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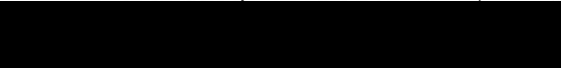
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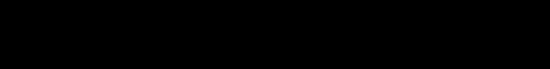
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The Evolving Role of Marketing in Large and Mid Size Law Firms

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Science at Virginia Commonwealth University.

By

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Master of Science, Virginia Commonwealth University, 1999

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## Abstract

### MARKETING LEGAL SERVICES

By Kathleen Sams Flippen, M.S.

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Science at Virginia Commonwealth University. Virginia Commonwealth University, 1999.

Major Director: Dr. Deborah L. Cowles, Associate Professor of Marketing

Despite the fact that attorneys face stringent ethical restrictions regarding claims they can make about their legal abilities, the culture of many law firms is probably the greatest barrier to effective legal marketing. Expectancy theories, which state that behavior follows rewards, support this hypothesis. Culture affects many facets of a law firm: (1) its attitude about profitability, (2) the attorneys' understanding of effective business procedures, (3) the definition of value - from the firm's perspective and the perspective of clients and prospects, (4) management structure, decision making, and accountability, and (5) attitudes about change. This thesis examines the role that culture and expectancy theories play in a law firm's marketing success.

Although the number of legal marketing professionals seems to be increasing, the current literature does not provide a formal assessment of the *effectiveness* of law firm marketing. This thesis project measures the effectiveness of law firm marketing in quantitative terms.



## Introduction

Preliminary research indicates that changes are taking place in the legal arena. The public is becoming increasingly dissatisfied with legal professionals, who have received bad press due to high-profile cases such as the O. J. Simpson trial,<sup>1</sup> President Clinton's alleged sexual harassment and perjury charges,<sup>2</sup> and the controversial tobacco litigation.<sup>3</sup> Many corporate clients are looking for ways to reduce their legal costs, and increased competition due to mergers, an excessive supply of lawyers, and the blurring of distinctions between attorneys and non-attorneys places a burden on many law firms to examine the effectiveness of their practices. A lack of differentiation among law firms, which generally have similar monikers comprised of founding partners' surnames, adds to the problems of firms that want to set themselves apart from rivals.

Formal marketing by law firms is a relatively new phenomenon. Although 21 years have passed since the 1977 case of *Bates et al. v.*

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<sup>1</sup> O. J. Simpson, a former football star who is black, was tried for the 1994 murders of his ex-wife Nicole, who was white, and her friend, Ronald Goldman. Simpson was acquitted in his criminal trial, but in civil proceedings, he was found guilty of battery.

<sup>2</sup> On May 6, 1994, Paula Corbin Jones filed suit against William Jefferson Clinton, the forty-second president of the United States of America. Jones claimed that Clinton sexually harassed her in 1991 when he was the Governor of Arkansas and she was an Arkansas State employee. Clinton was accused of committing perjury during a deposition in the Jones case. This case was later settled out of court.

<sup>3</sup> "An historic settlement between states and the tobacco industry was reached June 20, 1997. In addition to paying \$368.5 billion over the course of 25 years, the tobacco industry has agreed to submit to regulation of tobacco as a drug and to curb advertising and marketing of tobacco products." (Source: <http://www.courtstv.com>)

State Bar of Arizona<sup>4</sup> gave attorneys permission "to advertise their services using the public media,"<sup>5</sup> many lawyers refrain from marketing their services. Many attorneys, especially members of traditional, prestigious firms, believe that reputation and word-of-mouth will provide them with a steady stream of business. Some lawyers associate "marketing" with the aggressive advertisements that many personal injury, bankruptcy, and divorce attorneys produce, and they fear that promotional efforts will tarnish their reputations.<sup>6</sup>

Unfortunately, many lawyers who "like to do business with white gloves at the country club"<sup>7</sup> are losing business to newer, more enterprising firms that are able to offer quality legal services at lower costs with flexible pricing. The Chicago firm of Barlit Beck Herman Palenchar & Scott, which saves money by using technology and outsourcing work to larger law firms, "often charges a flat monthly rate for handling each case, with a bonus if it wins and a rebate if it loses."<sup>8</sup> Primary research reveals that many clients are tired of paying "excessive" rates for long-distance phone calls, photocopies, and fax service.<sup>9</sup> Pamela Johnson, Esq., deputy general counsel for Virginia

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<sup>4</sup> *Bates et al. v. State Bar of Arizona*, 433 U.S. 350, 97 S.Ct. 2691 (1977).

<sup>5</sup> Sally J. Schmidt, Marketing the Law Firm: Business Development Techniques (New York: Law Journal Seminars Press, 1995), p. 4-11.

<sup>6</sup> Lynn J. Cook, "Courting Clients," *Houston Business Journal*, May 1, 1998.

<sup>7</sup> Dawn Chase, "On The Tube," *Virginia Lawyers Weekly*, December 8, 1997.

<sup>8</sup> Edward Felsenthal and Paul M. Barrett, "Not So Fast: It Only Seems Like Legal Fees Are Still Skyrocketing," *Wall Street Journal*, May 27, 1998.

<sup>9</sup> Comment from client interview conducted by large Virginia law firm.

Electric and Power Company, states that two of her least favorite billing entries are "listen to voicemail messages" and "unauthorized research."<sup>10</sup>

Clients are not the only critics of many firms' financial practices. Many attorneys, who are becoming disillusioned with firms that reward non-productive partners for work performed by associates, strike out on their own and take valuable clients with them.<sup>11</sup> LeClair, Ryan, P.C. in Richmond, Virginia, which operates with lower overhead due to "relatively lean staffing and [an] absence of walnut and brass,"<sup>12</sup> is "one of the most exciting law firms in the country."<sup>13</sup> Many of the firm's attorneys, who formerly practiced at more prestigious, traditional Richmond firms, were attracted to LeClair, Ryan's "entrepreneurial approach to the practice of law."<sup>14</sup> An August 17, 1998 article in the *Wall Street Journal* discussed the "overhaul" of Cadwalader, Wickersham & Taft, a Wall Street law firm whose partners "kept a proud eye on the past . . . [and] relished its reputation for shabby gentility."<sup>15</sup> A group of "Young Turks"<sup>16</sup> secretly developed a strategy to force out unprofitable partners (who were stunned by their

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<sup>10</sup> Pamela Johnson, Esq., deputy general counsel for Virginia Electric and Power Company, panel speaker at "Partnering With Corporate Counsel," (Richmond, Virginia) September 24, 1998.

<sup>11</sup> Cathleen Ferraro, "Frustrated Attorneys Ditch Corporate Law Routine," *Sacramento Bee*, August 31, 1998.

<sup>12</sup> Alan Cooper, "Lawyers Savor Opportunity to be Flexible in Practice/Alfred J. T. Byrne Served Corporations, Federal Agencies," *Richmond Times-Dispatch*, August 18, 1998.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Paul M. Barrett, "A Once-Stodgy Firm Makes a Flashy Return, But at What Cost?" *Wall Street Journal*, August 17, 1998, p. A1.

ouster), eliminate money-draining practice areas, and re-make the firm. The literature suggests that complacent firms that look to past successes rather than future challenges may be surprised by their own demise.

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<sup>16</sup> Ibid.

## Research Problem

Despite the fact that attorneys do face stringent ethical restrictions regarding claims they can make about their legal abilities, the culture of many law firms is probably the greatest barrier to effective legal marketing. Different law firms have different strengths and different goals, such as increased revenue, expansion into new practice areas, additional offices throughout the country, or lower operating costs. Therefore, this paper defines "effective marketing" as activities that are part of a comprehensive, integrated, long-term strategic plan that is based on market research. According to the parameters of this paper, effective market research for a law firm includes an analysis of current clients, competing legal services providers, and the legal industry in general. An effective marketing plan has both the support of the firm's leaders, who define the firm's culture and expend resources on marketing activities that will help the firm achieve its business goals, and the support of an effective communication system, which facilitates the flow of information among members of the firm and between the firm and its clients and prospects.

Expectancy theories support the hypothesis that the culture of many law firms is probably the greatest barrier to effective legal marketing. According to the expectancy theory model, a "person's motivation to exert effort toward a specific level of performance is based on his or her perceptions of associations between actions and outcomes."<sup>17</sup> Behavior follows rewards, and many law firms base rewards

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on the number of hours their associates bill.<sup>18</sup> Accordingly, associates who desire to become partners devote their time to billable work rather than marketing activities.<sup>19</sup> A *Wall Street Journal* article about Cadwalader, Wickersham & Taft stated that

[t]he firm's traditionally relaxed atmosphere reinforced the [profitability] problem. Average partner billings slid from a modest 1,600 hours a year in the late 1980s to a sleepy 1,500 in the early 1990s, says Robert Link, who was among the leaders of the purge and is now the firm's managing partner. "That sets a tone," he adds, "and is a bad example for associates."<sup>20</sup>

This thesis examines the role that culture and expectancy theories play in a law firm's marketing success. Culture affects many facets of a law firm: (1) its attitude about profitability, (2) the attorneys' understanding of effective business procedures, (3) the definition of value -- from the firm's perspective and the perspective of clients and prospects, (4) management structure, decision making, and accountability, and (5) attitudes about change.

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<sup>17</sup> John M. Ivancevich and Michael T. Matteson, Organizational Behavior and Management, 4th ed. (Chicago: Irwin, 1996), p. 168.

<sup>18</sup> Schmidt, p. 1-22.

<sup>19</sup> Ibid.

<sup>20</sup> Barrett, p. A1.

