

# Chapter 1

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## Opening the Boxes of Best Practices

### Our First Few Steps

September 28, 1989. It had been a year of change. The Berlin wall was being dismantled, Ronald Reagan was completing his term in the White House and the tanker Exxon Valdez spilled 11-million gallons of crude oil in Alaska, prompting the greatest human-caused environmental disaster of its time. And British computer scientist Timothy Berners-Lee was creating the first web browser.

As the two of us quickly walked down the corridor, Rachel Dressler, the firm's director of HR, was upbeat as she chatted to me about how "unbelievably super-smart" the lawyers were with whom I would be working. We were on the twentieth floor at 875 Third Avenue in the center of New York City. The floor housed the busy hub of Debevoise & Plimpton LLP's tax department and the home of the firm's steno pool, the name given to the group of secretaries on call to help with the lawyers' overflow document processing needs. Rachel brought me to a small windowless office that had been taken over just a few years earlier to be used as a storage closet for firm-related memorabilia.

The office was filled with large caramel-colored boxes, stocked with newspaper clippings, back editions of the firm's in-house newspaper *The DebeVoice*, old worn photographs and a few dated documents that appeared to detail plans for a brochure celebrating the firm's Paris office. There were the office basics: a chair, a desk, a phone, a computer, a large empty rolodex, and a typewriter. Rachel provided me with helpful information as she spoke in rapid-fire detail about the firm's policies, the lawyers' practices, and acceptable office attire. And then she offered that if I ever became busy, the steno pool might be able to assist me. But that, she reminded me, was only the case if they were not already consumed with the lawyers' work.

Alone in the office and rummaging through the boxes, I found a striking black and white glossy photograph of a lawyer whom I would later learn was Francis T.P. Plimpton, one of the firm's early name partners. In the photo, Plimpton looked as if he was perfectly posed for an ad, perhaps for one selling the services of a private bank. He was distinguished in a Christopher Plummer sort of way, with a dusting of light grey hair, properly lined crow's feet at his temples and glasses resting on his forehead, as if he was getting ready to inspect the inner workings of a watch, or a tiny insect that had fallen on top of a document. His expression in the photograph seemed to say one thing to me: *Betcha can't do this.*

I was off to the races with a career in law firm marketing.

Being the first marketer at Debevoise was an exciting and yet somewhat overwhelming task. I was twenty-six years old. My first exposure to law firm marketing came a few years earlier, when the law firm Milbank, Tweed, Hadley & McCloy LLP hired Ketchum, the PR agency where I held an entry-level job. In those days, there were only a handful of us in marketing roles around the country who knew the words "law firm" and "marketing" could coexist in the same sentence. I had moved from Ketchum to Towers Perrin (now Willis Towers Watson), and left Towers when I was recruited by Debevoise.

While my first office might not have been ideal, the partners who hired me were. That made the journey well worth it. Our presiding partner, the firm's name for its senior-most partner, and one of the three partners involved in hiring me, was an intelligent and visionary man, Bill Matteson. Bill, who had assumed the leadership role just two years before I was brought in to the firm, was considered ahead of his time. He believed that law firms needed to connect more closely with the outside world and that they should operate like businesses. Bill felt the time had come for the firm to hire some type of marketing or communications professional and assigned the task of finding the "some type" person to the sharp and irreverent media and First Amendment pro Jim Goodale. In Jim's former life, he had served as General Counsel of the *New York Times* and later as its Vice Chair. He had a great professional sense of how far he could push the envelope in terms of both the firm's culture and in terms of helping his clients. While at the *Times*, Jim had been involved in four Supreme Court cases that helped shape modern First Amendment law.

Once I was offered the job by Bill and Jim, the details involved in the position were ironed out with a third partner, Bill's soft-spoken deputy and the leader of the firm's tax practice, Phil Winterer.

Bill quickly became my mentor and a confidant whenever I faced significant issues, but I was aware that I was not the only one benefitting from his advice and his kindness. Several others within the firm, including Franci Blassberg, a first-class mergers and acquisitions partner, had also been taken under Bill's wing. Because of those relationships, Franci would make sure that I was brought into the right partner meetings and became integral in practice group discussions. That is something for which I will always be grateful.

I believe that part of Bill's passion for running the firm like a business was sparked by working with corporate clients, including Lee Iacocca, the leader of Chrysler. Bill had worked closely with Iacocca and served as the lead attorney on the company's historic rescue mission, the 1979 bailout.

