial up a judge and ask for comment on a pending case or to gather grand jury material. So imagine the challenges of finding court-savvy reporters and editors today.

What this means is that you cannot afford to presume that the reporter you are pitching knows how the court system works. It is especially important for the sake of ac-

curacy and your firm's reputation to spend time covering some basics.

But don't lose sight of the difference between explaining why a matter should be covered with commenting publicly on it. You can make clear to the reporter that you are speaking on background when describing the significance of the case for his or her benefit, and set separate ground rules for any quotes from law firm spokespeople or the lawyers themselves.

The brain drain from journalistic organizations has removed some old court hands and the declining pay has discouraged law school graduates from pursuing journalism careers. To be sure, the availability of material on the Internet for fact checking and background material is a significant counterweight. But there are also fewer editors and they have more work than ever. They have less time to vet and clean

up drafts of stories prior to publication.

These are all good reasons for speaking with the reporter rather than opting for e-mail communications. Only by talking with the reporter can you gain a sense of whether he understands what he is writing and perhaps where he is headed with the story.

This is also a way to build positive relationships with reporters — being accessible on deadline for last-minute or “stupid” questions. That doesn't mean you have to answer every impertinent question, it just keeps the lines of communication open and increases vastly the chances that a mistake of nuance or fact will be caught pre-publication. And the possible payoff for that accessibility is a foundation of trust and accountability for the future.



---

## Get on the Winning Side of Alternative Fee Transactions

By Larry Bodine

Marketers at mid- to large-sized firms can win more business from major corporate clients by offering alternative fee arrangements (“AFAs”) — despite the bipolar response of companies to them.

These statistics illustrate the schizophrenic reaction to AFAs or “value billing”:

- Almost all — 95% — law firms now offer some alternative fee arrangements, and all firms with 150 lawyers or more do so, according to an Altman Weil study. See <http://bit.ly/cAmOkZ>.
- Yet only half — 52% — of corporate clients use alternative fee arrangements, according to

a Fulbright & Jaworski study. See <http://bit.ly/czHimj>. And, these companies use AFAs in some, but not all, legal situations.

Research by the Center for Competitive Management, <http://bit.ly/fthlrz>, and *Inside Counsel*, <http://bit.ly/eZ1JYO>, bear out the divided response by corporations to AFAs.

It's enough to give a law firm marketer more gray hairs. Lawyers at major law firms report offering a buffet of alternative fees to corporations, only to have the GCs eyes glaze over and ask for billing by the hour. What gives? And what's the right pricing strategy?

### HERE'S THE ANSWER

The short answer is to give what difficult and fussy people all want: options. Lawyers can respond to the howling from GCs for lower fees and greater predictability in legal fees by letting them choose the billing approach that fits them best.

We need to understand the customer: corporate law departments are getting bigger as they take more work in-house, according to *ALM Legal Intelligence*. See <http://bit.ly/9tqy2P>. Meanwhile, most in-house lawyers

say their workloads have increased during the last 12 months and their budgets have been cut at the same time. This forces them to “outsource” some legal work — primarily:

1. Corporate Governance;
2. Labor and Employment;
3. Litigation;
4. Regulatory Law; and
5. Intellectual Property.

Public companies and large caps in the energy, engineering, manufacturing and real estate industries are most likely to use AFAs. The primary reason for corporate resistance to AFAs is the doubt that they really are a good deal. Remember, the broad trend for AFAs traces back only to 2008 when the ACC first issued its “Value Challenge.” Further, GCs are risk-averse lawyers, too, who are skeptical of new ideas.

GCs may suspect that an AFA is a guise to slough work to lesser-paid, lesser-experienced associates; that it is too difficult to determine how an AFA works for the law firm; that they cannot tell if they are overpaying; and, that they do not really believe the costs are lower, according to the *Inside Counsel* research.

continued on page 6

---

Larry Bodine, an MFL Board of Editors member, is a business development adviser based in Glen Ellyn, IL. He may be reached at 630.942.0977 or [www.LarryBodine.com](http://www.LarryBodine.com).