## Literature Review

### I. Attitudes about Profitability and Attorneys' Understanding of Effective Business Procedures

Primary research indicates that the culture of many law firms supports a view of profitability that can potentially damage relationships with clients. Specifically, the focus that many firms place on maximizing billable hours runs counter to the business objective of many corporate clients: managing costs. For example, Pamela Johnson, Esq., deputy general counsel for Virginia Electric and Power Company, hires a lawyer to "perform a service necessary to meet a business need," not to "research and write a law review article."<sup>21</sup> She does not like to receive bills for unauthorized work, especially since her industry -- utilities -- is in a "tighten belt mode;" cost efficiency is very important.<sup>22</sup> Ms. Johnson states that outside counsel should "always endeavor to understand the business purpose of the work" they're performing."<sup>23</sup> Ms. Johnson believes that spreading work around [to different law firms] keeps rates competitive;<sup>24</sup> however, this practice makes a law firm's attempts to increase its share of the client's business more challenging.

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<sup>21</sup> Pamela Johnson, Esq., deputy general counsel for Virginia Electric and Power Company, panel speaker at "Partnering With Corporate Counsel," (Richmond, Virginia) September 24, 1998.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

Mark Darrell, Esq., general counsel for Columbia Gas of Virginia, explains that in-house counsel are especially sensitive to their [legal] budget because it is often a benchmark that determines their bonuses and compensation.<sup>25</sup> If a law firm's billing practices cause a client to forego bonuses, that firm most likely will lose that client.

## II. Definition of Value: Firm's Perspective and the Perspective of Clients and Prospects

Value means different things to different people. For example, some law firm clients are very concerned about costs; others are not. One railroad client explains: "We don't nickel and dime our attorneys on fees. We want to win the cases."<sup>26</sup> Another client of the same law firm stresses that "price is the paramount consideration in choosing a law firm, at least under current management."<sup>27</sup> A third client reports that "[f]eatures that are important in firm selection . . . include the following: (1) expertise in specific subject areas; (2) getting the right person on the project; (3) the amount of fees . . .; (4) the value received for the fees paid; and (5) responsiveness."<sup>28</sup>

According to Sally J. Schmidt, author of Marketing The Law Firm: Business Development Techniques, one way to determine value is to conduct primary research via client surveys. She states that "[t]he benefits of market research are enormous, yet most lawyers or law firms

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<sup>25</sup> Mark C. Darrell, Esq., general counsel for Columbia Gas of Virginia, panel speaker at "Partnering With Corporate Counsel," (Richmond, Virginia) September 24, 1998.

<sup>26</sup> Comment from client interview conducted by large Virginia law firm.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.



choose to base their marketing efforts -- in some cases, entire strategies -- on instincts or ideas which they perceive to be good."<sup>29</sup> The author of Developing Your Legal Practice stresses that "[c]lients choose for their reasons, not yours."<sup>30</sup> The literature suggests that conducting primary research is an important element of effective law firm marketing because it enables attorneys to make business decisions based on actual client needs rather than assumptions and guesses.

### III. Management Structure, Decision Making, and Accountability

According to the literature, structure, like billing practices, is an aspect of law firm culture that can hinder effective marketing. Non-attorneys who work in a firm's marketing department often face resistance from partners who have authority but lack marketing expertise.<sup>31</sup> The fact that firms are owned by many partners can make decision-making difficult. Many firms make decisions by committee because many partners -- hundreds of partners, in the case of very large firms -- own equal shares of the firm. As a result, many firms lack strong leadership and an integrated marketing focus. Each type of legal service -- real estate law, immigration law, intellectual property law -- is a different product, and it can be difficult to integrate marketing strategies for so many diverse products. Furthermore, many attorneys are so focused on *their* clients and *their* billable hours that they fail to understand what other attorneys in the firm can do. As a

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<sup>29</sup> Schmidt, p. 8-2.

<sup>30</sup> Celia Paul, chair., Developing Your Legal Practice (New York: Practising Law Institute, 1993), p. 55.

<sup>31</sup> "Is Your Law Firm in Danger of Losing Its Marketing Director?" *Law Office Management & Administrative Report*, August 1998.

result, they do not take advantage of opportunities to cross-sell their firm's different services to clients and prospects.

Cross-selling occurs when a business, such as a law firm, provides a new product or service to an existing client. For example, an attorney may provide tax advice to a client. The attorney learns that his or her tax client is opening a new plant and needs legal help with environmental issues. The tax attorney tells his/her client about another lawyer in the firm who has a great deal of experience with complicated environmental matters. The client is pleased with the service he/she has received from the firm's tax department and decides to hire the environmental attorney. If the tax attorney had not known about his/her colleague's environmental experience, he/she would not have been able to cross-sell the firm's services to his/her client. Marketing literature states that it is less expensive to obtain additional business from existing clients than it is to cultivate new clients.<sup>32</sup> Therefore, this paper includes the promotion of cross-selling as a factor in "marketing success."

#### IV. Attitudes About Change

By nature, law firms are not very conducive to change. Law itself is based on precedent; from their first day of law school, attorneys are taught to look to the past. Traditionally, the legal field has rewarded attorneys who remain with one firm for a long time. A young associate generally works very hard for eight or ten years before he or she is selected for partnership.

To become a partner, an attorney must make a significant financial investment in the firm. Until now, the investments of time and money,

plus the prestige that partnership bestows, have encouraged most attorneys to stay with one firm for the duration of their careers. However, a recent survey by the National Association of Law Placement revealed that

nine percent of an incoming class of associates will leave their firms within one year, 33% within the second year, and 43% in the third year. By the seventh year, 75% of an incoming class of associates will have departed.<sup>33</sup>

Associate retention has become a serious problem for law firms, which have invested time and money in their associates' recruitment and training. History is a very important element in many client-attorney relationships, and "clients repeatedly list associate turnover as a major concern."<sup>34</sup>

The reasons why associates leave law firms are numerous. Lack of feedback, long hours of unrewarding work, no time for a personal life, and the opportunity to make more money at another firm are frequently cited reasons.<sup>35</sup> Many firms' senior partners have never faced the challenges of today's younger attorneys who are increasingly female, minorities, and/or members of dual-career marriages. *The American Lawyer's* 1998 Associate Survey reveals that the law firms with the

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<sup>32</sup> Terry G. Vavra, Aftermarketing: How to Keep Customers for Life through Relationship Marketing (New York: McGraw-Hill, 1995), p. 14.

<sup>33</sup> Gerald L. Holt, "How to Keep Talent from Walking," *New York Law Journal*, January 12, 1999.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

highest level of associate retention are those that emphasize "quality of life."<sup>36</sup>

Some associates complain about their law firms' democratic management style, which prevents the firms' partners from taking action when certain practice areas or attorneys become unprofitable. In the case of Cadwalader, Wickersham & Taft, which was discussed earlier in this paper, younger attorneys took action and forced out older, unprofitable partners. This incident and the legal profession's high associate turnover rate indicate that younger attorneys are more willing than previous generations to leave firms that do not make them happy. Accordingly, firms may need to change their cultures to increase retention rates.

#### V. Professional Services Marketing

The research for this thesis includes a review of literature regarding professional services marketing because law firms may be able to borrow marketing ideas from their counterparts in the accounting field and the financial services industry. Banking and other deregulated industries have faced the following issues, which law firms are now encountering: competition, intangible products, lack of differentiation, and a need for consistency.

##### A. Competition

In the past, banks did not have to market themselves because they provided the only financial option available for most people. Regulations drew boundaries that helped banks retain market share with

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<sup>36</sup> "By the Numbers: The Associate Survey At A Glance," *The American Lawyer*, October 1998, pp. 39-43.

minimal effort. Many people selected an institution that was near their home or office. The Internet now allows banks and non-banks to target prospects outside of their geographical "footprints." To retain market share, many banks are struggling to differentiate themselves, and they are turning to non-banking industries for ideas.

Deregulation is eroding the barriers that exist between banks and non-banks, such as brokerage houses and insurance companies. The financial playing field has changed drastically due to the number of mergers and acquisitions that have taken place in recent years. Like banks, accounting firms, and telecommunications companies, many law firms are becoming the prey of acquisitive rivals. "The perception in the legal community is that midsize firms will find it difficult to survive in the future."<sup>37</sup> Interestingly, as medium-sized banks are disappearing from the landscape, there has been a resurgence of interest in new, small banks, such as The Bank of Richmond (Richmond, Virginia).

#### B. Intangible Products

Legal services, like mutual funds and life insurance, are intangible. Selecting an attorney involves significant risk. The consequences of hiring an incompetent lawyer are far more serious than those of choosing an inferior brand of furniture polish, but it is difficult to assess the skills of individual attorneys. Marketers can facilitate the sale of high-risk, intangible products by educating potential customers. Many investment companies gain clients by sponsoring free seminars that teach consumers about the stock market, IRAs, and mutual funds. These seminars instill trust, a necessary

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<sup>37</sup> Heidi Przybyla, "Ginsberg in Merger Talks With Three Big Law Firms," *Washington Business Journal*, July 10-16, 1998.

element of the lawyer-client relationship. Many law firms have begun to hold seminars for the public that provide guidance about commercial real estate, establishing a small business, and estate planning. These seminars create a low-risk opportunity for prospects to meet attorneys and "sample" a law firm's expertise. (See Figure 1.)

### C. Lack of Differentiation and Need for Consistency

Law firms, like banks, often lack differentiation; they generally do not have strong brand names like Coca-Cola, Mercedes, or Disney. In fact, "banks do not have highly developed brand images; they generally have a name, a logo, and colors."<sup>38</sup> Neither a bank nor a law firm can develop a strong brand overnight, but the first step toward developing a brand identity is determining what an organization's core values are.

As mentioned earlier, many firms lack strong leadership and a clear strategic focus. Without defined values, a law firm may have difficulty developing the consistent communications and fulfilled promises that lead to a positive brand identity.<sup>39</sup> A firm's marketing efforts tend to be more effective when the firm's core values permeate the company -- from its office decor, dress code, use of technology, billing policies, attitude toward incoming calls and taking messages, community contributions, and *pro bono* activities.

