

MEETING THE COMMUNICATIONS CHALLENGE

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Introduction

Compared to their global counterparts, independent law firms in the UK and across mainland Europe have tended to be slower in promoting themselves within the legal profession through the pages of the predominantly London-based English language legal media.

Why should law firms engage with this particular part of the media and what should they keep in mind when they do so? The pages of the weekly and monthly legal magazines and web sites carry many news stories about firms across Europe and the USA – so there is clearly a demand and appetite for information about your firm. The global firms invest significant time and effort in getting this right. They might not always succeed but the bulk of the reporting focuses on their activities – even in this magazine. Have a look at the news pages and see for yourself.

Like all other aspects of the firm, your approach to dealing with the media is ultimately determined by the overall strategy for your partnership. Once you have a strategy then everything else falls into place. However, if your firm lacks a clear strategic focus on where it is and what it wants to achieve in the market, then it is next to impossible to create a relevant and beneficial communications plan. What point is there in promoting your intellectual property work and expertise through the media when you have set a strategic objective of building your corporate finance capability?

Firms need to look to their communications to cover two very distinct areas and plan accordingly. The first area is their overall corporate positioning and associated strategic objectives. The second are the areas of expertise or individual services they have which they want to grow and develop.

Corporate positioning

Staff and clients like to be associated with successful law firms. No one wants to work for or hire a firm that they perceive as being weak, vulnerable or in decline. They want to read broadly positive, or at least balanced, things about their firm. They want to see that it is doing well. They want to feel that it is highly regarded in its markets and is an attractive place to work or even seek a merger with. You might not like the idea, but it is likely that in most firms your associates give more credibility to what they read in the legal media than what they hear from partners or read in internal newsletters or emails. Clients also take interest although many claim not to. The general counsel sometimes has to explain to their own management why they use a particular law firm and, if that firm is consistently reported in a negative light or faces a scandal, then questions start to be asked. The general counsel is then placed in an awkward and potentially embarrassing position of having to defend their use of a particular firm.

Gaining coverage for the positive aspects of your firm does not happen by magic. It happens through taking a pro-active approach towards getting your message out. Too often bad or negative news dominates – poaching by other law firms, client defections, questions over the long-term survival of particular firms and even the viability of the entire concept of a strong independent law firm sector.

This can create an imbalance in the way you are seen. If you stay silent then your competitors or opponents start to determine what is written about you – they are always very happy to talk to journalists. You can have the best news in the world but if you don't tell anyone then all that will be reported are the views of those who don't have your best interests at heart.

What happens inside and to law firms is news. It doesn't matter if it is good or bad from the point of view of the law firm, to the journalist it is just news. A client win is a story as much as a client loss; the recruitment of new partners is a story as much as a loss. This is a fact that often gets lost in the melee of media coverage.

Taking a stand on your position and publicly talking about why you believe your position is the right one – and backing it up with hard facts rather than mere opinion – can create news and generate coverage in your favour. Find the right media forum to talk about your firm's successes and you can – with some thought – help to affect the way it is perceived.

Such work needs to be done with care – simple 'boastful mission statements' do little and look fatuous. Clearly you cannot and should not even attempt to create a false picture about your firm. The truth will eventually catch-up with you and the resulting damage can be immense, which is why your communications campaign must lock into your strategy and be founded on facts.

If your strategy is to attract lateral hire partners in certain areas, then the communications need to reflect that. If your strategy is to seek to merge with another law firm in a particular country, then the communications need to be established well before discussions start to take place.

When law firms in which I worked were approached by another firm that was interested in discussing a merger, one of the first things we did was find every piece of publicly-available information we could about them – and the main source of that information tends to be their website, the legal directories and the legal media. If that information looked good then clearly we were going to be meeting with credible people. If it looked poor then clearly the people we were meeting were likely to be in a position of weakness. Meetings and formal due diligence may alter those initial perceptions but it is much better to begin discussions with your future partners without having to explain, or even apologise for, your unhelpful press coverage.

Areas of expertise / individual services

Most firms of what ever size will proclaim themselves to be "full-service". And they probably are. However, even the largest firms are starting to recognise that the market simply does not accept that they can be good at everything and that claiming to be the best at everything is neither credible nor deliverable.

Again, communications need to work hand-in-hand with the overall strategy of the firm. As mentioned earlier, if your focus is on building your corporate finance work then achieving coverage and plaudits for your intellectual property work is not only off-strategy but can undermine it.

Firms need to decide what they want to be well-known for. They can do other things as well but a failure to focus your communications on core strengths, or areas that are targeted for growth, is a waste of time, effort and money.

Central to deciding what you want to be well-known for is the adoption of a campaigning approach towards your communications. Most firms spend their time writing articles on particular changes in the law – either through the courts or as a result of legislation. Very few decide to take a lead on a particular issue yet it is precisely this form of communication and marketing that can get the greatest attention and results.

An issues-based approach towards communications provides firms with the ability to demonstrate a real understanding of a particular industry, its mechanics and its players. Once a firm can show that it has that understanding, then it can act alongside its clients as a full participant in the industry, trusted for its expertise and knowledge. As part of that process, the firm is then able to lead change and respond to external threats in the industry rather than being a purely reactive, dependent adviser.

Commissioning and publishing research into issues faced by clients is one of the most effective marketing technique available to firms. It is one of the most tangible ways for a firm to demonstrate that it is aware of and understands the issues facing its clients. It also provides an excuse to talk to potential clients about their industry, markets and problems.

The research can also be used in a number of other ways including forming the basis of a strong and very focused media relations and political communications campaign aimed at raising awareness of the issue and providing the firm with a leadership platform.

Issues-based research is the best technique for meeting all the requirements of successful communications. Specifically, it:

- provides unique insights into issues facing clients – insights which will not be available to your competitors
- provides the opportunity to comment on/analyse the impact of these issues on clients' businesses
- allows your firm to lead the debate on these issues, particularly in the media
- provides the content for other marketing activities such as one-to-one briefings, newsletters, seminars and conference speaking.

This approach is very integrated in nature, it brings consistency and continuity to what you are saying and promoting about your business. When managed and delivered correctly it is highly cost-effective.

A campaigning approach can be developed and managed independently of what is happening within the firm or the legislative arena. It gives you something very concrete to talk about when there may be lack of other stories about your business.

Conclusions

Getting the communications right is not something that happens by itself. It is planned and delivered, requiring determination, focus and a recognition and understanding of what you want to achieve. A healthy profession requires all those involved in it to make their voices known. Clients have the right to choose who they use but such a choice needs to be informed and shaping that informed choice is where everyone in the profession has a role to play.

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