# Developing Client Loyalty Brings Both Firm Growth and Client Value

By Edward M. Schechter

Today and in the future, a successful law firm's culture must include investment in the business-development sales engine. While classical marketing investments (e.g., client social activities, PR, Web, RFPs) continue to be needed, they are no longer enough. Pressure from clients for competitive rates, costs and efficiency are making firms adopt a more businesslike approach to their assets, revenue, processes and return on investment. This increased focus on a firm's ROI brings greater BD clarity. Together, these forces create an opportunity for a firm to develop its client "value vision" — enabling marketing and BD professionals to evolve into a new role in the firm's quest to develop client loyalty.

## TAILORING BD EFFORTS

King and Spalding CMO Katherine D'Urso observes that the old saying was: "Fast, good, cheap: pick any two." Now, clients (internal and external) are saying: "I will take all three, thank you." Business development efforts must deliver tailored, thoughtful client strategy and content quickly. BD professionals should have discussions with partners about post-win profitability when a matter or client relationship doesn't live up to the pro formas on which the fee arrangement was based. To improve their performances, firms are forced to focus on better people-and-process management.

## PROCESS IMPROVEMENT

Catherine MacDonough, co-founder of the Legal Sales and Service Organization and a developer of Legal

---

**Edward M. ("Ed") Schechter** is a sales and marketing executive dedicated to driving revenue growth in entrepreneurial-to-established global service organizations. He may be reached at 215-284-7299 or emschechter@gmail.com.

Lean Sigma™, sees the classical market research and client-interview data-analysis as areas that will now be used for process improvement efforts. BD professionals can make significant contributions to their firms by finding ways to reduce costs and inefficiency, measuring and communicating the projects' effectiveness, and integrating the "voice of the client."

## CLIENT NEED

Focusing on what clients find valuable will help firms to select and link revenue to activities (e.g., pursuits, RFPs, seminars). This will drive stronger ROI from limited resources and

*Focusing on what clients find valuable will help firms to select and link revenue to activities ...*

shine a brighter BD spotlight on results. Having discussions around key criteria — quality of relationship, profitability, competition, price sensitivity — will help marketers and partners focus on the strongest opportunities and to pass on lower-value ones. By providing an unbiased evaluation of limitless opportunities versus a firm's limited resources of partners, finance, research and marketing, firms can make better choices.

## QUALITY RELATIONSHIPS

Increasing the quality of a relationship is a critical component of client value. The most successful attorney partners have become what David Maister calls "trusted advisers (TAs)." TA partners understand their clients' industries, companies and key contacts. They proactively offer solutions from their own practices, firm colleagues' practices and third parties such as private equity. When their clients travel, these partners might suggest hotels, entertainment and restaurants.

## WHAT WE NEED FOR GROWTH

Mark Thompson, Bryan Cave's CMO, shares his thoughts on what's needed for growth. Our answers to

the questions he raises will help our firms better position themselves in the coming year.

- Clients have a lot to say about legal services. Do you have anyone listening that can take action on what they hear?
- Today, responsive service means something different than it did five years ago. Are your back-office processes, Web site and technology fully able to support attorneys being asked budget, billing and staffing questions?
- "Alternative fees" is a new buzz phrase, but its reality requires much higher levels of project and account management than you or the client may have in place. Can you manage alternative fees internally and keep the client happy about their level of service without breaking the bank on time and technology investments?

## STAYING ON FOCUS

The wise law firm leader will be paying attention to protecting their investments in business development training and coaching by focusing on the drivers that create a sustainable sales culture. Culture is built through legal-service competence and the character values that build client relationships, remarks Deb Knupp, Akina's Managing Partner.

She observes that the law firms most successful in driving their sales initiatives are deeply focusing on a few core areas rather than casting wide but shallow nets hoping to catch something. ROI-focus, excellent and deep marketing initiatives, and relationship building are the winning strategies for building client value and firm growth to achieve client loyalty.



The publisher of this newsletter is not engaged in rendering legal, accounting, financial, investment advisory or other professional services, and this publication is not meant to constitute legal, accounting, financial, investment advisory or other professional advice. If legal, financial, investment advisory or other professional assistance is required, the services of a competent professional person should be sought.

---

## AFAs

*continued from page 4*

### WHAT MARKETERS CAN DO

Marketers can help partners win new business with AFAs by alerting lawyers to these doubts and by developing sales messages to overcome them. For instance, lawyers offering an AFA should spell out exactly who will be working on the file, and “show their work” by explaining how they arrived at the alternative fee.