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<sup>38</sup> "Building a Cyberbrand," *Bank Marketing International*, June 1997.

<sup>39</sup> "Banking's Identity Crisis: The Need for Branding," *Banking Strategies*, July/August 1997.

## Necessary Research

The current literature indicates that more and more law firms are developing marketing departments. The *Law Office Management & Administration Report's* 1998 Law Firm Management Survey indicates that "15% of law firms overall now employ a marketing director; only 7% [sic] did so in LOMAR's last survey [conducted in 1997]."<sup>40</sup> Additionally, "membership in the National Law Firm Marketing Association (NALFMA) [now known as the Legal Marketing Association] has grown from 12 in 1986 to nearly 1,000 in 1994."<sup>41</sup>

Although the number of legal marketing professionals seems to be increasing, the current literature does not provide a formal assessment of the *effectiveness* of law firm marketing. Marketing personnel at law firms often exhibit a sense of frustration because they want to help attorneys market themselves effectively, but law firm culture hinders their success.<sup>42</sup> The purpose of the proposed thesis project is to investigate the role that culture plays in the effectiveness of law firm marketing.

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<sup>40</sup> *Law Office Management & Administrative Report*, September 1998.

<sup>41</sup> "Litigation Public Relations: Fundamental Assumptions," *Public Relations Quarterly*, March 22, 1998.

<sup>42</sup> "Marketing Managers: What Do They Expect This December?" *Compensation & Benefits for Law Offices*, November 1998.

The key dimensions that should be measured include the following:

- Methods by which law firms obtain business from new clients
- Tactics law firms use to maintain relationships with existing clients
- The degree to which law firms develop and reward strategic marketing initiatives
- The degree to which law firms use market research
- The extent to which marketing orientation is understood and embraced by attorneys
- Allocation of law firms' marketing resources
- The degree to which marketing directors are allowed to participate in law firms' business development activities
- The correlation(s) between a law firm's marketing effectiveness and specific demographic attributes (size, geographic location, type of law practiced).



## Research Methodology

The sources for this thesis are both primary and secondary research. Primary research for this paper includes responses to a questionnaire that was sent to managing partners<sup>43</sup> of 643 law firms throughout the United States.<sup>44</sup> The law firm names were obtained from two sources: *Corporate Legal Times's* September 1998 ranking of approximately 1,000 U.S. law firms and the *National Law Journal's* November 1998 ranking of the 250 largest U.S. law firms. The names, titles, and addresses of the managing partners were obtained from the following sources: *Corporate Legal Times*, Hoover's, Inc.,<sup>45</sup> and the

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<sup>43</sup> The attorneys who received the survey have different, but similar titles such as Administrative Member; Chairman; Chairman, Board of Governors; Chairman, Executive Committee; Chairman, Governing Committee; Chairman, Management Committee; Chairman, Policy Committee; Chairman of the Board; Chief Executive Officer; Chief Operating Officer and Treasurer; Co-Managing Partner; Executive Director; Firm Administrator; Managing Attorney; Managing (General) Member; Managing Partner; Managing Shareholder; Name Partner; Partner-in-Charge; President, Board of Directors; President, Management Committee; Presiding Partner; Secretary-Treasurer, Board of Directors; Senior Partner.

<sup>44</sup> The following states were not included in this study due to insufficient data: Alaska, Hawaii, Iowa, Montana, North Dakota, South Dakota, Vermont, and Wyoming. The graduate student conducting this research is employed as a market research analyst with one of the largest law firms in Virginia. Because the student has developed the described data collection instrument as a tool for academic research (graduate thesis) and is representing herself as a graduate student, she feels that it would be unethical to seek data from Virginia law firms (her employer's direct competitors) and has excluded the Commonwealth of Virginia from her sample.

<sup>45</sup> Hoover, Inc. is an Austin, Texas-based publisher of company information that distributes research regarding public and private companies via its Web Site, Hoover's Online (<http://www.hoovers.com>).

Martindale-Hubbell® Law Directory.<sup>46</sup> For purposes of this study, questionnaires were sent only to managing partners who work for U.S. law firms that have fifty or more attorneys. See Table 1, which details the distribution of targeted law firms by state.

A copy of the questionnaire, which consisted of two legal-size pages printed on both sides, is attached as Figure 3. A personalized letter describing the purposes of the study (see Figure 2) was printed on Virginia Commonwealth University stationery and enclosed with the questionnaire in a self-addressed VCU return envelope. Respondents were required to provide their own postage. The only incentive for respondents was the promise of a copy of the aggregate survey responses. To receive a copy of the aggregate survey responses, the respondent was required to include his or her name and mailing address with the survey responses. Respondents were given the option of sending a separate letter requesting a copy of the results. The questionnaire, letter, and self-addressed envelope were enclosed in VCU envelopes and addressed to each of the 643 managing partners.

The surveys were mailed from Richmond, Virginia on Tuesday, March 2, 1999. The cut-off date for survey responses was Friday, March 26, 1999. The letter that accompanied the survey did not state a specific cut-off date.

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<sup>46</sup> The Martindale-Hubbell® Law Directory is generally acknowledged as the "authoritative guide to the American legal profession" (<http://www.martindale.com>). The Law Directory lists more than 900,000 attorneys and law firms, and its entries can be searched via the Internet (Martindale-Hubbell Lawyer Locator™ at <http://www.martindale.com/locator/home.html>).

## Research Findings

The response rate for this thesis project was 18.66%.<sup>47</sup> The original sample included 42 states; representatives from 34 states responded to the survey. (See Table 1.) A majority of the respondents (73%) requested copies of the aggregate survey responses, which indicates that law firms are interested in the information sought by this research project.

Although the research survey was addressed to managing partners, many of the respondents (43.9%) were marketing directors or other non-attorney staff people. The respondents listed the following as their top practice groups: litigation (88%); business/commercial/corporate(68.9%); labor and employment (37.8%); banking and finance (26.1%), intellectual property (26.1%), and real estate (26.1%); and insurance (18.5%). These responses are not surprising. According to the January/February 1999 edition of *The American Lawyer*, litigation, labor, intellectual property, and real estate are "hot" practice areas.<sup>48</sup> The responding firms range in size from 50 attorneys to 680 attorneys; the mean is 167 attorneys, and the median is 105. The sample size is too small to determine possible correlations between marketing effectiveness and geography.

The marketing budgets for 78.8% of the responding firms exceed \$100,000. The director of marketing for a 90-attorney firm in Ohio wrote

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<sup>47</sup> The actual response rate is 20.68% because thirteen responses arrived after the cutoff date.

that her firm's marketing budget is \$650,000, and a 220-attorney firm in Tennessee has a marketing budget of \$1.5 million. Only 6.8% of the respondents stated that their firms' marketing budgets are less than \$50,000. These responses suggest that future research is needed to obtain more specific information about the size of law firms' marketing budgets. The budget parameters in the research instrument were too narrow to determine the degree to which the respondents' marketing budgets exceed \$100,000. Also, some firms may include the salaries of their marketing directors in their marketing budgets; future research should more clearly define the scope of firms' marketing budgets.

Only 26.3% of the responding firms do not have a marketing director. Although 73.7% of the respondents indicated that their firms have marketing directors, the position is new to at least a few of the firms. A 58-attorney firm in Georgia hired its first marketing director earlier this year; she joined the firm just one week before she responded to the questionnaire. The director of client services for a 75-attorney firm in Texas wrote: "I am new (here six weeks) in a newly created position." The marketing director of a 150-attorney firm in Kentucky explained that her firm hired its first marketing director in August 1997 and is still developing its marketing department.

Only one respondent expressed dissatisfaction with his firm's marketing director. The managing partner of a 50-attorney firm in California noted: "Until six months ago we had a professional marketing director and have had one for about five years. We were rarely satisfied with performance and never felt the value. We have abolished the position and outsource all marketing."

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<sup>48</sup> "Make Work: Headhunters Survey," *The American Lawyer*, January/February 1999, p. 30.

Four respondents wrote that they utilize part-time marketing directors or rely on marketing consultants who "train attorneys in marketing and/or conduct market research." A fifth respondent, the managing partner of a 65-attorney firm in Florida that does not have a marketing director, explained: "We have a marketing committee comprised of three partners. The committee approves, modifies or rejects individual marketing plans. The objective is the most effective allocation of marketing efforts and expenditures."

These responses indicate that a full-time marketing director may not be a necessary factor in a firm's marketing success. The managing partner of a 75-attorney firm in Maine provides additional support for this hypothesis. He wrote:

we have a marketing assistant who assists our outside marketing consultant, who works with us regularly (weekly) and so is "quasi-staff." We have begun to take marketing very seriously during the past three years, following the engagement of a marketing consultant on retainer (in lieu of an in-house marketing director). The culture surrounding marketing has, indeed, begun to change, and the large majority of our lawyers are willing to do more marketing -- even with enthusiasm!

The president of a 60-attorney firm in Philadelphia wrote about a different type of culture when he noted that

a few people are active, enthusiastic. Most do nothing. The firm mindset is that billable work is all that is important, not marketing. This is

despite the fact our firm has one of the most  
active and successful marketers anywhere.

This firm's culture does not support marketing, and the attorneys' focus on billable hours suggests that the firm rewards billable work rather than marketing activities. These comments support the hypothesis that culture and the activities it rewards play an important role in the effectiveness of law firm marketing.

## Business Development

Almost all of the respondents (95%) stated that they "agree" or "strongly agree" with the statement that "it is less expensive to obtain new business from existing clients than it is to cultivate new clients." This statement provides support for cross-selling activities. Despite varying degrees of successful implementation, the data indicate that most of the responding law firms understand a fundamental tenet of effective marketing orientation.

