Modernizing the legal pitch process

Expert insights for the future of law
The fight to win legal clients has never been more fierce than it is today.

Business structures, billing models and even client expectations have rapidly changed in just a few short years.

The increase in competition among law firms, disruptive new business and pricing models, alongside changing expectations of clients is piling the pressure on legal firms across the globe.

For many firms, the focus has shifted from the volume of clients to the value clients. That said, investing heavily in the pitch process is crucial to enable this to happen.

We asked 10 legal marketing and business development experts to share their thoughts.

What pressures are law firms under from clients to change the pitch process, and what role can technology play in meeting clients’ expectations?

Here’s what they said.

The experts

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I see one of the main pressures that law firms experience in the pitch process is quantity over quality. Lawyers want the marketing/BD team to churn out fast responses to all invitations to tender without regard for any pitch process that necessarily requires the careful qualification of opportunities and without really understanding the sales process and what needs to be done to shape a really competitive tender.

So the availability of smart software that enables vast amounts of information to be pulled together quickly for a tender may exasperate the problem – quantity over quality. On the other hand, such technology tools free up the time of marketing and BD people from information assembly to either educate the lawyers on how to select which tenders to attempt and/or to spend time researching and tailoring submissions and investing time in developing a suitable sales strategy.

Clients, I think, face a dilemma. On one hand they want to ensure that law firms submit exactly the same information so that they can compare like with like – this is especially the case when the procurement team is involved and is focused on driving down costs. Pitch technology enables law firms to manage and manipulate large amounts of information easily so that it fits whatever format the client dictates. On the other hand, clients want to know how law firms can deliver something different and better than competitors but often their formal tender processes make it impossible for law firms to demonstrate this.
Lee Grunnell is the founder and brand strategy director of Thirteen. Thirteen helps professional firms articulate, communicate and demonstrate what makes them distinctive. He’s the former marketing director of three law firms and London region director for PM Forum, the not-for-profit group providing insight and inspiration to professional services marketeers.

Last year, Thirteen asked 450 in-house lawyers what they really think and feel about law firm pitches. They raised two clear issues. First, most pitches are about the firm, not the client. Second, most firms say exactly the same things about why they’re different. Neither of these are what clients want and both make it difficult for clients to make informed choices.

What do firms say about why they’re different? Well, two thirds of top 200 law firm marketing focuses on just three things: being client focused; possessing sector and commercial knowledge; and building strong client relationships. Firms spend very little time talking about what firms really want to hear about–how they can help them deal with their challenges and achieve their objectives.

So what did the in-house community want to see more of in law firm pitches? Genuine interest in their business. Firms using their experience to give clients a solution. Firms thinking about how an issue affects the client specifically. Succinctness. Focus. Clarity in commercial propositions.

And what did they want to see less of? Lots of marketing speak that’s irrelevant to the tender. Boilerplate rhetoric. Previous triumphs for other clients. Waffle. Standard CVs. The usual stuff that law firm pitches are typically full of.

To improve their pitches and give clients what they want, we suggest firms follow the IDEA model–impact, delivery, evidence, advocates. What impact will you have? How will you deliver it? What supporting evidence do you have? Which advocates will vouch for you?

If you can’t mark I, D, E or A next to every paragraph in your pitch, remove the paragraph. It’s time to give clients what they want.
Under increasing threat from competitors and market disruptors like online legal services or even The Big 4, law firms are emphasizing greater engagement in business development (BD). The biggest hurdles to effective BD are client intelligence and time management.

GCs are more likely to engage lawyers that have a thorough understanding of their business, so firms should take advantage of client intelligence tools to stay abreast of relevant client issues. Lawyers should watch for political, legal or economic changes that might affect their client’s business, and offer value by way of prescient insights and suggestions.

Effective business development can be time intensive and lawyers face competing priorities when it comes to time management. Client service often precludes non-billable hours spent on business development. If law firms expect to see a culture change, they should implement accountability structures that keep lawyers focused on BD pursuits. The most effective approach I’ve seen is a combination of three factors: simple pipeline management technology, regular coaching sessions, and a feedback loop from leadership.

