

When marketing is a PR disaster

By **Jonathan Ames**

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Firms' PR teams should help with the media scrum, but some make basic errors

Communications staff at six prominent English law firms mistakenly divulged confidential client information to *The Times* as part of the newspaper's recent best law firms survey.

Five of the practices are large, well-known City of London outfits, and the sixth is a respected smaller specialist firm. The staff members involved were not being malicious and were not whistleblowers, because the information did not concern any alleged wrong-doing. They were simply negligent.

Such an egregious breach of arguably the most core function of a law firm raises an issue that has been bubbling for some time: are partners getting value for money from the hordes of public relations, marketing and "business development" teams that they pay for?

And pay they do. Sources in City estimate that a global head of communications at a top-tier law firm will be on an annual salary of between £100,000 and £150,000 — and that person's counterparts in the marketing and business development departments will be pushing for similar wages.

That gets some firms close to coughing up half a million pounds in salaries before mid-tier and junior staff wages in those departments are counted. It is not difficult to imagine yearly overheads for communications, marketing and business development functions tipping the scales at a tidy £1 million at the larger firms. That is a big outlay — especially when those departments could arguably be described as weak links in a firm's efforts to maintain client confidentiality.

As reported today in *The Brief*, the *Times*'s daily legal affairs bulletin, the most common breach in the six cases related to the identification of clients who did not want to be named.

In one case, the names that accidentally slipped out of the bag were those of clients that were fellow City law firms — potentially exposing highly delicate litigation issues. Other breaches involved providing details about deals or cases not in the public domain.

However, senior figures argue that partnership committees at large law firms should look to themselves rather than rushing to slap the heads of support staff on spikes.

"If you want these teams to work well," says Tony Williams, the former Clifford Chance partner who founded Jomati, a legal profession consultancy, "you need to bring them inside the tent."

Williams and others argue that there is still disdain among many senior partners for "downstairs" support staff at large law firms. They are seen as a necessary expense because every other firm employs those teams and managing partners can behave like pack animals. Yet many still do not respect their senior communications and marketing staff as equals.

That attitude results in those departments being excluded from top-level decisions on policy and strategy. In turn, that ignorance percolates farther down, to the point where a mid-tier communications staff member is not sure of what is and is not confidential.

The rapid growth in the size of support teams in the last two decades has also caused problems. “There is a tremendous variation in the calibre of in-house PR and marketing staff,” says the head of a communications consultancy that works with the profession.

Senior external consultants are reluctant to be named because they are critical not just of the quality of internal law firm staff, but also of the approach taken by partners.

“A ‘them and us’ problem still exists between support staff and the senior lawyers at firms,” says another experienced consultant. “Partners need to embrace the idea that senior communications and marketing staff should have a place at the top table at their firms.”

Large firms are also guilty of burdening their communications and marketing teams with too much flotsam and jetsam. “They are constantly pushing out relatively meaningless stuff,” says Williams, pointing to reams of boilerplate “lateral-hire” announcements that wax lyrical about the latest partner poached from a rival.

Instead, says Williams, partners should work with their PR teams to produce more analytical announcements to demonstrate how the recruit is going to fit into the wider business.

There is no avoiding the fact that law firm communications is now a big business. This week, about 200 external and in-house legal PR and business development specialists met in London to chew over what they do.

Observers say it would be wrong to write off their entire functions as firms collectively wasting millions. “The trick is making sure that the various teams are joined up with partnership thinking,” says one consultant. “When that happens, they very much add value.”

Williams acknowledges that point. “It is all about getting and keeping clients,” he says. “Name recognition and brand awareness are important for law firms. Investment banks and other corporate clients take comfort in the company their law firms keep.”

In other words, big-paying clients like to see media reports of their law firms acting for businesses that they consider to be at a similar level in the corporate pecking order — because they are also herd animals. But they will not quickly forgive law firms divulging their confidential information.

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