To gauge the effectiveness of law firm marketing, one should consider the types of marketing activities that firms are performing. The majority of respondents (69.9%) indicated that the top method by which their firms obtain business is "referrals from existing clients." These responses agree with primary data from law firm clients. A national retailer reports that it talks with its competitors to find out which law firms they use for specific types of matters.<sup>49</sup> "Referrals from attorneys at other law firms" was the second most popular source of business followed by "networking via social activities," "networking via civic activities," and "responding to Request for Proposals." (See Table 2.)

The managing director of a 156-attorney firm in Washington, D.C. that does not have a marketing director wrote that none of the business development options listed on the research instrument "fit." He noted that "marketing of legal services has two critical elements, and

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<sup>49</sup> Comment from client interview conducted by large Virginia law firm.

everything else is fluff. They are: (1) outstanding legal work and service on every project [and] (2) personal relationships with client personnel."

Personal relationships and outstanding legal work and service are extremely important; however, this paper assumes that most firms attempt to provide outstanding legal work and service. According to Martin D. Beirne, managing partner of the Texas law firm, Beirne Maynard & Parsons, " 'You've got to have quality lawyers first of all and then let the community know that you do have these quality lawyers.' "<sup>50</sup>

One way to let the community know that one's firm has quality lawyers is to network. The research instrument asked respondents to "select the top five tactics your firm uses to maintain relationships with existing clients," and 33.6% of the respondents stated that "networking via social activities" such as golf games and dinner is the firm's most frequently used tactic for maintaining relationships. "Attending meetings at client's offices to strengthen [the] firm's understanding of [the] client's business" is the second most frequently used tactic. Other popular tactics for maintaining relationships include "sending newsletters written by attorneys in one of the firm's practice groups to clients" (14.2%), "calling or writing notes of congratulation when [a] client receives promotion, honor, new business, etc." (14.3%), "conducting client interviews to determine strengths and weaknesses of the current client relationship" (12.4%), and "reading articles about client's business and/or industry on a regular basis" (12.4%). See Table 3.

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<sup>50</sup> Lynn J. Cook, "Courting Clients," *Houston Business Journal*, May 1, 1998.



A small number of the respondents (nine percent) listed items such as "doing excellent work every day" and "providing good, effective, efficient and responsive service to clients" as their firms' most frequently used tactic for maintaining existing client relationships. The director of administration of an 88-attorney firm in Alabama that does not have a marketing director wrote: "We rely on providing quality work to maintain relationships. The other items are seldom used." Again, excellent work and responsiveness are very important, but this paper assumes that quality legal work and service provide the foundation upon which effective marketing efforts can be built.

As noted in the literature review, education is an important marketing tool. The managing partner of an 80-attorney, personal injury firm in South Carolina noted: "We work more directly with other law firms. The personal contact and frequent educational programs are most helpful." It is interesting to note that the only respondent who mentioned education is a plaintiffs' attorney who listed "creating class action" suits as one of the ways by which his/her firm develops business. Although this paper does not advocate such aggressive means of obtaining clients (*i.e.*, creating class action suits), the literature indicates that corporate law firms may want to take a more educational approach to marketing. Primary data indicate that law firm clients appreciate their attorneys' attempts to educate them. A national retailer of electronic household equipment states that "[f]orwarding an article that addresses a particular problem of a targeted client to its General Counsel can be a very powerful marketing tool. You have helped educate the counsel in an area that you know is important to him at no

cost to the institution."<sup>51</sup>

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<sup>51</sup> Comment from client interview conducted by major Virginia law firm.

## Professional Development Plan

According to the literature, another effective marketing tool is a professional development plan. However, the majority of the responding firms (59.7%) responded "no" to the following question: "Does your firm require partners to prepare a professional development plan?"

Of the 40.3% of law firms that do require their partners to prepare a professional development plan, 45.3% responded that their firms' compensation plans "penalize partners who fail to achieve objectives established in their personal professional development plans." The director of practice development for a 132-attorney firm in Minnesota wrote that professional development plans for partners are "encouraged, but not mandated," and the director of client service for a 280-attorney firm in Arizona noted that "marketing plans are encouraged, not mandatory. We establish practice group goals on a yearly basis." Despite the fact that many firms are making efforts to prepare formal professional development plans, the data suggest that more firms may want to formalize the planning aspect of their business development strategies.

Although most firms do not require partners to prepare development plans, even fewer firms (23.9%) require their associates and counsel to prepare such plans. Today's associates and counsel are tomorrow's partners. However, only 53.7% of the surveyed firms indicate that they "strongly agree," "agree," or are "not sure but probably agree" with the following statement: "The associates/counsel in my firm have the knowledge and skills to market the firm effectively." The data suggest

that more associates and counsel would understand how to market the firm effectively if they were required to prepare professional development plans. The literature indicates that some associates must turn to external sources such as magazines to obtain details about their firm's strategy and financial situation.<sup>52</sup> The data suggest that many firms should share more details about the firm's business goals with the associates so they can better understand their role within the firm and market its services more effectively.

Of further interest is the fact that 41.7% of the respondents who indicate that their firms do not "require associates/counsel to prepare a professional development plan" (question B-3), noted that their firms do "consider how successfully individual associates/counsel have achieved their professional development goals when [they determine] rewards (such as election to partnership, bonuses or annual compensation)" (question B-4). The research instrument indicated that respondents who answered "no" to question B-3 should skip to question C-1; however, 41.7% of the respondents did not obey the designated skip pattern. These respondents did not have difficulty with other skip patterns in the study, so one should not dismiss their answers to question B-4 as accidental.

The answers to the questionnaire match the findings of *The American Lawyers's* 1998 Associate Survey, which examined the satisfaction levels of 7,857 associates at more than 150 firms across the nation.<sup>53</sup> Answers to that survey include the following:

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<sup>52</sup> "By the Numbers: The Associate Survey At A Glance," pp. 42-43.

<sup>53</sup> *The American Lawyer* "examined the satisfaction levels of 7,857 associates at more than 150 firms across the nation. To reach an overall score, *American Lawyer* combined the responses from midlevel and summer associates. It defined midlevel associates as those with three or four

"There doesn't seem to be a willingness to share information about partnership, success, etc."

(Thompson Hine midlevel)

Memo to managing partner: "Loosen up the pocketbook and the information pipeline."

(Quarles & Brady midlevel)<sup>54</sup>

According to the *New York Law Journal*, fewer than one in 10 attorneys are elected to partnership.<sup>55</sup> To increase their chances of becoming partners, a committee of mid-level associates at the New York firm, Fried, Frank, Harris, Shriver & Jacobson, has asked the firm for specific information about partnership requirements.<sup>56</sup>

Although the marketing director of an 85-attorney firm in Arizona writes that her most important task is "strategic business development with individual attorneys," and the director of client services for a 118-attorney firm in Georgia notes that her second most important task is "coaching attorneys," the data indicate that firms could devote more effort to helping associates develop personal practice development plans that meet the firm's strategic objectives. The associate and the firm likely will achieve greater success if they both are working toward the same goal -- partnership and a rewarding, profitable practice for the associate. It should be noted that the terms "professional development

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years of experience or members of the classes of 1994 and 1995, or both. The summer associates were second- and third-year law students who worked at the law firms as clerks. *The American Lawyer* conducted the survey in July [1998], mailing forms to 221 firms across the nation" and published the results in the October 1998 edition of *The American Lawyer*.

<sup>54</sup> "By the Numbers: The Associate Survey At A Glance," pp. 42-43.

<sup>55</sup> Anna Snider, "New Partner Class at Top Firms; Some Set Records, But Overall, Fewer Elevated This Year," *New York Law Journal*, March 8, 1999.

plan" and "penalize" may be weaknesses of the research instrument. For purposes of this research, the term "professional development plan" means a tactical strategy to increase business; however, the research instrument did not define the term, and respondents may have interpreted "professional development plan" incorrectly. Also, one of the respondents noted that the term "penalize" was too severe.

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<sup>56</sup> Ibid.

## Marketing Department and Market Research

The data indicate that helping individual attorneys develop personal practice plans is not a priority for most marketing directors. Instead, 23.3% of the respondents stated that "preparing proposals for new business" is their marketing department's most important task. "Managing database of client and/or prospect information" (19.8%) is the marketing department's second most important task, followed by "planning special events" (11.6%), "conducting reactive research regarding potential clients/industries" (11.6%), "developing newsletters for clients and prospects" (11.6%), "updating the firm's Web site" (11.6%), "writing press releases" (8.1%), and "helping attorneys write/publish articles" (8.1%). (See Table 9.)

A majority of the respondents (74.7%) stated that they "strongly agree," "agree," or are "not sure but probably agree" with the following statement: "My firm's marketing director plays an important role in formulating strategy," and 78.2% of the respondents stated that they "strongly agree," "agree," or are "not sure but probably agree" with the following statement: "My firm's marketing director has the authority he/she needs to be effective." Overall, the answers to these two questions did not vary according to the status of the respondent (attorney versus staff person); cross-tabulations determined that both groups responded in a similar manner. However, the marketing manager of a 220-attorney firm from Connecticut wrote:

Politically, marketing managers are all at various rungs in the ladder - the longer you are

with a firm, dependent on your personality and track record, the more likely you are to achieve success and credit. The answers to this survey would have been very different two years ago.

They will be different still two years from now.

One interesting response came from the marketing director for a 220-attorney in Tennessee, which has a marketing budget of \$1.5 million. She wrote:

The Marketing Director sets the strategy with the CEO. . . . Our firm is very progressive in the way management views and supports the [marketing] effort. The CEO and COO . . . drive a lot of the strategic development and are willing to provide the necessary resources.

This statement, specifically the last sentence, supports the hypothesis that culture determines the effectiveness of law firm marketing. According to the definition used in this paper, an effective marketing strategy must have the support of the firm's top management team, which determines resources and direction for the rest of the firm.

Most of the respondents (92%) indicated that their firms have invited their marketing directors to attend practice group meetings within the past six months, and 81% stated that their firms' management has shared the firm's business development strategy with the marketing director within the past six months. These responses suggest that firms are sharing important business development information with their marketing directors.

