

## Competing For Clients

### Emphasis Is On *Competing*

There are too many words we marketers use too easily, without thinking too hard about meaning or substance. One of my favorites is the most important word in marketing. It's *competition*. We use it all the time – and then tend to ignore it as we go about the business of marketing.

Why, then, do we do all those seminars and blogs and web sites and media releases? Certainly, not for their own sakes. Even the strategies we most often devise tend to lose sight of not just the word competition, but the act of it. Mechanical process performed, it would seem as if for its own sake.

It's been so long since *Bates v. State Bar of Arizona* (U.S. Supreme Court, 1977) – our declaration of independence from the shackles of traditions that prohibited any promotional activity or what we can now call frank marketing – that we tend to forget what *Bates* actually did. It gave us the right to *compete*.

While it didn't say so in so many words, what it really said was, "Now I can go after your clients and you can go after mine."

What it said was, "Now you can openly pursue a prospective client, in competition with other law or accounting firms. And you can use standard marketing tools, like advertising and press releases and selling to do it."

There aren't many marketers today who are old enough to remember that, and I'm surprised at how many law and accounting firm marketers never even heard of *Bates*. But it was indeed our declaration of freedom from codes and canons of ethics that kept the professions immersed in a Dickensian past. They were rules that allowed lawyers and accountants to feel elite and exalted – above the fray of commerce. Under

the rubric of protecting the integrity of professionals, the ethical rules served to provide an aura of superiority.

It took several years -- and many debates and even law suits -- for the local bar and accounting bodies to give in, but the ability to compete prevailed, and the skills to do so developed. And the interesting thing is that both the professions and the publics they serve are the better for it.

But the transition from the past to the future is not yet complete -- and won't be as long as we ignore the competition part of marketing and reside in just the mechanics.

What, exactly is competition?

It's pursuing business -- the prospective client -- even as other lawyers and accountants are pursuing the same clients. And at the same time, it's protecting your clients from being successfully wooed by other lawyers or accountants. It's not performed by mechanics -- the tools of marketing -- but by strategy.

So-called branding, which is really name recognition and a promise of performance, can be an irrelevant exercise. Unfortunately the nature of the professions preclude many of the traditional marketing devices used by products to compete. You can't say, "We do better briefs, or better audits." Never mind the ethical constraints -- the reality is that you can't prove it. Even with the best marketing campaigns, you're not likely to persuade a happily married couple to get a divorce. How then do you compete?

First, by understanding that your role is to serve a public, which you must take great pains to understand in every respect. In fact, there is rarely one general public. Is the public for labor law the same as the public for maritime law? Is the public for corporate taxes the same as the public for home office writers? Without understanding the market for your specialty, your skills, and your experience, any marketing you do is hobbled in a competitive environment.

Next, you have to think about your ability to serve each market in which you compete. In a dynamic and rapidly changing world, the nature of the prospective clientele is changing constantly. What made Steve Jobs so heroic was that he actually changed the nature of how commerce is performed. As important as his devices may be, more important was the way they altered the way business is done – as did the whole internet. If you don't read the trade press for your clients' industries, if you don't keep in constant touch with your markets' and your clients' business, you can't compete. If you don't follow industry and economic trends, you live a life of unprofitable surprises. These days, once dominant industries can be in decline, as emerging industries become dominant. And with surprising speed.

And finally, if you are a lawyer or accountant, and not a trained or experienced marketer, you'd better understand that marketing is now an integral part of any practice. No more is marketing something done by a person down the hall. You are part of it. And if you can't do it, learn to understand both the process and the marketer. Remember at all times, in everything you do, you are competing for growth and success against a growing body of lawyers and accountants who are competing against you. If you want to survive, you have to learn to compete. It's an essential element for your professional world and your survival in it.

**HOME**