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Creating Synergy Through Competitive Intelligence Training

Ellen M. Callinan

Competitive Intelligence: *A systematic and ethical program for gathering, analyzing, and managing external information that can affect your company's plans, decisions, and operations.*

– Society for Competitive Intelligence Professionals (SCIP)
[\[http://www.scip.org/14_pr_060314.php\]](http://www.scip.org/14_pr_060314.php)

My former law firm had a reverence for the “rule of three,” which asserts that things are inherently more satisfying in clusters of three. According to columnist Gord Hotchkiss, “We tend to remember points best when given in groups of three, we scan visual elements best when they come in threes, and we like to have three options to consider.”¹ His sentence – even the SCIP definition above – seems to reinforce this notion. My firm translated this rule into presentations, briefs, and even management decisions. I remember my old boss explaining a restructuring idea as a “three-legged stool” in which three departments would work together to support the efforts of the attorneys.

That competitive intelligence is one of the hottest topics in the legal industry is a given. Defining and managing it has been the focus of many conference programs in recent years for several of the professions that support law firm attorneys. At least two law firm departments could lay claim to this responsibility,² although it would not be advisable for firms to vest sole responsibility in

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any one. Instead, marketing and the firm library could function effectively to support the attorneys – with the professional development department serving as the third leg to unite these peers through attorney training programs.

Why Should Lawyers Understand Competitive Intelligence?

There is a threshold question: why should lawyers know how to perform competitive intelligence at all? More and more law firms are hiring professional CI staff to handle requests for this service.³ Nonetheless, even with library and marketing services available to support their efforts, attorneys need to engage in CI themselves for the most basic reasons: “to win new clients, cross-sell to existing clients, evaluate merger and acquisition opportunities and decide whether to add a practice area or open a new office.”⁴ CI may even become a service offered by law firms to their own clients.⁵

Competitive intelligence also informs the work attorneys perform for clients. Attorneys who know business research can learn more about their clients, ascertain industry trends, and discover facts about products, services and events related to litigation. Several years ago, some of my Georgetown

students complained when we spent four weeks on business resources – they only wanted to learn “legal” research. Nowadays, my students can’t get enough of this type of research and genuinely enjoy the assignments in which they apply what they learn, including assembling corporate profiles and developing personal business plans.

Thomas Waters, another CI consultant, offers an example of the factual value of CI in client matters:

“[F]or example, satellite photographs are available -- at minimal cost -- from various federal, state, and county agencies, such as the Environmental Protection Agency, drug enforcement bureaus, and agricultural departments. A photo of a manufacturing plant can be used to count the number of cars in a parking lot, which can yield an estimate of the plant's labor costs. Moreover, a detailed report from the Occupational Safety and Health Administration -- available under the Freedom of Information Act -- can provide extraordinary amounts of information about the inside of a plant, including the numbers of people working on the production line, the products coming through, and the actual tools or machinery being used.”⁶

Because they are generally the least prepared to do this work themselves, senior attorneys tend to rely on CI staff for support. Despite some skepticism about these efforts – after all, the *Bates v. State Bar of Arizona* decision was handed down before or during law school for many of today’s law firm leaders⁷ – these more experienced attorneys are embracing CI in their practices. According to Lauren LaCerde, manager of strategic intelligence at Thompson Hine: “My early experience was that sometimes people wouldn't understand the data, or they'd be completely naysaying [my findings] --- 'Oh, you're not right, I feel like it should be this,' and I'd say, 'Well, no, it's not.'" Now, says LaCerde, there's been a cultural shift (she claims no credit for it): “People are really very interested in the information, almost clamoring for it. I have people say, 'Update that [report] you did last year, because I loved it.'”⁸

The world looks a little different to younger lawyers, who already understand their role in developing business and want to make their own rain. They are often quite familiar with CI resources, having recently completed the process of finding a job. They are aware of the differences among competitor law firms, having chosen among them in the process of accepting an offer. Before they lose this skill in the tidal wave of client work, law firms can tap into this resource through training programs that put the stamp of approval on this business development activity.

Whether they use CI to develop new business, to uncover factual information related to existing client matters, or as a new service for clients, attorneys need to understand the process and resources that define competitive intelligence.

Who's in Charge Here?

