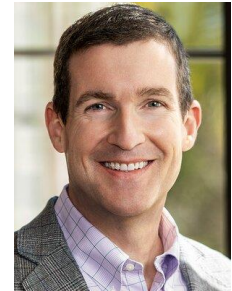


# Law Firms Should Move From Reactive To Proactive Marketing

By **Paul Manuele** (August 21, 2024)

President Joe Biden's announcement on July 21 that he was stepping aside and endorsing Vice President Kamala Harris to be the Democratic Party's nominee for president sent shock waves through the political landscape.

It was a surprising turn of events less than a month after Biden's shaky performance in the first presidential debate triggered a public referendum in the media on his suitability for office and his ability to defeat his Republican rival on Nov. 5.



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Within days of the announcement, Harris had unified her previously fractured party, consolidating support and energizing Democrats. Those efforts are in full swing today as the Democratic National Convention reaches a crescendo in Chicago.

Last-minute decisions by Democratic leadership avoided a meltdown of the party, but their apparent lack of planning exposed their campaign to considerable risk.

Similarly, many law firm leaders seem content to run their businesses on autopilot. Whether they will be able to react quickly enough to shifting market forces to preserve their businesses remains to be seen, but their reactive mindset is risky, whether they recognize it or not.

## The Importance of Proactivity in Law Firms

Historically, law firms have done quite well, thank you very much, with their reactive mindset and lack of strategic planning.

That's true enough. But competitive pressure is building, and cracks — large ones — are developing in the foundation. Recent law firm failures, including LeClairRyan and Stroock & Stroock & Lavan LLP, highlight the consequences of failing to act proactively.

As Benjamin Franklin said, "By failing to prepare, you are preparing to fail." Law firms that wish to maintain their autonomy and avoid turmoil would do well to heed this advice, becoming more proactive in their strategic planning.[1]

## Lawyers' Traits as Obstacles to Proactivity

The biggest obstacle to proactivity in law firm leadership may be the lawyers themselves.

Larry Richard, Ph.D., a leading expert on lawyer personalities and the founder of LawyerBrain LLC, has identified key personality traits prevalent among lawyers that pose significant obstacles to proactivity.[2] These traits include:

- **Skepticism:** Lawyers' high skepticism fosters a defensive and cautious mindset, focusing on risk identification rather than proactive initiatives.

- **Autonomy:** Pronounced autonomy leads to resistance against structured management and collaborative efforts, impeding proactive leadership.
- **Urgency:** The drive for immediate results detracts from long-term strategic goals, promoting a reactive approach focused on short-term outcomes.
- **Resilience:** A tendency to score low on resilience measures, characterized by sensitivity to criticism, discourages embracing proactive changes that might initially meet resistance or setbacks.
- **Sociability:** Low sociability, defined by Richard as the "desire to interact with people, especially a comfort level in initiating new, intimate connections with others," hinders the development of cohesive teams and effective networking, both essential for proactive leadership.

And yet, ask any managing partner what distinguishes their firm from its competitors, and they will likely describe their firm's unique approach to client service, using words such as "proactive," "strategic," "innovative" and "collaborative."

These self-assessments are difficult to square not only with the traits identified by Richard, but also with these firms' management practices. John Olmstead, principal at the consultancy Olmstead & Associates, estimates that about a quarter of large law firms, about half of firms with roughly 50 lawyers, and 85% or more of firms with 10 attorneys or fewer do not have strategic plans.[3]

One way to explain the discrepancy is to view these self-assessments as more aspirational than reflective of reality.

## **Challenges Faced By Law Firm Marketing Departments**

Fortunately, many law firms employ marketing professionals who tend to think differently than lawyers.[4] Unfortunately, marketers have their own obstacles to overcome. These obstacles include the following.

### ***Work Culture Barriers***

The field of law firm marketing developed in an ad hoc manner. In its nascency, individuals from various roles within the firm — secretaries, paralegals and associates, primarily — assisted partners with public relations, event planning and other marketing activities.

These individuals, trained to fulfill partner requests and without any training in the field, laid the foundation for a culture of reactive marketing.

### ***Limited Resources and Technology***

Over half of large and midsize law firms allocate 1%-2% of their gross revenue to marketing,[5] which can leave marketing teams underresourced to handle the volume and complexity of modern marketing demands, forcing them into a reactive stance.

### ***Partnership Structure***

In law firms, projects are often initiated by rank-and-file partners based on their own priorities and value judgments, quite apart from any directive or input from firm leadership.