More than half of the responding law firms' marketing directors possess non-legal marketing experience. Fewer than half of the marketing



directors (37.2%) previously worked in the marketing department of another law firm, and 27.9% hold an M.B.A. or other non-legal graduate degree such as marketing, mass communications, or public relations. A small percentage of the marketing directors possess law degrees, and four of the marketing directors previously worked for national accounting firms. As noted in the literature review, law firms may be able to borrow marketing ideas from professional services industries such as accounting and banking. Marketing directors with accounting experience may be able to help their firms reduce the level of associate attrition because, according to the *New York Law Journal*, accounting firms have taken steps to reduce turnover and "are light years ahead of the legal services industry in combating this problem."<sup>57</sup>

Respondents indicated that "conducting proactive research regarding potential clients" is a low priority for their marketing departments. Most of the respondents (81%) wrote that they "strongly disagreed," "disagreed," or were "not sure but probably disagreed" with the following statement: "The marketing decisions my firm makes are usually based on market research." Although 53.8% of the responding firms conduct client interviews to determine the strengths, weaknesses, opportunities, and threats associated with their existing client relationships, only 18.8% of these firms conduct such interviews on an annual basis; 23.4% conduct client interviews every two years, and 21.9% do so every three to five years. Interestingly, a Texas law firm's client services director, who possesses four years of architectural marketing experience and ten years of accounting firm experience, writes: "I am new (here 6 weeks) in a newly created position. We are starting our work on developing marketing plans for each section which

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will start with focus groups and client interviews. . . . I really enjoy the attorneys and they seem willing to learn." The attorneys' willingness to learn indicates that the firm culture is supportive of marketing. The fact that the law firm in Texas is conducting primary research via focus groups and client interviews indicates that the firm's culture is supportive of effective marketing activities. One cannot draw definitive conclusions from one response, but the fact that the firm hired a marketing director with significant professional services marketing experience suggests that law firms can learn from the marketing experiences of accounting firms.

As noted earlier, a "marketing orientation holds that the main task of the organization is to determine the needs and wants of target markets and satisfy them through the design, communication, pricing, and delivery of appropriate and competitively viable offerings."<sup>58</sup> Most of the respondents indicate that they "strongly agree," "agree," or are "not sure but probably agree" with the statement that "decision-making in my firm is influenced strongly by client needs," and most of the respondents indicate that they "strongly agree," "agree," or are "not sure but probably agree" with the statement that their firms make "an effort to determine how [their] most profitable clients determine 'value' (with regard to legal services)." Nevertheless, the data indicate that many law firms may want to devote more time and effort to conducting client interviews and market research in order to develop a true marketing orientation.

To obtain more of their existing clients' legal business, firms may need to develop a better understanding of their clients' legal

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<sup>57</sup> Holt.

<sup>58</sup> Schmidt, p. 2-24.

needs. Only 22.4% of the respondents indicated that they can easily access information about their clients' legal needs. (See Table 5.) Only 24.3% of the respondents stated that they know which other firms represent their top 25 clients, even though 87.3% of the respondents indicated that they "strongly agree," "agree," or are "not sure but probably agree" with the statement that their firms have "a solid understanding of [their] competitors' strengths and weaknesses."

## Summary

The objective of this thesis was to determine the role that law firm culture plays in determining the effectiveness of a law firm's marketing activities. The data indicate that firm culture's impact on attitudes about profitability -- specifically the importance of billable hours -- can affect law firm marketing. As noted earlier, the president of a 60-attorney firm in Philadelphia wrote that

a few people are active, enthusiastic. Most do nothing. The firm mindset is that billable work is all that is important, not marketing. This is despite the fact our firm has one of the most active and successful marketers anywhere.

This response supports the literature that states that "if the number of billable hours is the primary criterion used in determining compensation, lawyers will have no drive or incentive to engage in marketing."<sup>59</sup>

The data indicate that a CEO or managing partner who is supportive of marketing can serve as a catalyst for marketing success, as evidenced by the following response to the research instrument: "[T]he Marketing Director sets the strategy with the CEO," wrote the director of marketing for a 220-attorney firm in Tennessee, which has a marketing budget of \$1.5 million. "Our firm is very progressive in the way management views and supports the effort. The CEO and COO fully support the effort, drive a lot of the strategic development and are willing to

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provide the necessary resources." This firm in Tennessee appears to subscribe to the definition of "effective marketing" that was stated earlier in this paper. This response supports the hypothesis that culture is a crucial determinant of a law firm's marketing success.

The following comments from the director of client services for a 75-attorney firm in Texas provide further support for the hypothesis that a pro-marketing culture can impact the attorneys' understanding of effective business procedures, which in turn affects marketing success: "I am new (here 6 weeks) in a newly created position. We are starting our work on developing marketing plans for each section which will start with focus groups and client interviews. I really enjoy the attorneys and they seem willing to learn." The attorneys' willingness to learn is an indication that the firm's culture is supportive of marketing. The fact that the firm is developing marketing plans and conducting focus groups and clients interviews indicates that the firm subscribes to this paper's definition of "effective marketing." The director of client services for the Texas firm noted that she "came from four years in architecture and 10 in accounting." The literature indicates that law firms can borrow marketing ideas from the professional services; the data support this assertion.

The data suggest that the culture of a law firm, rather than the presence of a full-time marketing director, is a key determinant of successful marketing. For example, one of the partners of a 72-attorney firm in South Carolina also serves as the firm's marketing director. In his survey response he noted "the importance of cross marketing within the firm and/or the need to facilitate communication among the lawyers so they can assist in each of their marketing efforts." This firm seems

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<sup>59</sup> Schmidt, p. 2-20.

to have a marketing orientation despite its lack of a traditional marketing director. The managing partner of a 75-attorney firm in Maine provides further support for the hypothesis that culture, rather than a full-time marketing director, is a measure of a firm's marketing effectiveness. He wrote:

we have a marketing assistant who assists our outside marketing consultant, who works with us regularly (weekly) and so is "quasi-staff." We have begun to take marketing very seriously during the past three years, following the engagement of a marketing consultant on retainer (in lieu of an in-house marketing director). The culture surrounding marketing has, indeed, begun to change, and the large majority of our lawyers are willing to do more marketing -- even with enthusiasm!

The managing partner of a 50-attorney firm in California noted: "Until six months ago we had a professional marketing director and have had one for about five years. We were rarely satisfied with performance and never felt the value. We have abolished the position and outsource all marketing." This California attorney was the only respondent to report a negative experience with his firm's marketing director. However, this negative experience has not deterred the firm from pursuing marketing activities. This response strongly suggests that a law firm's culture is a more importance gauge of a firm's marketing effectiveness than is the presence of a full-time marketing director.

Four respondents wrote that they utilize part-time marketing directors or rely on marketing consultants who "train attorneys in

marketing and/or conduct market research." A fifth respondent, the managing partner of a 65-attorney firm in Florida that does not have a marketing director, explained: "We have a marketing committee comprised of three partners. The committee approves, modifies or rejects individual marketing plans. The objective is the most effective allocation of marketing efforts and expenditures." Despite the absence of a marketing director, this firm strives to achieve marketing success through integrated planning.

The hypothesis that culture is more important than the presence of a full-time marketing director may explain the following quote from the marketing manager of a 220-attorney firm in Connecticut:

Politically, marketing managers are all at various rungs in the ladder -- the longer you are with a firm, dependent on your personality and track record, the more likely you are to achieve success and credit. The answers to this survey would have been very different two years ago. They will be different still two years from now.

As noted earlier, the literature indicates that the turnover rate for law firms' marketing directors is high because many directors become frustrated with the lack of support they receive from their firms.<sup>60</sup> The data suggest that many firms hire marketing directors even though their cultures do not support effective marketing. It is very difficult for a firm to change its culture, but the marketing director from the Connecticut law firm suggests that change has taken place during the

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<sup>60</sup> "Is Your Law Firm in Danger of Losing Its Marketing Director?" *Law Office Management & Administrative Report*, August 1998.

past two years and will continue to take place. The data suggest that many firms are embracing effective marketing tactics, and their successes may provide the impetus that other firms need to change their own attitudes about marketing.

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## Topics for Future Research

Although the data suggest that firms with larger marketing budgets are more likely to have full-time marketing directors than are firms with smaller marketing budgets, the following question remains: "Do the firms with larger budgets hire marketing directors because they can afford them, or do these firms have larger marketing budgets because their marketing directors have encouraged the firms to spend more money on marketing?" An interesting topic to explore is the motivation for firms to hire marketing directors. Do firms tend to hire marketing directors because the firm's culture supports marketing, or do they hire marketing directors because their competitors are doing it? The literature indicates that the rate of marketing director turnover is high.<sup>61</sup> A study of law firms' motivations to hire marketing directors may reveal some of the sources of marketing directors' dissatisfaction.

Another potential topic for future study is law firms' use of part-time marketing directors or consultants. The research instrument did not ask questions about the use of consultants, but the data indicate that firms without full-time marketing directors are successfully utilizing the services of part-time consultants. Many firms may benefit from utilizing a part-time consultant rather than -- or prior to -- hiring a full-time marketing director. Some firms may respect the suggestions of an outside consultant more than they respect the opinions of an internal marketing director, but research is necessary to determine this.

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<sup>61</sup> Ibid.

Another potential topic for future study would be the use of incentives. Most of the law firms surveyed do not require partners to prepare professional development plans, and most of the firms that do require plans do not seem to differentiate between partners who achieve their goals and partners who do not. Additional research is needed to determine whether partners who achieve their marketing goals receive rewards such as additional financial compensation. The research should determine which incentives are effective and which are not.

The marketing directors for seven percent of the responding firms have law degrees. Future research is needed to determine how prevalent this trend is. The trend may be positive because a marketing director with a law degree may be more able than a director without a law degree to affect change and command respect from the attorneys. Conversely, marketing directors with law degrees may be ineffective marketers because they do not possess backgrounds in business or marketing.

