

SLA Legal Division Program: Competitive Business Intelligence: Strategies, Skills and Services
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Edited Remarks

One of the benefits of a long career at the same firm is that I have seen how the trends in the industry are mirrored in actions that my firm takes, and the ways in which my role and the place of the library in the firm has changed and adapted to the ways in which lawyers practice law.

Our speakers today are Ruth Carter Armstrong & Jan Rivers.

Ruth is the Global Director Library and Information Resources, White & Case LLP in NYC, a position that she has held since Feb. 2006.

Ruth manages Library and Information Resources for 38 domestic and international offices, covering nearly 20 time zones. Has instituted a Global response team to field research requests from the Legal staff and, most relevant to the topic at hand, she has instituted a Competitive Intelligence group within the LIR Department. This group led by a Global Manager works closely with the Marketing Department Practice Development Managers and attorneys.

In her previous position as Director of Information Resources, Goodwin Procter LLP Boston, MA, a position that she held from 2001- Jan. 2006, Ruth hired a Competitive Intelligence Librarian for the Marketing Department and instituted a cross practice between the two Departments.

Ruth, who holds an MLS from Queens College, an MA from Hofstra, and is a long standing member of both SLA and AALL, has served in various capacities on the national and local levels, and has spoken on the topic of intellectual property research.

Jan Rivers is Competitive Intelligence Liaison at Dorsey & Whitney LLP, in Minneapolis. She works extensively with Dorsey's Marketing and Sales department and Dorsey's Administration in connection with the firm's marketing, business development and strategic planning initiatives.

Prior to joining Dorsey, Jan worked for Arthur Andersen LLP, where she was a Manager in the Risk Management Services Group, a Project Manager and Team Leader in Andersen's AskNetwork e-Products Consulting Team, and a Regional Leader in the firm's Business Information Network.

Jan co-presented "Competitive Intelligence as a Legal Marketing Partner" for Ark Group in April 2006. She has also presented at Intranets 2000 and Computers in Libraries, as well as at local professional competitive intelligence chapter events. She has been published in *Searcher*, *Intranet Professional*, *Practice Innovations* and Thomson's *Business Research Solution Series*. Additionally, she has been a guest lecturer in the University of Wisconsin-Milwaukee's Graduate School of Information Studies and the College of St. Catherine's Graduate School.

Jan, who has an MLS from Dominican University and a BA in Mass Communications from the University of Minnesota, is an Advisory Board member for the SLA Competitive Intelligence Division and a member of SLA, the American Association of Law Libraries, the Society of Competitive Intelligence Professionals and the Hennepin County Bar Association.

We are here today because law firm librarians are playing a key role in their firms' business development and marketing initiatives. Our panel members will share their experiences with you through case studies and resources, after which we hope to hear from you by way of questions, comments, and any insights that you care to share from your own experiences.

You know the phenomenon - you contract a rare disease (hypothetically of course) that you have never heard of, and suddenly you discover that everyone you know either has it or knows some one who does, Applied Genomics has identified the gene mutation that causes it, the FDA is running clinical trials on one new drug, while Big Pharma is advertising another new and controversial drug on television, and Jane Brody is writing about it in the New York Times.

That's how I feel about the phenomenon of "competitive intelligence" in law firms, a subject about which no one in our world spoke (except perhaps Jan) until everyone was speaking (and writing) about it - including us! So here we are - even as we speak there are several similar programs being held.

So let's start by defining our terms, because I for one tend to play fast and loose with the term "competitive intelligence."

According to the Society for Competitive Intelligence Professionals (SCIP) competitive intelligence can be defined as: *A systematic and ethical program for **gathering**, analyzing, and managing external information that can affect your company's plans, decisions, and operations.*

So the steps that define competitive intelligence are (1) company, industry, competitor research (2) careful analysis of the findings of that research (3) distribution of that critical information to decision makers in a business setting. As you can see, this goes beyond the mere gathering of information, which is the role the library traditionally has played in the business development efforts.

In law firms, competitive intelligence efforts include the analysis of a firm's competitors - those with whom we compete for market share for clients, referrals, lateral partners, summer associates, types of work. It also looks to a firm's clients and prospects, to analyze the industries they belong to, the products and services they offer, their goals and challenges, who buys their products and how they buy legal services (a very important hot button topic).