Professional marketing is a relatively new profession within the legal industry,⁹ but it is one that has grown quickly. These days, most large firms and many smaller ones employ marketing professionals who are “charged with the promotions and communications, business development, and client relationship management programs.”¹⁰ A marketing department can consist of one or more members who “work with the firm’s attorneys to research new client opportunities, keep track of current clients, and get media placements for the firm and its attorneys.”¹¹

In-house CI professionals engage in formal CI projects, which might include:

- Identifying trends in case law and practice areas;
- Responding to RFPs for new legal work;
- Performing due diligence research;
- Conducting diversity and demographic studies of competitors and clients;
- Researching in-house counsel and clients’ other key executives.

On the other hand, law librarians have provided CI support in law firms for decades.¹² Through classic reference service, librarians have located background information on potential clients, researched industry trends and conducted literature searches to uncover press coverage of litigants and litigation. They have also contributed another classic service – the “selective dissemination of information,” or SDI. Long before RSS feeds kept them current on updates to their favorite web sites, librarians fed attorneys current awareness information through periodical routing and through regulatory and legislative tracking services.

CI researchers possess such core skills as:

- A strong business background;
- Expertise in research and analysis;
- The ability to identify patterns and trends from raw data;
- Extensive experience with CI information resources;
- Creativity and honesty in challenging situations.¹³

According to a survey conducted by Janet Peros in 2006,¹⁴ some librarians are moving beyond the delivery of raw information to providing synthesized, user-friendly reports directly to attorneys. In other firms, attorneys bypass the library and contact marketing staff for research. What can happen next creates tension between the departments. As one respondent explained, “[a]ttorneys (inappropriately) go to marketing asking for background information on a company. Marketing then comes to the librarian, gets the information, and frequently passes it on to the attorney as information they attained on their own.”¹⁵

Gitelle Seer, Chief Knowledge Officer at Dewey and the firm’s long-time library director, summed up the effect at a recent conference, “Before you know it the marketing staff is functioning as an intermediary between the library and the attorneys.”¹⁶

How PD Can Bring These Players Together at the Training Table

With Marketing and the library somewhat confused about who is in charge, PD can unite them in a firm-wide effort to bring CI to the attorney masses through training. Although many vendors offer training in competitive intelligence, by using in-house resources for CI training programs, PD can create synergy within the firm.

The CI curriculum would cover the sources and the application of business research to both case and client development. By using a case study to illustrate the process, Marketing and the library could help attorneys integrate CI into their practice routines and map out a pattern of collaboration among the attorneys, librarians and marketing staff.

Marketing could explain the objectives of competitive intelligence in business development, including:

- Defining the services the firm offers;
- Understanding the trends that affect these services;



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- Knowing the competition; and
- Understanding what differentiates your firm from the competition.¹⁷

The marketing curriculum could also describe the deliverables they might provide to attorneys, such as a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis or industrial structure analysis.¹⁸

The library's contribution to the curriculum would include an explanation of the relative cost of CI research tools and a demonstration of effective techniques for using them. Librarians can expose attorneys to the wide range of business research resources, including free and fee-based databases, high quality internet sites, government reports and statistics, information from financial analysts, company annual reports and web sites, and business periodicals. The library staff can also point out more unusual sources, such as:

- "Court records to track client representation by competitors, their rates and the effectiveness of their services.
- Filings with the Securities and Exchange Commission and other government agencies.
- Web logs, or blogs, to track industry trends, employee morale and gossip.
- Industry conference information to determine leaders and current issues.
- Networking events, such as chamber of commerce meetings, in communities or business areas targeted for expansion.
- Law firm want ads.
- Personal interviews with people who have worked for competitors or for targeted clients."¹⁹

Conclusion

Bringing Marketing and the library together to design an effective CI training program would create more than a relevant, cost-efficient seminar within a law firm. Professional Development could facilitate the teamwork between these departments that

will ensure continued success for the firm's future. Together, these three departments can offer a satisfying and effective educational opportunity for the firm's attorneys.

