

# MANAGEMENT

Changes to the Solicitors' Publicity Code have opened up a whole new area of marketing for solicitors and law firms, which is ripe for exploitation. However, before employing telemarketing methods, says **Ruth Jones**, you must be prepared

# It's good to talk

Marketing is the life-blood of most commercial companies. Changes in the Solicitors' Publicity Code have meant that law firms can now use new direct marketing techniques to initiate the growth of 'ideal' clients, ensure they retain their existing client base and keep one step ahead of the competition.

The Solicitors' Publicity Code (Amendment) Rules 2001 came into effect on 16 November, 2001. The rules contain a new solicitors' publicity code abolishing the restrictions on the marketing of legal services. This brings the legal profession level with other professional services such as chartered accountants, who have been able to make unsolicited cold representations — whether face-to-face or on the telephone — since the early 1990s.

## What is new?

Under the new code, unsolicited visits or telephone calls may be made to any current or former client, another solicitor, existing or potential professional or business connections or a commercial organisation or public body. The meaning of commercial organisation is not defined in the rules, but it would appear to include at least all limited companies and possibly all businesses trading under a business name.

The effect of these changes is that law firms are now able to canvass directly for work and will almost certainly face attacks by their competitors to approach their clients directly.

But the changes leave law firms in a quandary as to how to approach direct marketing, particularly telemarketing.

A key element of the marketing mix for professional service providers is telemarketing. It has grown enormously in the past 10 years due to advances in technology, that is, being able to accurately identify and select your target clients and then to track activity through the use of a contact management database such as GoldMine.

## What sized law firm should consider telemarketing?

Lawyers will be able to draw upon the experiences of chartered accountants to answer this question. In the field of marketing there are currently sole practitioners targeting turnover ranges of £250,000 to over £1m owner managed businesses and small and medium enterprises. These offer, for example, succession planning expertise to top five global accountants targeting PLC's investigating Greenfield investment in Europe or vying for audit tender opportunities. There is a potential telemarketing project for every size of law firm.

In establishing a suitable project a firm will be looking to focus on answers to questions such as:

- What are our most profitable areas of work?
- Are we looking to increase the flow of work in this area?
- What is the client profile for this type of work?

## Reaching the decision-maker

Having identified the ideal organisation to target and service to offer, it is essential to speak to the correct person within the organisation. The biggest problem

has always been getting to see or speak to the decision-makers. Telemarketing by a person who understands your business and the service you want to provide has proved a very efficient means of achieving these ends.

The correct decision-maker will depend upon the service offered, but experience shows this to include managing directors, financial directors, human resource directors IT directors and partners and business owners. These decision-makers relate to commercial organisations. However, telemarketing has other important target recipients.

Referral telemarketing is a proven method of generating new leads. For example, insolvency practitioners looking to form strategic alliances with both accountants and solicitors who do not offer such a service can increase the flow of work by simply making and maintaining contact with potential referrers.

Telemarketing need not necessarily involve a 'cold' call. Applying a systematic, focused, well-informed campaign to cross-sell to existing clients is an effective way of increasing fee-generating opportunities.

## Does it work?

Telemarketing is undoubtedly an effective way of marketing professional services. As a stand-alone technique it outperforms traditional marketing services and with a good follow-up and sales management process in place it gives a measurable return on marketing investment. Our experience shows that one in nine telemarketing contacts result in an appointment with someone who is willing to discuss their legal business needs and listen to your solutions.

Why it works is clear. Firstly, providing commercial legal services is about face-to-face contact and building an understanding of the problem. It is not generally an off-the-shelf product and there are plenty of customers with unfulfilled needs. Professional telemarketing is a powerful tool for identifying prospects that are unsatisfied with their existing level of service.

This dissatisfaction may not be due to faults in the technical service but to speed of service, user-friendliness, ease of contact and being kept informed. Secondly, few businesses have been professionally courted by competing lawyers and most are still quite open to approaches. Thirdly, firms that can make a favourable first impression when contacting new prospective clients, by being proactive in showing an interest in their business, will earn the right to make a more substantial contact later.

## What should you talk about?

After the verbal handshake and introduction of your key services you must ensure that any statements made can be proved. If you want to say that you are a specialist in your field you must be able to prove it — either by showing that you have clients in that field or that you have previously specialised in it.

Section 1 of the Solicitors' Publicity Code, General Principles, states that publicity, whether conducted in person or by a third party, must not be misleading or inaccurate. This section of the code applies to all forms of publicity stationary, adverts and press releases, whether expressed in writing, verbally or elec-



Telemarketing that is carried out effectively can identify potential clients who may not be satisfied with the current level of service from their existing law firms

tronically. Disparaging, comparative statements concerning competitors are unprofessional and would not be approved by professional ethics. Any publicity regarding charges must also be clearly expressed. You need to be able to talk the talk and walk the walk.

If you mention the range of commercial services you provide, the list is extensive — commercial contracts, corporate tax, pensions, employment law, licensing, intellectual property, IT & e-commerce issues, debt recovery, environmental issues. You could probably mention other services, but still be no closer to a successful approach. The successful tactic is to make an appointment.

A useful start is to say: "I am a specialist in employment law in the care industry and I would like to meet you to discuss how we help our clients keep up to date with changes in employment legislation in this sector. I would like to call in when I am visiting one of my clients nearby. Is that OK?" There is nothing remarkable about statements such as this and they normally lead to some sort of discussion.

## Lawyer v salesman?

Few lawyers are naturally equipped with sales skills to make these calls but the gift of the gab is not what professional selling is all about. There are many techniques and sales training courses available to improve telephone-selling skills. Technical knowledge is not paramount — telephone marketing is undertaken to establish needs and facilitate a meeting whereby a technical expert (partner) can present a solution to those needs.

Non-billable marketing downtime is minimised for

fee earning partners when professional telemarketing is performed by a person well-versed in questioning techniques; focused on the benefits of the service they are introducing; and can quickly establish an empathetic relationship with their prospect.

The professional telesales person will be educated, confident, mature and business-worldly with a good telephone manner. If you want to do it yourself then people can be found within every firm. They may still need to learn telemarketing techniques, but they are good trainable raw material.

As a basic guideline, you need to pay attention to your opening words (first impressions count), diction (to create empathy), closing (their options pick a time to see you) and intonation (your professional enthusiasm). These skills are not difficult to learn and become effective once you can put your own personality behind the scripts and styles you have learnt.

Undoubtedly, success rates improve as you learn the psychobabble of directing conversations. Successful selling is a function of activity: getting the right message at the right time to as many commercial targets as possible. You need to be organised, thorough and committed. Source a clearly defined list of prospects and back it up with a good database or contact management module.

Follow up factor is crucial... but that is the subject of a whole new area of sales management skill. *Ruth Jones is a director of telemarketing consultancy Chartered Developments. Copies of the amendment rules are available from professional ethics. Tel: 0800 606 2577*