One respondent, the managing partner of a 70-attorney firm in Minnesota wrote: "We are historically an insurance defense firm. All such firms are or should be trying to expand to other practice areas. You might want to ask about the role of marketing for transition firms." This comment is timely because, according to the January/February 1999 edition of *The American Lawyer*, insurance defense is a "cold" practice area.<sup>62</sup> Future research is needed to investigate ways by which law firms can successfully change the focus of their practice. If the legal arena remains as competitive as it currently is, research regarding effective ways to change a law firm's focus could become quite important.

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<sup>62</sup> "Make Work: Headhunters Survey," p. 30.

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## Appendix

## Terms

**Associate:** An attorney who is an employee of a law firm. Associates are not shareholders of the firm.

**Billable hours:** Attorneys and paralegals bill clients for the work they perform. Billable rates can range from \$90 per hour for a new associate or experienced paralegal to \$300 or more per hour for a senior partner.

**Counsel:** An attorney who joins a law firm as a salaried, non-shareholder after working for another law firm or company. Counsel can pursue a partnership track, or they can maintain their non-partner status.

**Footprint:** The territory or region in which a business operates

**In-house counsel:** Attorneys who work for a company, such as Trigon Blue Cross Blue Shield or Virginia Electric and Power Company, rather than a law firm.

**Partner:** Also known as "member" or "shareholder." Associates and counsel can be elected to partnership by the existing partners. A partner is a shareholder of a law firm; he or she purchases shares of the firm.

**Pro bono publico** (commonly abbreviated as *pro bono*): Many attorneys provide free legal services to non-profit organizations and/or people who cannot afford to hire a lawyer. This type of free legal service is referred to as *pro bono* work.

Table 1: Distribution of targeted law firms by state

State <sup>1</sup>	Sample Distribution (% of 643) <sup>2</sup>	Answered Questionnaires (% of 120) <sup>3</sup>
Alabama	1.2%	0.8%
Arizona	1.4%	1.7%
Arkansas	0.2%	0.0%
California	11.7%	7.5%
Colorado	1.1%	0.8%
Connecticut	2.2%	5.0%
Delaware	0.8%	0.0%
District of Columbia	4.7%	6.7%
Florida	3.6%	3.3%
Georgia	2.5%	4.2%
Idaho	0.2%	0.8%
Illinois	6.7%	4.2%
Indiana	1.1%	0.8%
Kansas	0.5%	0.0%
Kentucky	0.9%	0.8%
Louisiana	1.7%	0.8%
Maine	0.6%	0.8%
Maryland	1.2%	1.7%
Massachusetts	4.0%	2.5%
Michigan	2.8%	1.7%
Minnesota	3.1%	2.5%
Mississippi	0.5%	0.0%
Missouri	2.3%	0.8%
Nevada	0.2%	0.0%
Nebraska	0.5%	1.7%
New Hampshire	0.5%	1.7%
New Jersey	4.5%	3.3%
New Mexico	0.3%	0.0%
New York	14.6%	10.0%
North Carolina	1.4%	1.7%
Ohio	4.2%	7.5%
Oklahoma	0.9%	0.0%
Oregon	0.6%	0.8%
Pennsylvania	5.8%	8.3%
Rhode Island	0.2%	0.0%
South Carolina	1.4%	4.2%
Tennessee	1.1%	2.5%
Texas	4.8%	5.0%
Utah	0.6%	0.8%
Washington	1.6%	1.7%
West Virginia	0.5%	0.8%
Wisconsin	1.4%	1.7%

<sup>1</sup> The following states were not included in this study due to insufficient data: Alaska, Hawaii, Iowa, Montana, North Dakota, South Dakota, Vermont, and Wyoming. The graduate student conducting this research is employed as a market research analyst with one of the largest law firms in Virginia. Because the student developed her data collection instrument as a tool for academic research (graduate thesis) and has represented herself as a graduate student, she feels that it would be unethical to seek data from Virginia law firms (her employer's direct competitors). Therefore, she excluded Virginia from this study.

<sup>2</sup> Percentages do not equal 100% due to rounding.

<sup>3</sup> Percentages do not equal 100% due to rounding.



Table 2: Top five methods by which firms obtain business from new clients

	% Not Ranking	% Most Frequent	% 2nd Most Frequent	% 3rd Most Frequent	% 4th Most Frequent	% 5th Most Frequent
a) Referrals from attorneys at other law firms	25.7%	6.7%	<b>29.2%</b>	<b>21.7%</b>	5.8%	6.7%
b) Responding to Request-for-Proposals (RFPs)	61.9%	0.9%	7.1%	2.7%	11.5%	<b>15.9%</b>
c) Firm listing in legal directories such as Martindale-Hubbell	85.0%	0.0%	0.0%	8.3%	1.8%	4.4%
d) Referrals from existing clients	13.3%	<b>69.9%</b>	12.4%	0.9%	2.7%	0.9%
e) Sponsoring seminars that showcase the talents of the firm's attorneys	58.4%	5.3%	8.0%	7.1%	7.1%	14.2%
f) Firm Web page on Internet	91.2%	0.9%	0.0%	1.8%	4.4%	1.8%
g) Networking via social activities (inviting prospects to golf games, dinners, theater, etc.)	48.7%	4.4%	6.2%	<b>19.5%</b>	8.8%	12.4%
h) Networking via civic activities (board memberships, Chamber of Commerce activities, volunteer work, church/synagogue activities)	53.1%	1.8%	10.6%	8.8%	<b>19.5%</b>	6.2%
i) Networking via bar association activities	73.5%	0.0%	4.4%	6.2%	9.7%	6.2%
j) Publishing articles by firm's attorneys in legal trade magazines such as <i>Legal Times</i>	95.6%	0.0%	0.0%	0.0%	2.7%	1.8%
k) Attending trade shows	99.1%	0.0%	0.0%	0.0%	0.9%	0.0%
l) Publishing articles by firm's attorneys in publications read by decision-makers in prospects industries	85.8%	0.0%	3.5%	5.3%	2.7%	2.7%
m) Speaking at events sponsored by prospects' trade associations	73.5%	0.0%	3.5%	4.4%	10.6%	8.0%
n) Hosting CLE (Continuing Legal Education) programs	92.9%	0.0%	1.8%	0.9%	3.5%	0.9%
o) Sending newsletters written by attorneys in one of the firm's practice group to prospects	79.6%	1.8%	5.3%	4.4%	1.8%	7.1%
p) Sending unsolicited marketing materials to prospects/making "cold calls"	98.2%	0.0%	0.9%	0.0%	0.0%	0.9%
q) Do not know	97.3%	0.9%	0.0%	0.0%	0.0%	1.8%
r) Other						

Table 3: Top five tactics firms use to maintain relationship with existing clients

	% Not Ranking	% Most Frequent	% 2nd Most Frequent	% 3rd Most Frequent	% 4th Most Frequent	% 5th Most Frequent
a) Networking via social activities (inviting prospects [sic] to golf games, dinner, theater, etc.)	13.3%	<b>33.6%</b>	17.7%	12.4%	<b>15.9%</b>	7.1%
b) Co-sponsoring seminars with clients	83.2%	0.9%	0.9%	6.2%	8.0%	0.9%
c) Hosting CLE (Continuing Legal Education) programs at client's offices	77.9%	2.7%	5.3%	7.1%	1.8%	5.3%
d) Attending meetings at client's offices to strengthen firm's understanding of client's business	16.8%	31.9%	<b>29.2%</b>	9.7%	6.2%	6.2%
e) Sending newsletters written by attorneys in one of the firm's practice groups to clients	42.5%	7.1%	18.6%	<b>14.2%</b>	12.4%	5.3%
f) Sending holiday gifts and/or cards to clients	73.5%	0.9%	3.5%	6.2%	5.3%	10.6%
g) Conducting client interviews to determine strengths and weaknesses of current relationship	58.4%	3.5%	7.1%	10.6%	8.0%	<b>12.4%</b>
h) Sending articles of interest to clients	67.0%	1.8%	0.0%	11.6%	9.8%	9.8%
i) Calling or writing notes of congratulation when clients receives promotion, honor, new business, etc.	58.9%	1.8%	4.5%	7.1%	<b>14.3%</b>	<b>13.4%</b>
j) Reading articles about client's business and/or industry on regular basis	65.5%	2.7%	6.2%	4.4%	8.8%	<b>12.4%</b>
k) Other						

Table 4: Marketing plan

	No	Yes
(B-1) Does your firm require partners to prepare a professional development plan?	<b>59.7%</b> <sup>1</sup>	40.3%
(B-2) Does your firm's compensation plan penalize partners who fail to achieve objectives established in their personal professional development plans?	<b>54.7%</b>	45.3%
(B-3) Does your firm require associates/counsel to prepare a professional development plan?	<b>76.1%</b> <sup>2</sup>	23.9%
(B-4) Does your firm consider how successfully individual associates/counsel have achieved their professional development goals when it determines rewards (such as election to partnership, bonuses or annual compensation)?	<b>89.8%</b>	10.2%

<sup>1</sup> Respondents who answered "no" to Question B-1 were instructed to skip to Question B-3.

<sup>2</sup> Respondents who answered "no" to Question B-3 were instructed to skip to Question C-1.