Bill believed in looking to corporations for management inspiration. Like any other business, he believed that business development needed to be incorporated as a discipline, just like financial controls and leadership accountability.

Bill was also one of the best client relationship role models for which anyone could have dreamed. He was known for saying “Make your clients your friends and your friends your clients.” It was a truism that many of us who worked with him believed was possible. Bill was constantly networking and socializing with people, inside and outside of the legal profession. He would extend himself to work with clients at any time of the day or night, but I quickly learned never to plan a meeting with Bill on a Monday morning. That was the golden time set aside for his weekly tennis game with his best friend, Sam. Sam, I would later learn, was Sam Butler, the leader of Cravath and someone with whom I would eventually work.

During my first years at Debevoise, I occasionally heard about other law firms in New York City that were hiring marketing people. There were just a few of us in those days; Milbank, Tweed, Hadley & McCloy LLP; Cleary Gottlieb Steen & Hamilton LLP; Simpson Thacher & Bartlett LLP; and Skadden, Arps, Slate Meagher & Flom LLP, were home to some of the first ones. Somehow, we marketers found one another and introduced ourselves. Like people stuck together in the dark, we were feeling around for a handrail. Every few months we would meet for a quick lunch. The goal of our informal network was a simple one: we wanted to be there to support one another. Whenever possible, we served as a sounding board for each other’s challenges and applauded ourselves for the successes that came from being involved in winning a piece of new business, or receiving approval to hire an assistant. Even today, though there are more people involved in legal marketing, the community of law firm marketers is a close-knit one. While there are competitive topics we are unable to discuss, we try to be there for one another in whatever way possible. In those days, now more than two decades ago, we

would compare notes on how to cajole other administrative staff, particularly the secretaries, legal assistants and receptionists, to help us with rudimentary work, such as getting the requisite client mailings into the mail or checking the phone numbers for a client database. We would discuss best practices in order to figure out what the local bar rules might be for handling marketing in various jurisdictions around the world. Our biggest challenge, which somewhat remains today, was how to convince lawyers who were reticent to market that it could make a difference in shaping their practice and retaining clients. Our jobs were demanding, many of the partners seemed wary, and the field of law firm marketing was new. Still, we were a resilient group and we embraced the challenging situation we faced.

In other parts of the country, particularly in Chicago and California, an industry group was sprouting. In 1985, an organizing meeting of a dozen law firm marketing people was held in San Francisco, and in 1986, the National Association of Law Firm Marketing Administrators (NALFMA), was launched. NALFMA was comprised of a small group of legal marketers venturing out into the unknown. Chapters of the national organization began to spring up across the country, and today, there are 3,900 members in twenty-five countries. The group rebranded itself in 1998 as the Legal Marketing Association (LMA).

## **The Rise of Legal Advertising and Legal Media**

Profound developments in the legal profession in the late 1970s paved the way for the emergence of the legal marketing industry. In 1977, a U.S. Supreme Court case, *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977), lifted the ban on attorney advertising. That was followed by the creative force of Steven Brill, who ushered in the new era of law firm marketing by forcing law firms to operate with greater transparency and more like public companies rather than groups of tradesmen. In 1979, Steven started the *American Lawyer* and later went on to amass a ring of ten regional legal publications.

Those years, between 1977 and 1979, changed the landscape for legal marketing, legal media, and law firm management.

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—**Steven Brill**, Founder of the *American Lawyer*

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Steven’s inspiration for covering law firms as a business arose while he was a student at Yale Law School. At that time, law firms marketed themselves for recruiting purposes by preparing lengthy letters describing the opportunities at their firms.

“While at Yale, I was hanging around the spot where they kept the soda machines. I saw several letters posted on a bulletin board, each one from a different law firm, each one describing why students should interview there.”

It was then he noticed something odd. “All of the firms wrote the exact same thing in their letters. While the letters were typed, each on their own different letterhead, they all said that they would offer students a unique and special experience, a unique and wonderful chance to work on unique and unusual matters. Basically, they were all saying the exact same thing. It’s just that those words offering unique experiences were appearing on different pieces of letterhead.”

Steven, who was a working journalist, writing for *New York Magazine* while attending law school, decided that he would write about the legal profession. He knew that there were aspects of the

profession that made it interesting and that it was impossible that all of these firms could be exactly alike. Steven recognized that it was a profession that had not yet been covered (or uncovered) by the press.

