



BY HEATHER SUTTIE

# Living in Interesting Times

Law firms that ignore marketing in favour of trendier business concepts are going the way of the dodo



**“MAY YOU LIVE** in interesting times” is not a blessing. It’s a curse in which “interesting” is a euphemism for “all hell breaking loose.” The legal industry is living in interesting times, and the environment, client expectations and the traditional law firm structure are all changing by the minute. For a change agent, these are invigorating times. For those who abhor change, these times are a curse.

One noticeable change that has been taking hold of late is the notion among some firms that leaping headlong into business development without ensuring that a strong marketing platform is in place will be a panacea for restoring revenues to their former glory. This trend has been on the upswing over the past few years and has accelerated recently. My guess is that much of this is due to the less-than-robust economic climate that the firms have endured over the past few years, as well as escalating battles on a couple of key fronts.

The biggest of these involves capturing or keeping a large slice of a decreasing legal market pie and fighting to recoup losses and see a more positive balance sheet at this year’s financial mid-point, which should be right about now.

## > LOOK BEFORE YOU LEAP

“Look before you leap” has always been sage advice and it still is when examining whether you’re ready to advance into business-development mode. Many firms that believe they are ready to jump in with both feet would be well advised to remember that marketing is foundational for business-development success. This is because, without having a well articulated set of distinctive traits and knowing where you stand relative to your competition, any foray into business development can be an unsupported risk.

## > HOMOGENOUS LEGAL MARKET

For years, the conventional thinking was that conservative business practices will keep you safe and solvent. This is wrong. Being “one of many” doesn’t work. Consider Heenan Blaikie LLP, one of a herd of large-size, national firms, which failed in spectacular fashion earlier this year.

During its best times, there was nothing particularly distinctive that the firm conspicuously laid claim to as its unique set of traits and selling proposition. Heenan Blaikie could have been any one of a number of firms whose hallmarks are on par with each other in terms of head-down, mouth-shut behaviour, and whose market identity and corporate colours may as well be beige-and-grey so as to be as homogenous as milk and as boring as porridge.

## > CART BEFORE THE HORSE

Firms that are putting emphasis on business development first and marketing second are getting ahead of themselves. There are even a few firms considering reversing their internal team’s name from “Marketing and Business Development” to “Business Development and Marketing” or dropping the “marketing” moniker completely.

Ignore marketing at your peril. Without a strong marketing platform that includes the basics of a well-defined and articulated brand (which has precious little to do with a logo), targeted markets that align with the firm’s strengths (which has nothing to do with favouritism), and a website and other social media tailored to support and backstop these efforts, you face serious risk of building business-development processes on shifting sand and being sorely disappointed when those processes fail to achieve solid financial returns.

## > MARKETING, DEVELOPMENT, SALES

In a nutshell, marketing is about executing on strategies that ensure you are known for unique traits that set you apart from the competition; business development is about nurturing business relationships; and sales is the result of carefully cultivated business relationships that convert into *mutually beneficial* business opportunities for both the client and the firm. This is why the lead-in to the sales pipeline will always be marketing, followed by business development, followed by sales.

Sales is the way of the future for firms that want to achieve financial success, and the time for reinvention of the law firm model is now. Actually, the time was many yesterdays ago, but since law firms tend to change more slowly than the earth’s tectonic plates, now will have to do.

As Charles Darwin prophetically said, “It is not the strongest of the species that survives, nor the most intelligent that survives. It is the one that is most adaptable to change.” It’s a tough world out there, and in the legal world, it’s getting tougher. Get going or get out of the way. ☺

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