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CLIENT SPEAK

Understanding The Client

Sometimes a Very Sensitive Art

By Allan Colman

As someone who has operated extensively on both the buyer and seller sides of the legal profession, I'm naturally prone to preaching the "understanding your client" doctrine as a key best practice for all marketing and business development efforts. While I've taken some pains, in this publication and elsewhere, to define what "understanding your client" actually means, it's important to remind ourselves that the process of getting to know your client requires really in-depth listening — and that it often presents a few genuine surprises and problems along the way.

A SURPRISING EXAMPLE

Just the other day, for example, I was genuinely surprised by a most well-respected Associate General Counsel of a global corporation. This lawyer was huffing and puffing because his colleague at a competitor company had received an accolade from the local newspaper, naming her one of the top in-house counsel in the region. The award itself as well as the press coverage focused in large measure on her outstanding record in recruiting women

and minorities, and on her efforts to incentivize outside counsel to likewise excel.

At bottom, my AGC's hostile reaction was driven by his perception that diversity in and of itself is a spurious professional standard for companies like his own as well as for the professional firms he hires. I do not believe this guy is a sexist or a racist. Instead, he seems to be a familiarly conservative opponent of what he perceives to be preferences in any shape, size, or variety. I can easily imagine him filing an amicus in the *Bakke* case, on the unlikely chance his company would ever allow such a thing.

I also don't see this fellow being at all receptive to the message that diversity consultants strongly deliver to their clients, including law firms, about the need to foster a nurturing environment that will increase female and minority retention rates. It's always and only "sink or swim" as far as this tough old bird is concerned.

Now the flaw in his thinking is the misperception — a dangerous misperception, to be sure — that diversity initiatives involve preferences. Where is it written that special efforts to recruit any particular professional need necessarily exclude others from enjoying equal opportunity? Even more dubious is the assumption that such efforts presuppose a lowering of standards either in terms of a candidate's background and qualifications during recruitment, or in terms of job performance afterward.

Also, since when is it unfair to make a special effort to integrate a particular lawyer, and to assure his or her on-the-job comfort and confidence? We make just such special efforts on behalf of white male associates all the time, only those efforts don't turn up on any ideological radar screens. It's simply good HR in any case, and good HR should be available to everyone.

A BUSINESS PROBLEM

All that said, law firms have a problem here that has to do with the hard realities of business development. On the one hand, they are pressured by some clients — Detroit's Big Three come to mind — to diversify the lawyer teams that vie for their business and the lawyer teams that staff the work after they win it.

Let it be said unequivocally that, from a purely practical standpoint, professionals will always stand to gain much more than they lose in terms of growth and business development by producing tangible diversity results. Conversely, they certainly risk losing business if they don't. Corporations like Wal-Mart are on record for firing law firms that could not achieve such tangible results.

On the other hand, I suspect there are many buyers like my acquaintance who look askance on such professional trends. They scorn anything that seems "politically correct" and they control multiple millions in legal fees. Who knows, perhaps the disappointing

Allan Colman is CEO of the Closers Group and a member of this newsletter's Board of Editors. He can be reached at 310-225-3904, acolman@closersgroup.com and www.closersgroup.com.

diversity results at some law firms may derive from a fear that there are many buyers like my AGC out there — less vocal, perhaps, but equally wary of firms in pursuit of increased diversity. Again, from a business standpoint, those trepidations are unwise and, in fact, dangerous.

Hopefully, it would be utterly absurd to conclude that any firms, including those that are not significantly dependent on business from corporate diversity activists, are failing their diversity goals on purpose. It may be true, however, that, at some semi-conscious level, their unspoken anxieties about buyers like my AGC have dampened their diversity efforts to a point where failure is inevitable.

Indeed, the first question I'd ask a law firm that is not achieving its diversity targets: *How much do you really want to succeed?*

A MARKETING SOLUTION

You see, then, how the concept of "understanding the client," which may sound so banal and no more threatening than a marketer's familiar bromide, can have far-reaching and complex ramifications.

In the case of diversity, it touches on the most sensitive nerve ends of our culture.

There is a solution, however, and one which powerfully underscores another larger theme that marketers should intone like a mantra: that the art of marketing and business development at its best delivers value on every end. In this case, that value involves your responding to the educated segments of the marketplace by aggressively pursuing diversity and trumpeting your successes — while simultaneously educating the uneducated segments on why it is a very good idea to do so.

This education process should never be condescending or obvious; your clients and prospects don't need a lecture on why sexism and racism are wrong. Nor should law firms (or anyone else) ever stoop to justify a diversity initiative or explain defensively why their professional standards are not the

least bit in jeopardy as a result of that initiative.

The solution is to create diversity mission statements that include powerful points on why the mission is critical — powerful enough so that even my obdurate AGC will hear them loud and clear. Abjure the milk toast platitudes that we see on too many websites. Don't bother with the happy smiley faces. Make your points powerful and practical. For instance:

You, Mr. AGC, do business in a global environment. The trust of your customers and partners in places like Africa and Asia are essential. If you don't provide a *global-looking* business profile, with all the sensitivities to diverse cultures and races that such a profile makes possible, there are others who will. They're called competitors.

The spending power of America's ethnic minorities will soon exceed \$2 trillion, outpacing the growth in majority consumers. Wal-Mart, not always known for political correctness, understands the implications. So should you.

Women and minority lawyers will enrich our services to you immeasurably because they will bring multiple perspectives to bear on so many of your most pressing legal issues. There's a lot more involved in full service than writing briefs and inking contracts. By the way, Mr. AGC, remember that big case of yours that's going to trial in Mississippi? Seven of the jurors are women, including three African-American women, and three of the other five are African-American males.

My AGC may still disagree with the benefits you've underscoring, but you will have gone a long way toward bridging the gap between him and those clients on the other end who lobby hard for diversity. At the very least, you will have shown him that your commitment to diversity is a commitment to client service, and that you're not merely buckling under to current opinion. You're doing well for him by doing good for everyone.

At the very least, you will never be on the defensive or resort to assurances that hiring women and minorities won't

lower the firm's standards. You'll be on the offense, with impassioned points to show that, from a business standpoint, he needs diversity as much as you do.

Again, two of the fundamental definers of professional service marketing are at play here.

On the one hand ... understanding the client. You know his predilections on a sensitive social issue. Because you know them, you are able to create a marketing message that balances the equation and maintains the relationships on both ends, with him and with other buyers who have very different predilections.

On the other hand ... understanding that marketing is all about delivering value. You don't need to convert him philosophically. You need to show why something that's important to you is simultaneously essential to him.

If all fails because your client or client target are actually sexists or racists ... well, to hell with them!