Lawyers must prove that the AFA is actually saving the client money. An example is to offer a client portfolio billing, where a law firm takes on all

the legal work (or a subset of it), which makes it easy to compare current fees a client is paying with the proposed AFA. “Portfolio billing is a great thing for small firms and solos,” said AFA pioneer, Patrick Lamb of the Valorem Law Firm in Chicago. “It smoothes out bumps and provide predictable revenue flow for a law firm, so you can meet payroll and pay rent. And it allows you to offer value to clients.”

Marketers should recommend that lawyers stick to the most popular forms of AFAs — fixed fees, contingency fees and modified hourly fees — and avoid exotic contrivances that confuse clients. Lamb has had success with “holdbacks”

— for example, where a client pays 80% or 90% of a monthly legal bill, and pays the holdback when there is a successful outcome, or not to pay it if the client feels it did not get value. Another smart tactic is for marketers to conduct an internal survey to find all the AFAs the firm has successfully offered, and to create a ring binder of successful arrangements, spelling out the terms and lawyers who created them. For more details please visit <http://bit.ly/CduaS>.

Happily, if a client is unconvinced about an AFA, a partner can offer him or her hourly billing.



---

## What Are Law Firms Doing to Develop The Next Generation?

### *Developing Successful Lawyers and Rainmakers*

By Cordell M. Parvin

It's a brand new year. What are law firms doing to develop the next generation of successful lawyers and rainmakers in 2011 and beyond? The answer to that question depends in part on how the firm is doing in the current economy and whether the firm views the development efforts to be a cost or an investment.

Many firms, which have historically had institutional clients, have cut back on their development of the next generation. Those firms view development of their next generation as a “cost” and as soon as the economy deteriorated, developing the next generation was one of the first things to be cut. Those firms are no longer hiring outside trainers and coaches to work with their associates. Instead, they are turning to their own partners who do not have time for training and coach-

ing because of the increased pressure to get their own billable hours. In those firms, instead of focusing on the next generation of successful lawyers and rainmakers, they are laying off the next generation in record numbers.

I am fortunate to teach and coach lawyers in many entrepreneurial law firms. One great example is Fox Rothschild, a Philadelphia-based firm with offices along the East and West Coasts. Fox Rothschild's firm leaders, and leaders of other entrepreneurial firms, believe that developing their next generation of lawyers is a sound investment. I know from my own work with those firms that the return on the investment is substantial.

“We believe in investing in our associates and young partners. Our investment has made them more successful and created more of a team spirit in the firm. Several associates and partners who have participated have greatly increased their business and brought new clients to the firm. As a result, we have a waiting list of lawyers wanting to participate.” Jean A. Durling, Fox Rothschild's Chief Talent Officer.

Entrepreneurial firms realize:

- Business development will be natural for few and a challenge for many;
- They need to focus on raising the level of emotional intelligence;
- One size does not fit all (they customize the training to the individual);

- They need to teach associates to set goals and prepare a plan;
- Career and client development training that is interactive and experiential is more effective;
- Training and development that includes follow-up individual coaching is significantly more effective than one-shot training programs;
- Training and development programs for junior associates are designed differently than programs for more senior associates and junior partners.

### DEVELOPING THE NEXT GENERATION

Many entrepreneurial firms begin developing the next generation when they arrive at the firm for orientation. In that first week at the firm, young associates are taught how to start right for career success.

Junior associates are told that their primary task is to learn the skills to become the best lawyer they can possibly be. They set specific learning goals: “At the end of my first year, I will have learned to \_\_\_\_\_.” They learn how to prepare a development plan with goals on what they want to learn.

Junior associates are encouraged to treat their supervising attorney as their client and practice their “people skills” by asking good questions and listening to that supervising attorney.

Senior associates are taught to become more visible and credible to a

*continued on page 8*

---

**Cordell Parvin** built a national construction practice during his 35 years of practicing law. In 2005, he left the firm and started Cordell Parvin LLC. He now works with lawyers and law firms on career development and planning and client development. He may be reached at 214-866-0550 or [cparvin@cordellparvin.com](mailto:cparvin@cordellparvin.com).

