

What In-House Counsel Want

By Sharon Berman

Among a law firm's eternal questions is how to best market to in-house counsel. Because in-house counsel are clients of our clients, we are always seeking venues to hear first-hand perspectives on how to do this. What breaks through the barrage of material they receive and differentiates an attorney or law firm? What has motivated them to take the leap of faith required to give a lawyer their first chance doing work for the company? What then makes them willing to expand that share of the available work?

After hearing from a range of corporate counsel over the long term, I'm struck by several aspects. First, the core messages are essentially the same from venue to venue. Second, what the speakers advise outside counsel to do in terms of marketing and building relationships is really simple, straightforward and common sense if you think about it from a customer service perspective. This raises the question: If in-house counsel are talking about how these simple steps can differentiate you from your competition, why wouldn't you start taking them? What an opportunity!

When it comes to the marketing that attracts in-house lawyers, their experience underscores several points common to marketing in general: Different messages and marketing vehicles resonate with different people — there is no magic bullet. You need to implement a combination of tactics and media so at least one of those messages penetrates the barriers, and if two messages from distinct sources get through, then one message reinforces the other. Mix your tactics, so a prospective client may receive your client alert email, listen to your podcast, peruse your blog, watch your video and then see your article published.



Corporate counsel mention a range of marketing tactics which have attracted their attention. No one tactic is the overall winner. For example, one general counsel engaged a lawyer based on hearing him speak at a seminar. Another said that while he ignores generic client alert emails, he is more likely to read those that not only report on but also analyze a decision. From the myriad letters one lawyer receives from private-practice lawyers once the company has filed suit, this general counsel pays attention to those who describe very specifically how their expertise and experience aligns with the lawsuit. For example, the writer may have represented clients in matters involving the same technology before the same judge. Trade association meetings are where another in-house lawyer meets lawyers who know his industry.

Once you have been engaged, the presumption is that you know how to think from a legal perspective. That's why the in-house counsel hired you. You stand out if you think and act from both a customer service and business perspective.

As with all of us, time is at a premium with general counsel. Consequently, if you know your client is facing a Friday noon deadline to deliver a memo to management and needs to incorporate your information, you

need to provide the information in a time frame that gives the client time to review and edit the work without going down to the wire. While this seems obvious, it was a common thread mentioned repeatedly in different venues.

The easier you can make life for the client, the better your relationship will be.

While your in-house clients are lawyers handling legal matters, they operate in a business environment. They or their colleagues report to business people who may not be lawyers and might not understand legalese. Consequently, if you know that your client is incorporating your work product into something passed on to company executives who are not attorneys, you need to write for that audience. Otherwise, your client has to rewrite it. Make your work clear, simple and as brief as possible.

The chief financial officer or someone in a similar position looms large in most companies and casts a shadow over the legal department. Therefore, outside lawyers who are seeking a larger share of the legal pie need to keep the CFO in mind. The finance department is usually reviewing the legal department's expenses, the budget for the litigation you're handling, or other related financials. Your lawyer-client needs to be able to justify those expenditures.

The inside counsel reminded their outside counterparts that while they, too, are

(continued on back)



Sharon Berman is principal of Berbay Corp., a marketing and public relations firm specializing in working with professional services firms. She can be reached at berman@berbay.com.

What In-House Counsel Want *(continued)*

attorneys, they work in a business environment where thoroughness is not always seen as important as cost effectiveness, and where lawyers and their billing are often viewed with suspicion. The point stressed was that outside counsel should delineate at an engagement's outset what they will do and how much it will cost, including supporting services, such as litigation support, appraisals, etc. It's critical to let the client know ahead of time if the actual cost is going to exceed the budget, and why. No one is happy if your client has to explain the deviation to his management after the fact.

One panelist suggested that if invoicing was going to be uneven, for example, lower invoices the first few months and then higher ones months down the road as litigation heats up, then explain that to them. This will

avoid the finance department's using the lower expenditures for their annual budgeting, and then chastising the legal department when the actual cost exceeds the budget.

Other suggestions for building a strong relationship included making recommendations regarding how costs may be reduced in a future engagement based on lessons learned thus far. That can go a long way toward differentiating yourself. Next, keep in touch with the general counsel and keep him apprised of new legal issues for which he may need assistance. Finally, if a private-practice attorney would like to work with a company long-term, it is important to establish relationships not only with the top inside counsel, but also with their subordinates. One general counsel noted that there is

often a large age gap between the person in charge and the younger in-house counsel. Last, but far from least, is remembering and treating corporate counsel as full-fledged lawyers. More than one corporate counsel mentioned that outside counsel tend to think that they have more lawyer stripes than those who work in house.

The advice in-house attorneys offered can apply across all professional services. Because it is especially competitive to break through the clutter that accosts in-house counsel, the little things that you do and others don't will give you the edge. Once you've had the chance to demonstrate your strengths, you can leverage those smaller things to solidify and grow enduring, productive relationships. ■

Reprinted with permission from the "May 2012" edition of the "The Recorder" © 2012 ALM media Properties, LLC. All rights reserved. Further duplication without permission is prohibited. For information, contact 877-257-3382, reprints@alm.com or visit www.almreprints.com.

For more information on law firm and attorney marketing, contact Berbay Corp:

Phone: 310-405-7345 **Website:** www.berbay.com **Blog:** www.blog.berbay.com

Facebook: www.facebook.com/group **Twitter:** [@BerbayCorp](https://twitter.com/BerbayCorp)

LinkedIn: www.linkedin.com/in/sharonberman **Email:** berman@berbay.com