



Marketing or Sales? What is the Di\$\$erence?

The late 1980s saw the emergence of marketing in firms – with great trepidation. It was yet another move towards the mainstream corporate business model, and given the law firm culture’s tendency toward accepting the status quo, it was not immediately embraced. Reluctance was exacerbated by an unspoken custom that discouraged – or prohibited – solicitation. Law firm marketing directors and departments had to define a unique operational value. It was a challenge that would take ten plus years to establish.

Marketing departments have been successful in creating a professional brand for firms and exposing their practices beyond their core audience, and this has given partners a comfort level with the idea. Marketing alone, however, has not slaked larger firms’ thirst for added revenue. That’s because marketing can only go so far in closing the sale.

In all facets of Corporate America, sales are obviously the bloodstream to its existence. If you do not grow in revenue, the company will not increase in value. In law firms, the billable rate is increased yearly, and the increase year over year is simply the billable increase without an appreciable increase in the base of business. This is not healthy growth and is not sustainable. It puts limitations on substantive increases year over year. How will this allow for firms to grow in marketshare and expand its client base?

How is this accomplished – where to begin?

Marketing alone will not accomplish this task since in Corporate America, marketing works hand-in-hand with sales. As marketing is a defined role, sales is a function with a huge distinction and difference than marketing alone. While it differs in many aspects, it functions as the unit that builds a brand and market recognition to the client. Sales is quantitative and qualitative. Selling skills are interactive skills with clients that require human relatability. A Vice President of Sales in a corporate context has his/her feet held to the fire for appreciable results year after year – measured almost strictly upon increases in revenue.

Firms still have not made the determination that selling skills from associate to partner will make the difference between developing internal talent that directly equates to cash flow and that ever-precious bottom line.

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SELLING TIPS ✓

Senior-level associates who quest to become law firm partners have no point of reference to begin to develop the skills required to become a “rainmaker”. While this is a term used frequently for successful partners who generate revenue to the firm, it has little meaning to the less experienced novice.

Before any newer attorney begins to “sell” his/her services, they need to begin at the beginning. Use the following checklist to evaluate your strengths and weaknesses before even considering approaching a client.

- I am confident in dealing directly with clients.*
- I find it enjoyable to interact with people in general.*
- I am positive about developing my selling skills.*
- I feel it is fun to meet and interact with new people.*
- I feel confident that I represent the firm with a professional image.*
- It is easy for me to engage with people professionally and personally.*
- People have commented positively on my social interactions.*
- I interact positively 80% of the time with my peers and administrative personnel.*
- I am self-assured and people talk to me with ease.*
- I am emphatic about learning business development principles.*

If you have 7 or more of the boxes checked, you exhibit the right attitude and energy to move onto the next step. If you fall below that 7, you need to evaluate your motivations and your expectations of practicing law as a partner over the long term. Do not be disappointed in your results. Watch for the next steps in subsequent issues of *Rainmaker Times*.



Marketing *(continued from pg. 1)*

Since we have been making the relationship between law firms and general corporate business practices, companies hire direct sales people with the level of skills necessary to sell their products. Law firms have the best talent for selling legal services right in the office – the attorneys themselves. By the time they type their first brief, the firm has made a huge compensatory investment in them. However, an associate out of law school comes to the position tabula rasa. This could be an absolute boon for the law firm for the following reasons:

- *The law firm can develop **the fundamental selling skills** according to its culture and comfort level.*
- *The firm can establish a learning process of skills from elementary to the equivalent of partner-level allowing the associate to “grow into” a confident sales professional.*
- *It allows the firm to set an ongoing developmental program internally to build a powerhouse of potential revenue-generators.*
- *It establishes a true handshake between marketing and sales to optimize the firm’s investment into long-term relationships and financial goals.*

To be continued in the next issue of Rainmaker Times

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Featured

RAINMAKER TIP

Jay H. Begler, Esq.,
Partner, Nixon Peabody LLP

Question: *In your opinion, if you had to give advice to new partners or mid-levels on developing business, what would be the top three (3) recommendations?*

Mr. Begler:

💧 The most important thing is that you have to perfect your craft and be excellent at what you do. Part of that is being current on the law and knowing what changes there are.

💧 You have to be patient in that getting clients takes time and a great deal of investment of your time. There is a lot of competition.

💧 To gain an in-depth understanding of what the client needs as a lawyer or law firm. It is very, very important. You can’t go in and say, “I’m great”, because every law firm does that. It takes a lot of homework and understanding of what the client is all about. I have to familiarize myself with their trademark portfolio and the trademarks they own and the cases they are involved in—as much information as I can before going in before the initial contact. Because you specialize, they expect you to be knowledgeable in these areas. You hold yourself out to be knowledgeable in these areas.