# RFPs – What’s Important in 2011?

By Ann Lee Gibson

In 2010, law firms received on average three times the number of RFPs than they received in 2007. This means much more work for high-level partners and law firm marketers.

Law firms are dealing with this dramatic increase by becoming more efficient, just saying no to more RFPs, and choosing carefully which ones deserve a full-court press. The following ten tips, long followed by those firms with the highest RFP win rates, are more important than ever in 2011.

## 1. IMPLEMENT THE 24-HOUR RULE

“Every lawyer who receives an RFP must send a copy to the marketing group within 24 hours. No exceptions!” Many firms adopted this rule long ago, and it’s now in place in most firms. If your firm is one of the few that still hasn’t taken this step or if you’re not rigidly enforcing it, do so now and stop wasting one of the most valuable RFP resources you have — your time.

## 2. QUICKLY TRIAGE RFPs

Within two or three days, decide whether you will: a) decline to respond to this RFP; b) deliver a pro forma response leveraging prior proposals; or c) devote significant firm resources to highly tailor your response. I estimate most firms’ RFPs triage proportions should be 20%, 60% and 20%.

## 3. INTERVIEW THE PROSPECT BEFORE YOU PROPOSE

Talk privately with RFP issuers to learn what they really want to accomplish through the competition.

---

**Ann Lee Gibson, Ph.D.**, advises law firms on new business development. She consults, teaches, and coaches in the areas of high-stakes competitions, competitive intelligence, and sales presentations. She may be reached at 417-256-3575 or [agibson@annleegibson.com](mailto:agibson@annleegibson.com). She also blogs about law firm BD and competitive intelligence issues at [www.lawfirmci.blogspot.com](http://www.lawfirmci.blogspot.com).

Persuade your current clients to talk freely with you before they issue an RFP and gain a big advantage over your rivals.

## 4. TAILOR YOUR PROPOSAL FOR THIS CLIENT

Mention the client’s name often in document headers and footers and throughout the proposal. Create a proposal cover that mirrors the

client or its industry. Mirror the client’s and decision-makers’ language, cultural elements, personnel, pace, and style. In high-stakes competitions, you’re limited only by your imagination, tempered by informed judgment about what decision-makers will value most.

*continued on page 8*

## Requests for Proposal: Why Is It So Hard to Get Them Right?

*Editor’s Note: This insightful addendum to the RFP discussion was written by James A. Durham, Esq. Jim is the Chief Marketing and Business Development Officer at McGuireWoods LLP and leads the firm’s efforts in responding to RFPs. He may be reached at 804-775-1337 or [jdurham@mcguirewoods.com](mailto:jdurham@mcguirewoods.com).*

It is amazing to me that over the past 20 years the formal process that companies use to select outside counsel has not, in most cases, evolved to any great degree. This is particularly surprising since the DuPont Legal Department essentially set the standard for selecting law firms over a decade ago. (In what it called “convergence,” DuPont reduced the number of outside firms it worked with dramatically, and created true partnering relationships.)

A few major companies have followed DuPont’s lead, but for the most part Requests for Proposal (“RFPs”) are often not good at evaluating the essence of value in the lawyer-client relationship. Clients want a relationship of trust with their lawyers — that is not built on the lowest hourly rate.

Yet, we are seeing onerous RFPs asking for reams of data that are not really relevant to real-world lawyer-client relationships. These RFPs are often driven by procurement departments that are accustomed to pricing widgets, not professional services. Their role can be invaluable if they really work collaboratively with the in-house counsel, whose needs must focus on the search for collaborative trusted advisers.

Some companies get it right. We are fortunate that a number of McGuireWoods clients have done it beautifully. They said: “Tell us about your firm’s specific relevant experience; tell us who will actually do the work for us; if we select you, tell us how you believe you can positively impact our business over the next few years; and tell us how you are willing to share risk and bill creatively.”

To compete in this world of increasing RFPs (we are up over 50% this year), create a process for consistent professional responses. Invest in products that build proposals from the critical data you feed it — which means setting up processes for feeding the system good data. If you are not specific in your responses these days, you will not make it past the first cut.

Do extensive research, ask the issuer of the RFP to engage in a conversation about value, and whenever possible, preempt the beauty contest by offering your clients creative, risk-sharing approaches to handle as much of their work as you are qualified to do.

