

From the Horse's Mouth—Better Writing With Attorneys

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How do practice or industry group descriptions get written in your firm? How are your success stories penned? Is your firm's written material crisp and persuasive or do your eyes glaze over as you struggle through long, third-person, passive-tense, feature-laden drek? Are you reminded of Gertrude Stein's remark regarding her childhood home in Oakland: "There is no there, there"?

That there is no there, there, is at the heart of the matter. Too often, marketing professionals are asked to write about things that they do not know first hand, even though as a group, marketers are stunningly well informed. The adage, "write to inform; speak to persuade," is a valuable one, but in many cases, our writing must speak for us, to audiences we can only imagine, such as when we write for a web site. It is difficult to write persuasively for an audience that has not been well defined, especially when writing about something we know only second hand.

The voice of the attorney, coming from the heart, must reach the ear of the eventual client. How do we arrive at that point? When faced with a need for a new description, do you ask your attorneys for a first draft, only to be told to read other firms' web sites and make something up? Do you struggle to edit descriptions that have been cut and pasted from prior documents? Our first job is to empty out the cup and start afresh. After that comes the real work—persuading attorneys to participate in the process of creating a piece that moves the audience to action, for that is the end game. Our goal isn't to write something, it is to make something happen.

What Result, From Which Reader?

In order for this something to happen, we must first know who the actors are. When your description is read, who will be the first reader? Who will be the reader that causes something to happen—who picks up the phone and asks for more information or for a meeting? The goals and processes are similar, whether we are writing for laterals, for merger candidates, for law students, for current clients or for prospects.

Swim Downstream

The easiest way to make something happen is to find out what your intended audience wants to have happen. What is at the forefront of their mind? Don't presume to know, but ask, if you haven't already. Ask them at seminars and social events; ask formally during client interviews. Conduct client surveys and focus groups. Any time is a good time to start, so consider assembling a small group of clients (or students, etc.) and enlist their support. Host an intimate dinner and ask for their advice in creating

communications pieces that are optimally effective. What would they like to know? How would they like to receive the information? What is most important to them when they make tough decisions regarding lawyers and law firms? What do they value most about your firm? Their advice will be invaluable.

Start Where You Are

Assume that the project at hand requires a new practice description. Approach a savvy practice or industry group leader and ask for his or her support. Draft a short memorandum for distribution by the group leader sharing information gathered from clients and prospects about what they value (assuming you have gathered it as above) and asking for a succinct description of the top two or three deals or lawsuits each partner or associate has worked on in the past two years. Ask them to name the client, the firm's role in the deal or suit, the names of the other parties, the issue at stake, the dollar value at risk, what the firm did that was unique or unusual or particularly successful, and the benefit to the client—again, in keeping with the advice you have gleaned. Here, your goal is to obtain the basics—even if all you get is “defended client in major product liability case—see me.” Offer to interview any attorneys who prefer to deliver their information orally. Assemble a list or database of the returned cases for the practice group leader's review. Retain all the results for future reference, and pick ten or so matters about which to write success stories. Ask the group leader to tap two or three partners to work with you to produce the best possible results. Suggest participants, if necessary, and strive to engage willing team members. This is not the time to put the least busy attorney to work, but you may not need the most overburdened timekeeper either.

Whatever Works, Works

Meet with your writing team over breakfast, a box lunch, or a beer and pizza, but just do it. Divide the cases among the team, and plan to interview key attorneys (quite possibly more than just the lead partner) for more details. Gather in a conference or war room, with space for an easel and flip charts. Post the key findings from client interviews—in bullets—on the walls. At first, work with one case at a time. Later, threads or themes will become apparent and a pattern will form. Ask questions such as:

- Why did this client choose us for this case?
- What was at stake for the client?
- What did we do that was unusual? (Asking attorneys what was or is unique seems to stump them.)
- How did we do it?
- What was different about our approach or our process?
- How did the client benefit from what we did?
- Why was that a benefit? (You may have to ask this question again and again until you get to the irreducible answer.)

- What did the result ultimately mean for the client? (In other words, what were they able to do with the money, e.g., that we gained for them?)

The team may need to meet a few times, and may need to go back to the work attorneys for more information, but enthusiasm will likely build as the group begins to experience the benefits of thinking and talking together. Working alone, after interviewing a lead attorney, you (alone) might write “successfully represented a client in garnering a \$40 million judgment.” In a group exercise, a partner might point out that the original settlement demand was \$250,000, and that the judgment the firm obtained was 160 times more than the client first asked for. The facts haven’t changed but you now have a different way of looking at and describing the result. Post your notes so that they are visible, and continue through the stack of important deals and suits.

If you are rigorous in this process, and keep asking tough questions until the kernel has been exposed, you will have something to say about each of these successes—something worth reading.

Tom Petty Was Wrong—the Waiting Isn’t the Hardest Part

Thinking is the hardest part. But by now, a good deal of the thinking is done. You know who your key clients are (and if you were writing a piece to attract and inform law students, the process and thinking would be analogous). You therefore know which industries are at the forefront of your firm’s efforts. You have heard what those clients value most (and may be able to infer what their industries value), and you know how your firm makes a difference, differently. You could also read those clients’ web sites and annual reports for a sense of philosophy, language, and tone that will appeal to them.

Still working with your team, begin organizing your information. How you organize it is not so important as *that* you organize it. If you were organizing around concepts that clients value, you would post charts around the room with one concept per page. Let’s say you start with “partnering.” You know (from interviews) that partnering is important, and you have asked enough follow-up questions to know that shared risk is a key part of the equation. So under partnering, write “shared risk.” A partner on the team then remembers that in one important case, the firm advanced the costs of litigation and carried those costs for eight years as the suit went through appeal after appeal. In the end, the result was spectacular and the firm’s investment in the client was well rewarded. Now, a further benefit to the firm can be obtained by recounting the specifics, even if camouflaged. “We believe in partnering with our clients and sharing risks with them,” is a noble expression—but it is merely an attestation—there is no proof and no benefit expressed. This statement of philosophy does not answer the age old questions in the mind of every buyer:

- So what?
- What’s in it for me?
- How can you prove that?

With your new, improved facts, you can instead write: “Partnering with our clients and sharing in their risks is a given for us. When an energy-industry client needed our help to enforce a contract against a much larger player, we stood by them for eight years, advancing the costs of litigation, thus freeing our client’s cash flow for other operations. In the end, we recovered \$40,000,000 for them—160 times more than the amount of their original settlement demand. With the money we recovered, our client was able to open new fields, providing a much-needed source of domestic oil for America at a time when it matters most.”

Television Doesn’t Exist to Entertain Us, It Exists to Sell Us Stuff

The point is not necessarily to produce beautiful, eloquent writing, but to produce writing that makes the right thing happen. Now, you have a better chance of succeeding. The process described above becomes self rewarding. Once a group has produced an improved statement, they perceive the merit in working together, and it will take less effort to gain attorney involvement in the future.

Improved results come from a careful thought process—about the desired outcome, the intended audience, and what that audience values. Better writing is a product of better thinking, and better thinking results from asking better questions. As e.e. cummings wrote, “Always the beautiful answer/who asks the more beautiful question.” Let it be you who asks the beautiful questions with their beautiful answers, and turns those answers into beautiful, powerful, and productive writing.

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