Notes

1. *The Rule Of Three In Search*, Gord Hotchkiss MediaPost's Search Insider, July 20th, 2006 [http://blogs.mediapost.com/search_insider/?p=320]
2. According to Thomson research, CI is most often the responsibility of a law firm's marketing department or library – or a cooperative effort involving both. *Law Firms: Use Competitive Intelligence to Make Better Business Decisions*, Janet Ellen Raasch, **Law Practice Today**, June 2007 [<http://www.abanet.org/lpm/lpt/articles/mgt06071.shtml>]
3. *Law Firms and Competitive Intelligence*, Leonard Fuld of Fuld & Co. (2005) [<http://www.fuld.com/bin/f.wk?fuld.doc.gen+@TYPE=LS2005>]
4. *Law Firms: Use Competitive Intelligence to Make Better Business Decisions*, by Janet Ellen Raasch, *Law Practice Today*, June 2007; [<http://www.abanet.org/lpm/lpt/articles/mgt06071.shtml>]
5. "Law firms may not be in the business -- at least not yet -- of discussing satellite pictures with structural engineers. But they are consultants and advisers, they know the legal system, and research is key to their principal functions. These attributes help explain why lawyers are able to offer a variety of CI services to clients." *Competitive Intelligence, Will More Firms Begin To Offer This Service To Clients?*, Donna Fryer and Steven A. Meyerowitz, 2004 [http://www.searchitright.com/article_ci.html]
6. *Competitive Intelligence, Will More Firms Begin To Offer This Service To Clients?*, Donna Fryer and Steven A. Meyerowitz, [http://www.searchitright.com/article_ci.html]
7. In *Bates v. State Bar of Arizona State*, the U.S. Supreme Court struck down a ban on advertising by lawyers. The rest is history. For a good summary, see *Bates Participants Reflect on Landmark Case*, David L. Hudson, (November 18, 2004) [<http://www.firstamendmentcenter.org/analysis.aspx?id=19091>]
8. *Competitive Intelligence: Brave New World*, Arthur Jones, **Daily Business Review**, August 27, 2007, [<http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1187946141069>].
9. "According to a study by Cambridge, Mass., research and consulting firm Fuld & Co., 82 percent of law firm competitive intelligence programs are less than a year old, and none have been around for more than four years." *Competitive Intelligence: Brave New World*, Arthur Jones, **Daily Business Review**, August 27, 2007. [<http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1187946141069>]
10. *Taking a Practice-Centric Approach to Marketing*, Susan C. Longo, *Law Practice Today*, **The American Bar Association**, March 2007. [<http://www.abanet.org/lpm/lpt/articles/pmq03071.shtml>]
11. *Blurring the Lines*, Janet Peros, **AALL Spectrum** (April 2006). [http://www.aallnet.org/products/pub_sp0604/pub_sp0604_Blurring.pdf]
12. *Competitive Business Intelligence: Strategies, Skills and Services*, Gitelle Seer, Presentation at the Special Libraries Associates Annual Meeting, 2006. [<http://units.sla.org/division/dleg/2006programs/SLALD-GS.pdf>]
13. *Competitive Intelligence as a Legal Marketing Partner*, ARK Group Master Class, April 2006.
14. *Blurring the Lines*, Janet Peros, **AALL Spectrum** (April 2006). [http://www.aallnet.org/products/pub_sp0604/pub_sp0604_Blurring.pdf]

15. Id.
16. *Competitive Business Intelligence: Strategies, Skills and Services*, Gitelle Seer, Presentation at the Special Libraries Associates Annual Meeting, 2006.
[\[http://units.sla.org/division/dleg/2006programs/SLALD-GS.pdf\]](http://units.sla.org/division/dleg/2006programs/SLALD-GS.pdf)
17. *How Do You Differentiate Your Practice Group From The Masses?*
http://www.hildebrandt.com/Documents.aspx?Doc_ID=2469
18. *Institute for Competitive Intelligence Curriculum: Autumn 2007*,
[\[http://www.institute-for-competitive-intelligence.com/assets/DDF_CI_Institut_en.pdf\]](http://www.institute-for-competitive-intelligence.com/assets/DDF_CI_Institut_en.pdf)
19. *The Wise Use of 'Intelligence,'* Leigh Jones, The National Law Journal, 04-12-2005
[\[http://www.law.com/jsp/printerfriendly.jsp?c=LawArticle&t=PrinterFriendlyArticle&cid=1113222913512\]](http://www.law.com/jsp/printerfriendly.jsp?c=LawArticle&t=PrinterFriendlyArticle&cid=1113222913512)