

I'm a Lawyer, Not a Marketer, Right?



Ronald F. Pol is immediate past president of the New Zealand Corporate Lawyers' Association, general counsel of a start-up software company, and serves on the Law Society's Governing Council. He also advises in-house and outside counsel, and welcomes comments at ronald.pol@teamfactors.com.

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Most every lawyer on the team is busy. Collectively, you do an enormous amount of legal work, across many disciplines. You provide services to a diverse and demanding set of clients, often in difficult circumstances or under media and government scrutiny, and deal with countless departments and outside organizations. Expressed like this, it's a wonder you're not constantly exhausted. Maybe you are.

You also have a captive audience, so at least you never have to market to people who are required to use your services, right?

In my view, lawyers still need to market themselves. Even if you already deliver value, an underlying yet pervasive perception sometimes seems to be that few lawyers are great at demonstrating the value they've added, at least in terms directly relevant to the client's organizational goals. These perceptions are epitomized in countless lawyer jokes, like this one overheard at an ACC conference:

Why are lawyers like nuclear weapons?

If one side has one, the other side has to get one;

They cost enough to bankrupt small countries, yet they don't create productive assets;

Once launched, they're notoriously difficult to control and virtually impossible to recall; and

When they land, they screw up everything forever.

Whatever the reason for such percep-

tions, even the best lawyers—those who already provide value to their clients—will be able to deliver greater value when their clients more accurately perceive that they're doing so.

You could, of course, simply wait for senior management to have some sort of spontaneous epiphany. Yeah, right!

Or you could actually do something to help change the perception. Is this marketing? You bet. If the word “marketing” is anathema, get over it. In essence, it's simply demonstrating the value you've added to the organization and its key goals, enabling you to add more value.

OBSTACLES TO DEMONSTRATING VALUE

To demonstrate the value you add, you may first need to overcome some of the lawyer perceptions that get in the way. Some people say (for example) that lawyers are:

- Inefficient—Lawyers take so long to resolve legal issues that they seem to be presiding over a huge black hole into which business proposals disappear without a trace.
- Naysayers—Lawyers reject commercial solutions without suggesting good alternatives.
- Firefighters—Lawyers lack a big-picture view of the organization, because they are always dealing with urgent legal issues, and don't have a plan to deal with its overall risk profile.
- Cost centers—Lawyers are big holes into which resources are poured.

Whatever the reality, if senior managers assume lawyers are reactive technicians, you might not be empowered fully or consistently to participate at the head table. And if the lawyers aren't continuously exposed to strategic issues, they might be unsure how to deliver value that

reflects their capability and keenness.

Even if there's no risk that some consultant might get called in to advise that the legal department be outsourced, if no one really knows what value it delivers, the legal team might fester away in some dark corner, several levels down the hierarchy—the home of a bunch of technical experts plying their peculiarly specialized craft of wizardry.

OVERCOMING THE OBSTACLES

Legal departments asked to demonstrate their value can often display inputs and outputs, such as the salary cost of lawyers employed, the cost of the resources they use, the number of hours worked, and the number of cases won and transactions completed.

Yet relatively few legal departments have any empirical way of demonstrating their strategic value in terms directly relevant to organizational goals and outcomes. I know of some legal departments disbanded as a result—even though senior executives recognized and accepted that these teams were exceptionally hardworking, committed, and professional.

This might seem threatening. But it's also an opportunity that some legal teams have seized, by asking the hard questions of themselves before they are asked by others. And if your team is one that seizes the opportunity successfully, perhaps the question never will be asked—because the legal team has become a unique part of the business that really can demonstrate its strategic value to the organization. 