Marketers should leverage technology to minimize the time required of lawyers to engage in BD. Studies show that lawyer CRM utilization is extremely low because the software is overly complicated and requires excessive data entry and administrative time. Rather than trying to convince lawyers to use CRM, provide them with a simple tool for their BD pipelines, and reserve CRM use for marketing purposes.

Coaching sessions should be scheduled at least monthly, if possible, and are often more effective with an element of peer pressure. Group coaching inspires a competitive atmosphere in which lawyers are less likely to blow off their BD pursuits in favor of a few additional billable hours.

Accountability is the No. 1 business development challenge law firms face, and it seems unlikely to change unless firms fundamentally change the structure of their business by compensating lawyers directly for their time spent on BD.
There is no doubt that the management of legal expenditure and getting discernible value for every penny spent remains near the top of the agenda for many clients. Better and smarter procurement practices are now embedded in most large organizations and are increasingly shaping the way in which legal services are purchased. **Technology is playing its part in this evolution.**

One area where clients are (indirectly) challenging law firms to change is in how they manage the frequent ‘Requests for Proposals’ which are now central to the pitch process. To improve both quality and speed of response, some law firms have taken the leap by purchasing ‘proposal generation’ software which capture relevant firm-wide content and information. While installing such systems present challenges, not least the investment cost and implementation time, they can become an invaluable resource that facilitates the efficient production of initial draft proposals which creates more time to shape winning propositions.

As procurement practices become more sophisticated, clients are now taking more control over capturing the information they actually want to receive from firms to help them better compare like-for-like. Artistic input is becoming yesterday’s fad as clients increasingly conduct the pitch process through mediums such as online portals that sit in the cloud or on secure web servers to evaluate responses. Law firms must therefore take seemingly minor technical considerations seriously in order to accommodate a portal’s sometimes fickle browser requirements and ensure firewalls do not hamper access to portal communications. **Pitch teams must become familiar with the technology clients are using and how they operate to minimize issues throughout the pitch process.**

**What is clear is that the real drivers of change to the pitch process are not law firms, but in fact clients** who are expanding their use of technology to improve the way in which they evaluate suppliers. Law firms have to learn to work within these more defined parameters and still find ways to differentiate and demonstrate the strength of their proposition.
Cheryl Disch

Cheryl Disch is senior manager, marketing information systems at Duane Morris LLP, where she is responsible for technology and deliverables supporting the firm’s business development activities; she is also 2017 Co-Chair of ILTACON, the annual conference of the International Legal Technology Association.

There are plenty of great firms with great lawyers competing in a flat market, so the challenge is to differentiate ourselves in every pitch. Our clients are dealing with the same “do more with less” pressures as we are since 2008, and we need to prove we understand their business and industry challenges (and our competition) so they choose us over other firms, taking the work in-house or finding an alternative service provider. Clients want to see that you’ve thought about solving their problems, so there’s pressure to use business and competitive intelligence tools and dump the generic materials.

In-house counsel are under pressure to meet or reduce their budgets, and they have access to data and metrics around the cost of legal services. That puts pressure on firms to show how we can help with predictable costs, creative fee arrangements and value-added services. Market your KM systems, LPM strategies and collaboration tools to underscore your focus on process improvements and cost efficiencies.

Many companies have literally changed the pitch process for law firms—moving to online procurement platforms or RFPs in Excel, where the focus is on concise answers to targeted questions (that also makes it easier for them to compare firms). Content and experience management and automation technologies help quickly identify relevant content.

There are also indirect pressures coming from vendors and our clients’ industries, where new technologies are automating routine legal work and bringing transformational innovation to manufacturing and business processes. That should change the way we look at serving our clients and should put pressure on firms to keep up with the regulations and potential legal issues surrounding the new technologies.

Everything about the business of law is evolving, including marketing, so the pressure will always be there to innovate and leverage technology to win business.
One of the biggest challenges facing lawyers in the pitch process happens before the process even begins.

