



## WHY CROSS MARKETING OFTEN DOES NOT WORK

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I know a sly smile probably appeared on your face when you read the title of this article. For the majority of readers, you are thinking that you knew this all along, and it's about time someone validated what you already knew. For a minority you are thinking you've caught me making a clear error, because you've done successful cross marketing at your firm. Let me assure each of you that the smile is not warranted. My intention with the title was to grab your attention, and I've probably succeeded. This article actually addresses why cross marketing often does not work *at your firm*.

**A firm of solo practitioners.** At many firms, the prevailing culture is that of a group of attorneys sharing office space and common expenses. In all other respects the attorneys think and act like solo attorneys. This type of environment provides hostile soil for the seeds of cross-marketing. In fact, these firms are abysmal at marketing, period.

People at these firms are so used to doing their own thing, with a total lack of accountability to or concern for the success of others, that they just don't "get it" that helping the firm will ultimately help them. There is no vision of the firm as a living, breathing entity which requires nurturing. There is no concern that the success or failure of another will impact their life in any meaningful way, other than the possible shifting of the balance of power to someone who may want to spend communal dollars differently.

**What's in your wallet?** Compensation systems are very often a strong factor in the failure to cross market services. They frequently do not reward this activity. In some cases, they actually provide a *disincentive* to hand over clients and work to others in the same firm. We're talking first and foremost about the popular "eat what you kill" compensation model.

When cross marketing effectively serves to reduce ones compensation, by reducing the credit in "your column", it's easy to see why the roots of failure grow so rapidly. An unfortunate byproduct of this is a frequent failure to have the most talented and appropriate lawyer at the firm handle a matter for a client. So an

environment which is hostile to cross marketing is not in the best interest of the client.

**Who do you trust?** Aside from compensation issues, the fundamental issue of trust comes into play where cross marketing is concerned. In an age where lateral movement from firm to firm, or firm to solo practice is common, there is a fear shared by a vast number of lawyers that their client can ultimately be “stolen” by a colleague who is provided an opportunity to develop a relationship with the client.

Even if the other attorney does not leave the firm with your client, it’s become commonplace for clients to decide they’d rather deal with a different partner for future matters, because they like that partner better for any variety of reasons. When the pattern becomes evident, in-house fighting often ensues over whose column the future credits for client fees should go into.

**Do I know you?** A big hindrance to cross marketing at medium to large firms is a lack of knowledge about the credentials and expertise of your fellow attorneys. In fact, at large firms it’s not uncommon for partners not to know one another at all. Without steps taken by firm management to actively educate attorneys on the expertise and credentials of their fellow attorneys, opportunities to take on additional representations for clients will be lost on a regular basis.

There are many strategies which a firm can implement to improve its marketing and cross marketing efforts. First and foremost, the firm must be an actual firm in the true sense of the word. Partners must be accountable to fellow partners, and committed to assist the firm itself in success. That means that sometimes egos must be set aside in favor of compromise. A good partnership, like a successful marriage, requires compromise.

An overall vision of the firm must be developed. Again, not everyone will agree on this vision. If you are one who disagrees but are in the minority, take a different approach so that you don’t become an impediment to progress. Look for a way you can modify your vision so that some of it can be incorporated into the overall vision everyone can buy into. Again, compromise must come into play when a group of intelligent professionals try to pull their varying perspectives into a cohesive vision. If you simply cannot achieve your goals given the vision developed, you need to consider whether it is time to seek a different environment, rather than continue to butt heads where you are, and be an impediment to progress for all.

Practice groups, or industry-based groups which are designed to provide client solutions by incorporating expertise from many practice areas, should be formed. Marketing strategies should be developed and carried out at this group



level. Note that these groups should be formed along lines which make sense to clients, not necessarily the traditional practice groups which are based strictly on area of practice, e.g. litigation, business, real estate etc. Even in a firm with a handful of general practice attorneys, marketing strategies may need to differ from one practice area, or one prospective industry, to another.

Next, the compensation system at the firm should be carefully examined. Several areas need to be looked at. How long are you giving “credit” for origination of clients? Nowadays, prevailing wisdom limits the length of time, so that no one can rest on past laurels indefinitely. Origination credit should also allow for sharing credit when a group effort was required to land a client. How about the partner who is “responsible” to keep the client happy, even though he or she did not bring the client in the door? Are you looking at that, and taking those numbers into account? And finally, be sure, especially if you are an “eat what you kill” formula-driven compensation system, that you incorporate a method to reward the passing of work from one partner to another, both for the one who brings the client in, and for the one who does the work.

Building trust with ones partners is difficult. Trust is something which must be earned. But it also requires what Kierkegaard described as a “leap of faith” on the part of the one who trusts. What helps is developing interpersonal relationships with ones partners. If you share a common vision, or really know and like one another, or contribute to each other’s success, trust will come easily. Too many partnerships are merely business arrangements nowadays. Partners do not socialize with each other. They don’t even really know one another, let alone what the wants and needs of each other are. Many times partners actually dislike their fellow partners, but stay in the firm solely because of monetary considerations. It’s not hard to imagine how that relationship would not engender trust on either side.

Building trust requires “face time.” Nowadays there is too little of it. Start getting together over regular lunches or dinners. Not necessarily all partners, but at least small groups who make efforts to really get to know one another in an informal setting. Golf. Tennis. Play dates with children. Trips to educational events out of town together. Drinks at the bar after work. Movies. Theater. Find common ground. Make the time to do so. Make it a priority. Incorporate it into your life. You may even want to consider hiring a coach to assist the partners with trust-building exercises.

Getting to know your fellow partners’ achievements and credentials is probably the easiest part of the puzzle. An internal newsletter, intranet or even email can serve the purpose well and efficiently. Start the news with “Did you know I . . .” and add anything significant like a recent award, noteworthy case, or



even a past position you've held which makes you uniquely suited to handle certain types of work. Also exchange information on your current hot prospects. It may turn out someone else in your firm has an "in" at the prospect's company, and can assist.

Cross marketing can work. And when it does, it enhances the bottom line of the firm significantly. Obtaining additional work from existing clients takes a much smaller effort, when done right, than securing new clients. And the more you do for one client, the more you cement the relationship. Take a hard look at your firm. If you recognize some of the impediments mentioned here, make efforts to create a more hospitable environment.

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