

Some Thoughts on Differentiation

When I was a practice group leader with Jenkins & Gilchrist, I frequently read books and professional journals on marketing and other issues that affected my construction and government contract law practice group and my firm generally. A few years ago, I read several articles on marketing professional services by differentiation that caused me to wonder if my practice group and firm were conducting their marketing efforts consistent with the suggestions and if we not, should we consider the suggestions.

John Graham, of Graham Communications writes articles primarily for accountants. In an article published in 1998 he suggested eight ways to evaluate your marketing program. I found some of his points not to be as important as others. However, his first point really hit home with me. It is: "The successful marketing program differentiates a company from the competition."

In a review, Bruce W. Marcus stated: "Certainly any program that doesn't differentiate itself from its competitors is going to be sledding uphill. That is what *positioning* is about... Differentiation in a profession is difficult, and may be coming at the problem from the wrong angle. I wonder if the differentiation, ultimately, doesn't come from demonstrating the ability to understand a client's problem, and to demonstrate that you have an innovative and imaginative solution, rather than trying to persuade somebody you can do better audits or write better briefs." Mr. Marcus' comment is consistent with one from David Maister who stated: "The basis of all practice development is having a better understanding of this client's real needs than the competitors."

At the time, those points caused me first to wonder if my firm's marketing program differentiated us from our competition. As a firm we were communicating that we were the fastest growing law firm in the country. But, that difference certainly was not one that would make a difference with clients. I thought of other ways we were different. I believed our firm was more "industry focused" than most of our competitors. We had several practice groups that were industry focused, including my own construction and government contracts practice group.

Our firm was interested in "cross selling." In my presentations to our lawyers, I emphasized that if we wanted to successfully cross-sell, which I referred to as "cross serve", the more we knew about industries and the clients and potential clients in those industries, the better we would be able to understand our clients' needs. We needed lawyers from non-industry practice groups to become "specialists" in the industry; (e.g. construction labor law, construction environmental law, construction project financing). Likewise, those of us who were in industry practice groups needed to be "specialists"; (e.g. health care construction, real estate development construction). Finally, we needed to write articles in the industry publications and attend industry meetings and conventions and make presentations. I also suggested that to be industry focused, our para-professionals should likewise be industry focused.

I hope my airplane reading from several years ago and this memo will be of some value to you. How is your firm differentiating itself from its competitors? How is your practice group

differentiating itself from its competitors? How are you differentiating yourself from your competitors?