This decentralized approach to decision making often leads to reactive, rather than proactive, marketing efforts, where the marketing team spends most of its time responding to ad hoc requests that may or may not be aligned with the firm's growth strategy.

### **A Closer Look at Campaigns**

The good news is that marketing professionals can help themselves and their firms be more proactive by leveraging a concept familiar to them: the campaign. The less good news is that familiarity does not necessarily breed fluency. Many marketing professionals underutilize campaigns or do not utilize them at all.

Merriam-Webster defines a campaign as "a connected series of operations designed to bring about a particular result." [6]

Many marketing and business development teams are unable to execute effective campaigns because each of their functions — including media relations, content marketing, client engagement, event planning and business development — operates in a silo.

This is often due to the high volume of work requests coming from every which way from individual partners who each want to accomplish one goal, such as publishing a client alert, getting quoted in the media, speaking at a conference, organizing a continuing legal education seminar, pitching a prospective client, getting background information on a company before having lunch with someone there, responding to a request for proposal or inviting a client to a ballgame.

Time is usually of the essence, and there is no opportunity for the marketer to say, "Let's take a step back and think about how this relates to the firm's strategic objectives." Typically, they simply fulfill the immediate request, and move on to the next one.

Even marketers who do utilize campaigns tend to think of them too narrowly in terms of a specific subset of marketing activities — most often advertising and social media.[7] In an advertising context, a campaign might describe a firm's advertisement containing a particular message and running in a few industry trade publications for 12 months. Or a firm might run a social media campaign on LinkedIn that introduces summer associates one by one over the course of the summer.

A true campaign, however, is a comprehensive one. It directs a panoply of marketing and business development activities toward one objective. An example will help illustrate this approach.

### ***Case Study: A Campaign for the Technology Sector***

Consider a campaign focused on increasing a firm's visibility, reputation and client engagement in the technology sector. The marketing and business development teams

would work together to plan a series of activities that support this goal.

### *Media Relations*

The team develops an ad for select technology industry trade publications, and pitches partners as expert sources to these and other relevant media outlets.

When a partner is quoted in a news article, the team amplifies the coverage by sharing it on the firm's website and social media channels.

### *Content Marketing*

The partner is encouraged to write a follow-up blog post or client alert discussing the implications of the developments described in the news article in more depth. This content is then shared through the firm's digital channels.

### *Client Engagement*

Marketing suggests that the partners personally reach out to key tech-sector clients who might be interested in the topic, with a copy of the article they are quoted in or the related client alert, explaining why the topic might be of interest to them, thereby demonstrating knowledge of the client's business.

The partners can also offer to present a CLE seminar to the client's in-house team so they can learn more about the subject and meet other experts within the firm, including, perhaps, one of the firm's recent lateral hires.

### *Events*

The team identifies relevant technology industry conferences and seeks to secure speaking opportunities for the partners, enhancing the firm's visibility among potential clients and peers in a face-to-face setting.

Partners are encouraged to reach out to key clients and prospective clients to invite them to attend.

### *Business Development*

Throughout the campaign, the business development team assists in identifying new business opportunities, including cross-selling services to existing clients in the technology space who may benefit from the firm's expertise in other areas of law.

## **How Campaigns Foster Proactivity**

Campaigns foster proactivity in a few ways. First and foremost, because planning is an inherent aspect of any campaign, they are proactive by definition.

Second, in an environment awash in random acts of marketing — as most law firms are — the very idea of doing anything at all to focus, coordinate and align activities is proactive.

The third way that campaigns foster proactivity is by creating an opportunity for conversations with firm leadership about the firm's objectives. This opportunity arises because the marketing team cannot execute a campaign without knowing what they are

aiming to accomplish.

And since a campaign requires a significant commitment in terms of planning time and resource allocation — a far greater commitment than any rational person would undertake without confidence that what they are doing is a priority for the firm — it must begin with an understanding of the firm's strategic objectives.

In the absence of a business plan, as is often the case according to Richard, a campaign must begin with a suggestion that firm leadership develop a strategic business plan. In effect, campaigns enable the chief marketing officer to say to firm leadership:

Our marketing and business development efforts are ad hoc and piecemeal. We would be more effective if we could focus on a handful of strategically important objectives and align all our marketing and business development activities with them. Can we identify those objectives here and now, and which partners my team should work with to develop campaigns to achieve those objectives?

### **Additional Benefits of Campaigns**

For what it's worth, campaigns also offer several other benefits beyond proactivity.