Clients deserve incredible service, and they should get real value. Let’s just hope that by having a meaningful dialogue we can keep the RFP process real.

— James A. Durham

---

## RFPs

*continued from page 7*

### 5. PROPOSE SPECIFIC SOLUTIONS FOR THIS CLIENT

Your firm's qualifications alone will not win the day in high-stakes competitions. Instead, the winner will likely be the firm that says, "Your challenges are ABC. With our help you can resolve those issues and problems by doing XYZ." These solutions must come from partners who are able to think creatively. Marketers must then present their solutions forcefully and persuasively in the proposal.

### 6. PROPOSE AFAS THIS CLIENT CARES ABOUT

All clients who ask for alternative fee arrangements don't have the same pricing issues. Does this client need lower fees or better fee prediction? Does it need fees that are better calibrated to each matter's actual value to the company? If you know what motivates this client's requests

for AFAs, you can propose those it will find attractive.

### 7. CREATE SHORT PROPOSALS THAT ARE EASY TO SKIM

Reviewers don't read RFP responses cover to cover. Make their job easier by including page numbers, tables of contents with page numbers, large margins and white space, section headlines and sub-headings, serif fonts for body text and ragged right margins. Use short sentences and short words. Write in plain English.

### 8. INCLUDE AN EXECUTIVE SUMMARY

The busiest reviewers (decision-makers) often read only the executive summary, assuming you have given them one to read. Include here everything they must know to hire your firm, including your clearest value proposition (why the client should hire your firm instead of another firm), staffing, fees, value-adds, service plan, and references. If this information is not in the execu-

tive summary, it may not be considered.

### 9. CONVERT THE INTERVIEW INTO A CONVERSATION ABOUT THE CLIENT'S ISSUES

Go to the interview anticipating the client's questions and knowing your best answers (and who on your team will answer them). Even more importantly, arrive with questions to ask them about their issues, challenges and past solutions that will get all of you talking together about how they can approach and resolve their challenges.

### 10. DEBRIEF ALL IMPORTANT COMPETITIONS

Only by doing this can you learn what you're doing well and how you can improve. Ask, "Why did the winner(s) win?" The client's answers will reveal what they were really looking for, what persuaded them best, and offer competitive intelligence about your strongest rivals.



---

## Next Generation

*continued from page 6*

target market. The training includes writing and speaking to get hired, networking, building trust and rapport, asking good questions and listening.

### COACHING SENIOR ASSOCIATES

Fox Rothschild and some other entrepreneurial firms begin individual and group client development coaching programs with their senior associates who will soon be eligible for partner. The firms that

have experienced the greatest return on investment have chosen the right candidates to participate in their coaching and training program. They know that the lawyers who "need" coaching the least will put the most into it and will get the most out of it.

The training and coaching programs in those entrepreneurial firms include both group and individual activities. Lawyers set group and individual goals and action plans to achieve them. The group goals and activities are designed to build a team and to hold each lawyer on

the team accountable. The individual goals and activities recognize that each lawyer has unique skills, dreams and challenges.

### CONCLUSION

Is developing your next generation of outstanding lawyers a "cost" to be cut every time the economy dips or an "investment" in your firm's future? How you answer that question will determine your approach to developing your next generation of successful lawyers.



---

## ACC Value Challenge

*continued from page 2*

- practice, client and rate structure to provide clients with custom project pricing.
- Consider professional development requirements versus billing requirements for first-year associates to provide them with more mentoring that emphasizes the realities of the legal profession and a client service focus.

- Set up an extranet for online training that is available to both the firm and the firm's clients.
- Develop a client dashboard that includes metrics, in addition to a 360-degree view of all matters.
- Install financial system analytics to track efficiencies and client billing cycles over time and make improvements as necessary.

To access the entire document, visit ACC's Resource Center on its Web site.

### WHAT IS NEXT FOR THE LAW FIRM COMMITTEE?

"We are committed to provid[ing] the ACC with tools and practices that support their mission," stated Kristin Sudholtz, Chief Value Officer at Drinker Biddle, and Chair of the Value Challenge Law Firm Committee. She adds "We are currently working on some RFP suggestions, which support and continue the dialog between firms and their clients."



To order this newsletter, call:  
1-877-256-2472

On the Web at:  
[www.ljnonline.com](http://www.ljnonline.com)