Table 5: Accessibility of information about firm's current client base

	Actual data are easily accessible	Actual data are not easily accessible, but firm can estimate	Firm does not know and cannot estimate
a) My firm knows who its top 50 (most profitable) clients are	88.0%	11.1%	0.0%
b) My firm knows who its least profitable clients are	63.0%	33.9%	2.5%
c) My firm knows who its moderately profitable clients are	64.7%	35.3%	0.0%
d) My firm knows what other firms represent its top 25 clients	24.3%	60.0%	15.7%
e) My firm knows the legal areas in which other firms represent its top 25 clients	22.4%	56.9%	20.7%
f) My firm knows the total outside legal budget of its top 25 clients	2.6%	46.1%	51.3%
g) My firm knows what percentage of its top 25 clients' outside legal budget it possesses	3.5%	50.0%	46.5%

Table 6: Firm intelligence

	No	Yes
(C-2) My firm knows what its 5 most profitable practice groups are.	11.8%	88.2%
(C-3) My firm knows what its 3 least profitable practice groups are.	13.6%	86.4%
(C-4) My firm knows the industries in which it has performed the most work during the last five years. <sup>1</sup>	10.3%	88.8%
(C-5) My firm conducts client interviews to determine the strengths, weaknesses, opportunities, and threats associated with its existing client relationships.	46.2%	53.8%

(C-6) Please state the frequency with which your firm conducts client interviews (please check one).

a) Every quarter	3.1%
b) Twice a year	3.1%
c) Annually	18.8%
<b>d) Every two years</b>	<b>23.4%</b>
e) Every 3 to 5 years	21.9%
f) Do not know	1.6%
g) Other	28.1%

(C-7) The following person conducts my firm's client interviews (please check all that apply)<sup>2</sup>:

a) Firm's Managing Partner/President/CEO/Chairman	50.8%
b) Firm's Marketing Partner	7.9%
c) Practice Group Leader	31.7%
d) Firm's Marketing Director	28.6%
e) Outside Consultant	23.8%

<sup>1</sup> Percentages do not equal 100%

<sup>2</sup> Percentages do not equal 100%

Table 7: Marketing orientation  
 To what extent do you agree with the following statements?  
 (please check one answer for each item D-1 through D-4)

	Strongly Agree	Agree	Not Sure Agree	But Probably Disagree	Strongly Disagree	Disagree
(D-1) <i>"It is less expensive to obtain new business from existing clients than it is to cultivate new clients."</i>	83.2%	11.8%	3.4%	0.8%	0.0%	0.8%
(D-2) <i>"Decision-making in my firm is influenced strongly by client needs."<sup>1</sup></i>	23.5%	50.4%	19.3%	4.2%	2.5%	0.0%
(D-3) <i>"My firm makes an effort to determine how its most profitable clients define the term 'value' (with regard to legal services)."</i>	11.9%	40.7%	33.1%	9.3%	4.2%	0.8%
(D-4) <i>"My firm has a solid understanding of its competitors' strengths and weaknesses."</i>	8.5%	37.3	41.5%	10.2%	2.5%	0.0%

<sup>1</sup> Percentages do not equal 100% due to rounding.

Table 8: Marketing director

(E-1) My firm has a marketing director.

No	26.3%
Yes	73.7%

(E-2) Please describe the background that your firm's current marketing director possesses.<sup>1</sup>  
(please check all that apply)

a) Previously worked in marketing department of other law firm	37.2%
b) Possess non-legal marketing experience	64.0%
c) Holds an MBA or other non-legal graduate degree (i.e., marketing, mass communications, public relations)	27.9%
d) Previously held position as paralegal or other non-attorney staff member at law firm	19.8%
e) Holds a J.D. or LL.D.	7.0%

(E-4) Has your firm invited the marketing director to attend the following during the past six months?  
(please check all that apply)

a) Partners' meetings	60.2%
b) Management committee meetings	55.7%
c) Practice group meetings	92.0%
d) Client development strategy sessions	78.4%
e) Meetings with clients	31.8%
f) Meetings with prospective clients	28.4%

(E-5) Has the firm's management shared the following information with the marketing director within the past six months?<sup>2</sup>  
(please check all that apply)

a) Firm's business development strategy	81.8%
b) Firm's profitability	53.4%
c) Profitability of specific practice groups	46.6%
d) Partners' compensation	18.2%
e) Names of most profitable clients	76.1%
f) Names of prospective clients	79.5%

<sup>1</sup> Percentages do not equal 100%.

<sup>2</sup> Percentages do not equal 100%.

Table 9: Marketing department tasks

Please identify and rate the *five most important* tasks that your firm's marketing department performs.

	% Not Ranking	% Most Frequent	% 2nd Most Frequent	% 3rd Most Frequent	% 4th Most Frequent	% 5th Most Frequent
a) Creates internal newsletters <sup>1</sup>	84.9%	0.0%	5.8%	3.5%	1.2%	4.7%
b) Develops newsletters for clients and prospects	61.6%	7.0%	5.8%	7.0%	11.6%	7.0%
c) Writes press releases	75.6%	2.3%	2.3%	4.7%	7.0%	8.1%
d) Conducts reactive research regarding potential clients/industries (i.e., attorney asks for information re: specific company or business)	61.6%	7.0%	9.3%		11.6%	7.0%
e) Conducts proactive research regarding potential clients (i.e., marketing staff alerts firm of new business opportunities)	77.9%	9.3%	4.7%	5.8%	0.0%	2.3%
f) Manages database of client and/or prospect information	30.2%	8.1%	19.8%	17.4%	10.5%	14.0%
g) Plans special events	47.7%	9.3%	8.1%	11.6%	10.5%	12.8%
h) Develops advertisements <sup>2</sup>	75.6%	1.2%	4.7%	7.0%	5.8%	5.8%
i) Develops training programs for attorneys	65.1%	7.0%	3.5%	10.5%	8.1%	5.8%
j) Updates firm's Web site <sup>3</sup>	70.9%	0.0%	2.3%	7.0%	11.6%	8.1%
k) Helps attorneys write/publish articles	76.7%	2.3%	4.7%	3.5%	4.7%	8.1%
l) Prepares proposals for new business	44.2%	23.3%	15.1%	2.3%	11.6%	3.5%
m) Updates attorney listings in directories such as Martindale-Hubbell <sup>4</sup>	82.6%	2.3%	1.2%	2.3%	4.7%	7.0%
n) Conducts client interviews <sup>5</sup>	82.4%	9.4%	1.2%	2.4%	3.5%	1.2%
o) Other						
p) I do not know what tasks my firm's marketing department performs	98.8% <sup>6</sup>					

<sup>1</sup> Percentages do not equal 100% due to rounding.<sup>2</sup> Percentages do not equal 100% due to rounding.<sup>3</sup> Percentages do not equal 100% due to rounding.<sup>4</sup> Percentages do not equal 100% due to rounding.<sup>5</sup> Percentages do not equal 100% due to rounding.<sup>6</sup> One person checked this answer.



Table 10: Marketing

To what extent do you agree with the following statements?  
 (please check one answer for each item E-6 through E-10)

	Strongly Agree	Agree	Not Sure	But Probably Disagree	Strongly Disagree	Disagree
(E-6) <i>"My firm's marketing director plays an important role in formulating strategy."</i>	24.1%	33.3%	17.2%	11.5%	10.3%	3.4%
(E-7) <i>"My firm's marketing director has the authority he/she needs to be effective."</i>	16.1%	46.0%	16.1%	9.2%	11.5%	1.1%
(E-8) <i>"The associates/counsel in my firm have the knowledge and skills to market the firm effectively."</i>	3.5%	22.8%	29.8%	27.2%	15.8%	0.9%
(E-9) <i>"The attorneys in my firm are reluctant to engage in marketing activities."</i>	3.4%	16.9%	19.5%	14.4%	36.4%	9.3%
(E-10) <i>"The marketing decisions my firm makes are usually based on market research."</i>	1.7%	4.2%	12.6%	26.1%	43.7%	11.8%

(E-11) Please estimate your firm's marketing budget. (check one)<sup>1</sup>

- |                        |       |
|------------------------|-------|
| a) Less than \$50K     | 6.8%  |
| b) \$50K - \$100K      | 11.0% |
| c) Greater than \$100K | 78.8% |
| d) Do not know         | 1.7%  |

<sup>1</sup> Percentages do not equal 100%.

## **Executive Seminar Year 2000 Planning – the Immovable Deadline**

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March 1, 1999

James F. Hughey, Jr., Esq.  
Balch & Bingham LLP  
1710 Sixth Avenue North  
P.O. Box 306  
Birmingham, AL 35201

Dear Mr. Hughey:

Will you please do me a favor?

I am a Spring 1999 candidate for the M.S. in Marketing at Virginia Commonwealth University in Richmond, Virginia. The topic of my graduate thesis is marketing legal services. With the enclosed survey, I hope to obtain information about the marketing orientation of the largest law firms in the United States.

I realize that you are very busy, but I believe that you, the managing partner of a top law firm, are one of the most valuable sources of information about marketing by legal professionals. I obtained your name from one of two sources: *Corporate Legal Times's* September 1998 ranking of law firms or the *National Law Journal's* October 1998 ranking of law firms. If you feel that you have received this survey in error, please forward it to the appropriate person within your firm.

It will take only a short time to complete the enclosed questionnaire and return it in the enclosed, pre-addressed envelope.

In appreciation for your time and your candid responses to the enclosed questionnaire, I will gladly provide you with a summary of the survey responses. **All individual survey responses will be held in strictest confidence.** If you would like to receive a complimentary copy of the aggregate results of the questionnaire, please provide your name and address in the spaces provided at the end of the survey. If you prefer, you may request a copy of the aggregate results by sending a separate letter or your business card to the address at the left of this page.

Please return the enclosed questionnaire at your earliest convenience. If you should have any questions regarding the enclosed survey, please do not hesitate to contact my thesis advisor, Dr. Deborah Cowles, Associate Professor of Marketing, at (804) 828-7191. Thank you for your assistance.

Very truly yours,

Kathleen Sams Flippen  
Candidate for M.S. in Marketing  
Virginia Commonwealth University

Enclosures.

BUSINESS  
AVENUE  
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Survey Questions

Section A. Business Development

(A-1) Please select the *top five* methods by which your firm obtains business from new clients.