To be called to the “pitch table” when clients need help can hold great opportunity, not just for the work outlined in the RFP, but in the lifetime value of that client. **For some lawyers, one client can make or break their practice** because of the amount of work that can grow from that single engagement, whether that be because of additional matters sent his/her way because of confidence built from an initial engagement, referrals to others, or the credibility that builds when members of the press find and write about your case.

**This means you have to start way before the pitch process even begins.** There has to be a reason you are invited to the process. You don’t just appear out of thin air to those preparing the RFP. **There has to be a reason you are there in the first place.** Your potential client’s credibility and future lie within the process of continuously choosing the right counsel to lead them through challenging times.

**The great truth about living in our time is that you no longer have to wait for someone else to tell your story,** or to mention you in an article, much less spell your name correctly, give contact information about you, mention your firm name, or provide contact information about you. That has never truly been their responsibility in the past, and it’s still not.

**With social and digital media, you get to tell your own story.** You get to decide who you want to connect with, which clients you need to stay in touch with, which potential clients you need to meet, what referral sources might lead to great partnerships, what journalists, bloggers, and other influencers you’d like to know.

Once you decide who these people are, you can go find them on social media. You can connect with them, helping them when they need it, providing value when you see the opportunity, publishing content that exhibits your professionalism and expertise, leaving what I like to call **digital footprints that make it easy for all of these people to find you when they are ready, and sometimes even before.**

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Becoming focused and targeted in your use of social and digital media helps you become more efficient in marketing and business development. You can be distributed all over the world with a keystroke, a thumb swipe, or a tap on the screen, allowing others to find you 24 hours a day, 7 days a week, even when you aren’t active on a particular site.

How does this help in the pitch process? Winning comes down to finding a way to legally and ethically stack the deck in your favor, to tilt the decision-making process your direction, and to make it easier to choose you. Having built a reputation in all the right places long before the process begins can help accomplish all of those things. We need to find ways for you to stand out before, during, and after the pitch process. Strategic use of social and digital media can go a long way toward making you easier to choose.
There can be little doubt that the state of the legal profession was forever changed with the recession beginning in 2008 if not before. At least when it comes to business clients, those clients are now in complete control of the lawyer-client relationship. Among the changes has been the clients doing more work in-house, pushing back on straight hourly billing and on using leverage by delegating work to younger associates. So, the pressure law firms face is determining what work will never be done by in-house lawyers and figuring out creative billing approaches that clients will value.

Business clients increasingly expect their lawyers to understand their business, their industry and them. Blogging and social media are tools to become more expert on those subjects and to demonstrate that knowledge and expertise. I owe a great deal of my law career success to writing a monthly column for Roads and Bridges magazine read by thousands of highway and bridge construction industry executives. Writing the column forced me to stay on top of the industry issues and forced me to learn to communicate in a way that would encourage my potential clients to read what I had written.

The beauty today is you don’t need to find an industry magazine to publish what you have written. You can create your own.
The three most significant changes we have observed in the last few years involve the types of questions, the way you answer the questions, and the more wide-ranging emphasis of questions.

We’ve noted an increasing tilt towards purchasers asking the tenderer to provide details on the firm’s capabilities outside its traditional areas of legal expertise—such as its innovation efforts (including the use of technology to deliver services more efficiently) and corporate social responsibility programs. Most purchasers of legal services want to see that the tendering firm is also responding to the forces that are affecting the way they run their businesses.

**An increased emphasis on brevity.** It’s now quite common to have strict word limits on answers which are enforced through locked cells in documents or spreadsheets. I assume this allows for ease of comparison during the assessment process, but it does make it harder to differentiate your offering when there’s an extremely small word limit. **My sense is that corporations are being more selective on which firms they invite to tender in the first place and, as result, assume that they know your expertise and offering already.**

**Purchasers of professional services also want firms to demonstrate they can operate as strategic partners rather than just legal service providers.** How a firm responds to these types of questions can demonstrate whether they’ve made efforts to truly understand their clients’ businesses and how they can best add real value.
Deborah McMurray

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Buyers of legal services purchase on two levels–when they are formulating their short list, they are making a technical and intellectual evaluation–jurisdiction, particular expertise, experience, fee arrangements–things they can check off a list. But, when they are making their BUYING decision, to hire the one firm or lawyer, they are making an emotional decision: do I trust you, do I like you? How would I feel if I got stuck on the tarmac with you for 5 hours? (Would it be a pain or a party?)