#### ***Enhanced Efficiency***

Campaigns help prioritize marketing activities, ensuring that tasks associated with the most important goals are given the attention they deserve. Ad hoc requests are handled efficiently, but do not distract from strategic initiatives.

#### ***Higher Return on Investment***

By focusing on activities aligned with strategic objectives, campaigns can yield a higher return on investment. Each activity supports the overall goal, creating a multiplier effect.

#### ***Improved Partner-Marketer Relationships***

When marketers demonstrate their ability to think strategically, partners are more likely to view them as essential business professionals, even colleagues. Effective campaigns can help foster strategic thinking and establish higher levels of trust and collaboration between partners and marketing staff.

As partners see the benefits of proactive marketing, they become more open to strategic planning and less likely to micromanage. This, in turn, empowers marketing professionals, boosting their confidence, productivity and job satisfaction.

As they act with more confidence, the partners' confidence in them increases, as well — and so on in a virtuous circle.

### **Additional Considerations to Keep in Mind**

#### ***The Role of Team Leadership and Information Sharing***

For campaigns to be successful, team leaders must ensure that all members of the team understand the firm's objectives and how their projects connect to those objectives.

When individual team members have this level of understanding, they can solve problems independently and proactively, rather than relying on managers for direction.

This decentralized problem-solving approach further increases the team's efficiency and confidence.

### ***Starting With a Single Campaign***

To start, firms should consider implementing one well-planned campaign before expanding to additional ones, ensuring that each campaign is given the focus and resources it needs to succeed.

The first one will be a heavy lift. It will require more collaboration and coordination than the team may be used to. There will be unfamiliar territory, and it will take time to figure things out. Mistakes will be made.

But the team will document processes, revising them as necessary in response to real-time feedback, and monitor performance metrics closely to assess the campaign's effectiveness and to set future benchmarks.

A team that does all this will have established a strong foundation for subsequent campaigns.

### **A Grassroots Approach to Proactivity**

Law firms can harness the strategic capabilities of their marketing professionals to navigate the complexities of today's legal market. By embracing comprehensive campaigns and fostering a culture of proactive planning, law firms can not only survive, but also thrive in an increasingly competitive environment.

Law firm leaders would do well to recognize the value of these grassroots efforts and support them with the necessary resources and commitment from the top down.

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*Paul R. Manuele is a marketing, communications and business development consultant and the founder at PR Manuele Consulting.*

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[1] "Why Law Firms Collapse," The Practice, Center on the Legal Profession, Harvard Law School, March/April 2017, <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/why-law-firms-collapse/bank-on-more-failures/>.

[2] "Herding Cats: The Lawyer Personality Revealed," by Dr. Larry Richard, LawyerBrain LLC, (n.d.). Retrieved July 30, 2024, from [https://www.lawyerbrain.com/wp-content/uploads/2023/04/caliper\\_herding\\_cats.pdf](https://www.lawyerbrain.com/wp-content/uploads/2023/04/caliper_herding_cats.pdf).

[3] "Strategic Planning for Law-Firm Success and Growth," The Lawyerist, August 19, 2019. A strategic plan, one that sets forth the firm's objectives and how and when they will

achieve them, should not be confused with more commonly practiced financial forecasting, which only attempts to predict future financial performance based on various assumptions about billing rates, demand, realization, etc.

[4] For more on the importance of diversity of thought in law firm management, see my previous article, "Lead Like 'Ted Lasso' By Embracing Cognitive Diversity," Law360, July 23, 2024.

[5] "30th Marketing Partner Forum: Assessing the State of Law Firm Marketing & Business Development," by Alexandra DeFelice, Thomson Reuters, February 1, 2023. These percentages do not include salaries.

[6] Merriam-Webster. (n.d.). Campaign. In Merriam-Webster.com dictionary. Retrieved July 30, 2024, from <https://www.merriam-webster.com/dictionary/campaign>. Interestingly, this is not the first definition. The first is more specific: "a connected series of military operations forming a distinct phase of a war," and the example provided is "a bombing campaign." We are using the second, broader definition, which is followed by two examples: "electioncampaign" and "an advertisingcampaign."

[7] A term that business professionals often use instead of "campaign" is "initiative." While "campaign" connotes a plan for continual, intense effort in pursuit of a goal, "initiative" emphasizes newness and implies a tentative pursuit potentially subject to change, refinement, or discontinuation. The term sounds proactive (as in "taking the initiative"), which may be part of its allure, but it lacks follow-through. The word "initiative" derives from the Latin "initium," meaning "beginning," which is fitting considering that many initiatives fail to progress beyond the initial stages.