In 1976, he wrote a watershed piece in *New York Magazine*, “Two Tough Lawyers in the Tender-Offer Game.” It was one of the first significant pieces of journalism to uncover the inner workings of the corporate legal profession. The piece told the story of two young lawyers, Joe Flom of Skadden, and Marty Lipton of Wachtell, Lipton, Rosen & Katz, who were pioneers in the world of mergers and acquisitions.

As he continued to cover the legal profession, Steven’s profound impact on it was at least twofold: he forced law firms to think of themselves more like corporations, pressuring them to start reporting revenue figures and develop a new metric — profit per partner; and he trained legions of reporters to ask the toughest questions of law firm partners.

There were a handful of other journalists who helped tell stories of what was taking place in the legal world. David Margolick was the legal affairs reporter for the *New York Times*, and his weekly “At the Bar” columns were widely read every Friday. Jerry Finkelstein also was well known in political and news circles and as the publisher of the *New York Law Journal*.

## **And Suddenly, We Multiplied**

Since the early days of legal marketing and legal media, we’ve seen the profession explode, with the success of numerous publications covering the law, the proliferation of rankings, and the battle among firms to differentiate themselves by building better websites, creating pitch materials, and utilizing business, competitive and even artificial intelligence. Today’s large law firms, particularly those that are super-regional, national or global, may have sales teams, sophisticated account-management programs, client-feedback plans, and pricing professionals who are adept at financial

modeling the cost for a legal engagement. Lawyers at all-size firms have discovered the use of hiring outside coaches and the value of connecting with the outside world through social media, including blogs, LinkedIn and Twitter.

But marketing does not occur in a vacuum. Along with changes to the way firms promote themselves, there have been significant changes in the way firms operate. We've watched visionaries like Ralph Baxter who led Orrick, Herrington & Sutcliffe LLP for twenty-three years. In 2002, the firm made the then audacious move to take eighty of their employees, those involved in world-wide support service operations such as information technology, accounts receivable, and human resources, and centralize those services in Wheeling, West Virginia. By doing so, Baxter aimed to offer greater efficiency and cost reduction for the firm and its clients. In 2004, Baxter was followed by David Perla and Sanjay Kamlani who took the concept a step further: overseas. Their company Pangea3 moved legal operations an even greater distance by taking the concept of legal process outside of the typical law firm, allowing law firms and corporations to utilize the talents of their company's operations in India.

We've seen advances in other areas. For example, the country has seen women become more of a driving force in the law. Barbara Paul Robinson became the first female President of the New York City Bar Association; Roberta Cooper Ramo became the first female head of the American Bar Association; Regina Pisa became head of Goodwin Procter LLP; and Candace Beinecke led Hughes Hubbard & Reed LLP. All of this was set upon a stage where we finally saw women take their seats on the U.S. Supreme Court. The equal role of women in the law has become an accepted state, though much more needs to be accomplished on behalf of both women and minorities.

We've seen mega mergers of large law firms that create complex business models. These new organizations are both ripe with exciting opportunities for growth and innovation, and new challenges that may at times seem insurmountable.



## **And Yet, We Persist**

In sum, the approach of law firms to marketing and business development — as well as the business of law generally — has certainly changed in the last few decades. But while some things have dramatically changed, others have not. At times it's still difficult to conclude exactly why a client hires a law firm: Is it strictly the relationship of the lawyer to the client, the security of the firm's brand in the boardroom, or which firm offers the best price or greatest value proposition? Often it's more than one factor. It's also still a challenge to convince some lawyers that marketing their professional skills is a good thing, not a bad one, and there remain some lawyers who approach overall marketing with distrust. Marketing has changed with the times from the days of the *Bates* decision, but the profession is still evolving.

In the rest of this book, I will explore the themes introduced above, and much more, to provide an overview of the various ways lawyers and law firms develop business. In order to provide the best view on what is happening today and to include ideas and tools with the greatest value for the future, I consulted with many leading marketers, law firm leaders, general counsel, consultants and other innovators — all incredible professionals. Each had a unique perspective on legal marketing, business development and/or legal operations. My aim with this book is to consolidate some of that thinking into one place, as a guide to lawyers managing the marketing function, marketers overseeing these changes, and the consultants who work advising the profession.

One thing I have learned throughout this process is that we still have a lot to learn from one another.