To get hired, lawyers have to first prove that they can address the issues that most concern the clients intellectually. Then lawyers have to demonstrate likeability. They have to sell twice. And too many firms are failing the short list test, which means they will never get hired. Not understanding how buyers buy ensures that law firms are wasting their prospects’ valuable time.

This is where enterprise experience management and the right technology comes in. Here is a typical scenario:

A plum prospect asks a lawyer if his firm has expertise and depth in ABC subject matter in Ireland. The lawyer doesn’t know, so sends a firm-wide email asking, “Does anyone know who does ABC law in Ireland?” Lawyers respond with a few matters that may or may not be relevant to what the prospect really needs. A pitch is hastily prepared for the prospect and it includes all the matters of the various lawyers who responded to the email, with little vetting for relevancy and currency.

Chances are, this firm won’t get hired. Clients are sick-and-tired of law firms and lawyers that waste their time pretending that they are qualified. A fully searchable enterprise experience database that houses a law firm’s matters is the only way to ensure that you are putting your firm’s best foot forward. Lawyers can not only search by Ireland and ABC law, but read the nuances of the matter (timing, cost), know the industries, the responsible lawyers, opposing counsel, other parties, currencies, etc.–unearting details that might be highly valuable to this prospect.

Quick access to relevant experience is where the future cash lives in your law firm. The pitch process must start here–then using robust proposal technology to swiftly create a beautiful and tailored proposal is next step in designing a winning strategy.
The main drivers for the change in the pitch process is ultimately the client and competition. A client’s expectations and approach have changed dramatically and the relative new role of the procurement team is key to driving cost savings and getting value from their relationships with the law firm. Competition has got tougher with mergers, new model firms, and even the Big Four playing a part. In order to get the best work law firms have had to evolve and react to these factors. The most effective pitch process is a blend of the right people, the best technology, the ultimate understanding of the client, combined with process. The biggest challenge today for many firms is that the pitch process isn’t consistent throughout the firm. With teams taking different approaches, leveraging different people and different technologies, the result is an inconsistent creation and delivery model that is hard to measure.

Personal relationships and reputations used to be a fundamental part of the buying process and still play a role. However, the role of procurement means that direct relationships are important but no longer everything. How firms augment those relationships and reputations with improved process and use of technology is key to creating competitive advantage.

Technology has always facilitated ways of standing out from the crowd. In the last 10 years I have seen custom microsites and iPads used to deliver the traditional pitch document and credentials of the firm. Whilst technology has enabled these steps it has been difficult to scale these efforts and winning effectively was a challenge. Technology today allows for the simplification of content creation and delivery models are changing the ways law firms are engaging with their prospects.

Understanding is key in winning new business. The first thing to ask is “should we pitch for this work?” Because not all business opportunities are right for your law firm. You need to ensure you demonstrate understanding before, during and after the pitch. Your prospect will already know a little about you otherwise you’d not be in the position of pitching but ensuring you start the client journey on the best foot is essential.

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There is a lot of emphasis on process in law firms as the purse strings tighten. **Making sure you have a scalable pitch process is key** but also think about onboarding and what the objective is: not to just win one piece of business but broaden your exposure and build stronger relationships. **Process can be the back bone to getting this right.**

In order to build strong relationships from the beginning you have to think about the customer journey. Translating all that makes your pitches successful into a personalized digital pitch experience which focuses on the relationships, highlights reputation, demonstrates expertise and follows a consistent process is the next evolutionary step. **Ultimately the pitch process is a combination of great people, a defined process, a solid understanding of the clients needs and excellent use of technology.**
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