1 is the method used most frequently by your firm  
5 is the method used the least often by your firm

Select only five; rank 1 to 5

- a) Referrals from attorneys at other law firms \_\_\_\_\_
- b) Responding to Request-for-Proposals (RFPs) \_\_\_\_\_
- c) Firm listing in legal directories such as Martindale-Hubbell \_\_\_\_\_
- d) Referrals from existing clients \_\_\_\_\_
- e) Sponsoring seminars that showcase the talents of the firm's attorneys \_\_\_\_\_
- f) Firm Web page on Internet \_\_\_\_\_
- g) Networking via social activities (inviting prospects to golf games, dinners, theater, etc.) \_\_\_\_\_
- h) Networking via civic activities (board memberships, Chamber of Commerce memberships, volunteer work, church/synagogue activities) \_\_\_\_\_
- i) Networking via bar association activities \_\_\_\_\_
- j) Publishing articles by firm's attorneys in legal trade magazines such as *Legal Times* \_\_\_\_\_
- k) Attending trade shows \_\_\_\_\_
- l) Publishing articles by firm's attorneys in publications read by decision-makers in prospect industries \_\_\_\_\_
- m) Speaking at events sponsored by prospects' trade associations \_\_\_\_\_
- n) Hosting CLE (Continuing Legal Education) programs \_\_\_\_\_
- o) Sending newsletters written by attorneys in one of the firm's practice groups to prospects \_\_\_\_\_
- p) Sending unsolicited marketing materials to prospects/making "cold calls" \_\_\_\_\_
- q) Do not know \_\_\_\_\_
- r) Other \_\_\_\_\_

(A-2) Please select the *top five* tactics your firm uses to maintain relationships with existing clients.

1 is the method used most frequently by your firm  
5 is the method used the least often by your firm

Select only five; rank 1 to 5

- a) Networking via social activities (inviting prospects to golf games, dinners, theater, etc.) \_\_\_\_\_
- b) Co-sponsoring seminars with clients \_\_\_\_\_
- c) Hosting CLE (Continuing Legal Education) programs at client's offices \_\_\_\_\_
- d) Attending meetings at client's offices to strengthen firm's understanding of client's business \_\_\_\_\_
- e) Sending newsletters written by attorneys in one of the firm's practice groups to clients \_\_\_\_\_
- f) Sending holiday gifts and/or cards to clients \_\_\_\_\_
- g) Conducting client interviews to determine strengths and weaknesses of current relationship \_\_\_\_\_
- h) Sending articles of interest to clients \_\_\_\_\_
- i) Calling or writing notes of congratulation when client receives promotion, honor, new business, etc. \_\_\_\_\_
- j) Reading articles about client's business and/or industry on regular basis \_\_\_\_\_
- k) Other \_\_\_\_\_

Section B. Marketing Plan

(B-1) Does your firm require partners to prepare a professional development plan?

- a) No \_\_\_\_\_ (if no, please skip to question B-3)
- b) Yes \_\_\_\_\_

(B-2) Does your firm's compensation plan penalize partners who fail to achieve objectives established in their personal professional development plans?

- a) No \_\_\_\_\_
- b) Yes \_\_\_\_\_

(B-3) Does your firm require associates/counsel to prepare a professional development plan?

- a) No \_\_\_\_\_ (if no, please skip to question C-1)
- b) Yes \_\_\_\_\_

(B-4) Does your firm consider how successfully individual associates/counsel have achieved their professional development goals when it determines rewards (such as election to partnership, bonuses or annual compensation)?

- a) No \_\_\_\_\_
- b) Yes \_\_\_\_\_



E. Marketing

(E-1) My firm has a marketing director.

- a) No \_\_\_\_\_ (if no, please skip to question E-8)  
 b) Yes \_\_\_\_\_

(E-2) Please describe the background that your firm's current marketing director possesses. (please check all that apply)

- a) Previously worked in marketing department of other law firm \_\_\_\_\_  
 b) Possesses non-legal marketing experience \_\_\_\_\_  
 c) Holds an MBA or other non-legal graduate degree (i.e., marketing, mass communications, public relations) \_\_\_\_\_  
 d) Previously held position as a paralegal or other non-attorney staff member at law firm \_\_\_\_\_  
 e) Holds a J.D. or LL.D. \_\_\_\_\_  
 f) Other \_\_\_\_\_

(E-3) Please identify and rate the *five most important* tasks that your firm's marketing department performs.

1 is the most important task  
 5 is the least important task

Select only five; rank 1 to 5

- a) Creates internal newsletters \_\_\_\_\_  
 b) Develops newsletters for clients and prospects \_\_\_\_\_  
 c) Writes press releases \_\_\_\_\_  
 d) Conducts *reactive* research regarding potential clients/industries (i.e., attorney asks for information re: specific company or business) \_\_\_\_\_  
 e) Conducts *proactive* research regarding potential clients (i.e., marketing staff alerts firm of new business opportunities) \_\_\_\_\_  
 f) Manages database of client and/or prospect information \_\_\_\_\_  
 g) Plans special events \_\_\_\_\_  
 h) Develops advertisements \_\_\_\_\_  
 i) Develops training programs for attorneys \_\_\_\_\_  
 j) Updates firm's Web site \_\_\_\_\_  
 k) Helps attorneys write/publish articles \_\_\_\_\_  
 l) Prepares proposals for new business \_\_\_\_\_  
 m) Updates attorney listings in directories such as Martindale-Hubbell \_\_\_\_\_  
 n) Conducts client interviews \_\_\_\_\_  
 o) Other \_\_\_\_\_  
 p) I do not know what tasks my firm's marketing department performs \_\_\_\_\_

(E-4) Has your firm invited the marketing director to attend the following *during the past six months?* (please check all that apply)

- a) Partners' meetings \_\_\_\_\_  
 b) Management committee meetings \_\_\_\_\_  
 c) Practice group meetings \_\_\_\_\_  
 d) Client development strategy sessions \_\_\_\_\_  
 e) Meetings with clients \_\_\_\_\_  
 f) Meetings with prospective clients \_\_\_\_\_

(E-5) Has the firm's management shared the following information with the marketing director *within the past six months?* (please check all that apply)

- a) Firm's business development strategy \_\_\_\_\_  
 b) Firm's profitability \_\_\_\_\_  
 c) Profitability of specific practice groups \_\_\_\_\_  
 d) Partners' compensation \_\_\_\_\_  
 e) Names of most profitable clients \_\_\_\_\_  
 f) Names of prospective clients \_\_\_\_\_

To what extent do you agree with the following statements?  
 (please check one answer for each item E-6 through E-8)

	Strongly Agree		Not Sure But Probably Disagree		Strongly Disagree	
	Agree	Agree	Agree	Disagree	Disagree	Disagree
(E-6) "My firm's marketing director plays an important role in formulating strategy."	_____	_____	_____	_____	_____	_____
(E-7) "My firm's marketing director has the authority he/she needs to be effective."	_____	_____	_____	_____	_____	_____
(E-8) "The associates/counsel in my firm have the knowledge and skills to market the firm effectively."	_____	_____	_____	_____	_____	_____

(more)

To what extent do you agree with the following statements?  
(please check one answer for each item E-9 through E-10)

	Strongly Agree	Agree	Not Sure But Probably Agree	Probably Disagree	Disagree	Strongly Disagree
(E-9) "The attorneys in my firm are reluctant to engage in marketing activities."	_____	_____	_____	_____	_____	_____
(E-10) "The marketing decisions my firm makes are usually based on market research."	_____	_____	_____	_____	_____	_____
(E-11) Please estimate your firm's marketing budget. (check one)						
a) Less than \$50,000	_____					c) Greater than \$100,000 _____
b) \$50,000 - \$100,000	_____					d) Do not know _____

**F. Demographics:**

(F-1) Please state the title of the person completing this survey \_\_\_\_\_

(F-2) Please state the total estimated number of attorneys employed by your firm \_\_\_\_\_

(F-3) Please name the state of your law firm's principal office \_\_\_\_\_

(F-4) Please select your firm's five largest practice groups:

Check only five

- |                                  |       |                               |       |
|----------------------------------|-------|-------------------------------|-------|
| a) Administrative Law            | _____ | t) Government                 | _____ |
| b) Admiralty & Maritime          | _____ | u) Government Contracts       | _____ |
| c) Agricultural Law              | _____ | v) Health                     | _____ |
| d) Antitrust & Trade Regulation  | _____ | w) Immigration                | _____ |
| e) Appellate Practice            | _____ | x) Insurance                  | _____ |
| f) Banking & Finance             | _____ | y) Intellectual Property      | _____ |
| g) Bankruptcy                    | _____ | z) International Law          | _____ |
| h) Business/Commercial/Corporate | _____ | aa) Labor & Employment        | _____ |
| i) Communications/Media          | _____ | bb) Litigation                | _____ |
| j) Constitutional Law            | _____ | cc) Mergers & Acquisitions    | _____ |
| k) Construction Law              | _____ | dd) Personal Injury/Torts     | _____ |
| l) Contracts                     | _____ | ee) Probate, Trusts & Estates | _____ |
| m) Criminal Law                  | _____ | ff) Real Estate               | _____ |
| n) Elder Law                     | _____ | gg) Securities/Investments    | _____ |
| o) Employee Benefits             | _____ | hh) Taxation                  | _____ |
| p) Energy                        | _____ | ii) Technology/Science        | _____ |
| q) Entertainment & Sports        | _____ | jj) Workers Compensation      | _____ |
| r) Environmental Law             | _____ | kk) Zoning/Planning/Land Use  | _____ |
| s) Family Law                    | _____ | ll) Other                     | _____ |

*Thank you for taking the time to complete this questionnaire.*

Yes, I would like to receive a complimentary copy of the aggregate results of this questionnaire. Please send my copy to the following:

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you have any observations about the role of marketing at your firm, which have not been explored by this survey, please provide your comments below.

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Vita