In fact, one could make the case that competitive intelligence in the legal industry was born when the first AMLAW survey shocked and dismayed the legal profession, giving us the ability (in fact the need) to obsessively parse the revenue and profit numbers of our peer firms (or those in whose company we would like to be) or try to read between the lines of the midlevel associates survey. And then came league tables and similar rankings ... and the competitive intelligence horse was out of the gate.

It has been pointed out that the legal industry is a fertile ground for competitive intelligence because we generate so much information; we can track deals, clients & receivables, internal expertise, contacts. It is actually amazing how little of this looking inward we used to do. Now of course, there are numerous products that offer benchmarking services, so that we can examine every aspect of our financial health in relation to our competitors.

Let's go back to the SCIP definition. Librarians are most certainly gatherers of raw data/ information, (not to mention hunters), and we often manage outside information, but typically and traditionally we pass along raw data - facts, figures, literature search results and so on, without much in the way of synthesis or analysis.

Strictly speaking, the data we gather is not intelligence until it has been digested, synthesized, analyzed and converted into a value-added product upon which our client or other decision makers can take appropriate action. For us, the information is the end product, and unlike competitive intelligence specialists (sadly) we often are not privy to the big picture and so may not know how our firm uses the information to make strategic decisions about the management of the firm, the growing of our business, or our relationship with our clients.

More importantly, our access to the decision makers may be quite limited, as is the degree to which we are embedded and invested in the intelligence gathering process. In a true competitive intelligence effort the cycle is ongoing, and the access more direct. We give information and analysis to the users of the information (not just the requesters - another critical distinction), who give us feedback, and then we respond to that feedback by gathering more information. As mentioned previously, we are more accustomed to one off requests, which quite frequently come from an intermediary, from whom we may never hear again.

The April issue of the AALL publication *Spectrum* included an interesting and timely article by Janet Peros, in which she summarized the information collected from 150 anonymous responses to an online survey that she had conducted to determine the extent to which law librarians are getting involved in business development/ competitive intelligence. Her findings confirmed that many law firm librarians are handling research requests of a business development nature. Many of the requests are similar to what we have been doing for years - news coverage of current or potential clients, biographical and contact information for company executives, and creating databases to track information. But what is more interesting is that she also found that in some firms librarians are going beyond the literature search to synthesizing research, so that the lawyers receive it in a more usable, action-ready format.

The survey revealed that firms are taking different approaches. In some cases the library business development/ competitive intelligence specialist is recruited to officially join the marketing/business development department. In others - as is the case at Dewey - there is a librarian whose job includes support of the business development / marketing efforts through a direct and explicitly defined relationship with the marketing department. In other cases, we find the more traditional view: "the marketing department is our client" just like the attorneys and other patrons. In fact, fully 66 percent answered that there is no dedicated librarian to perform business development/ competitive intelligence research. Another model is that of a marketing department hiring its own researchers, although anecdotal evidence indicates that, even in those cases, the library often does much of the research.

In fact, a quick look at some recent job postings paints the same picture. We see postings for business development researchers being hired by marketing departments (alas, often without the requirement of an MLS), as well as law firm libraries hiring staff for competitive intelligence positions.

The article also touched on the age old concern of attribution and recognition. The marketing department might recognize and appreciate the work that the library is doing, but the ultimate consumers of the information are not necessarily aware that the information is provided by the library, and thus the library does not get the credit. Or, even more egregious, the marketing department actually takes credit for work that the library does.

As one respondent said "[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." As we know, lawyers (like most people) take the path of least resistance. A practice group marketing staff may sit on a practice floor, work closely with the attorneys, and be strategically aligned with their goals. Before you know it the marketing staff is functioning as an intermediary between the library and the attorneys. Thus, we lose visibility with our client base.

The article makes another important point - teamwork between the library and marketing is essential for success. And that brings us to Dewey!

As is often the case, we came into this later in the game than many firms. In fact, our firm did not have a professional marketing department until about 18 months ago. As soon as our Executive Director (my boss) told me that the firm was planning to hire a marketing director, I proposed that the library develop a position to support the business development research needs. I explained the various ways in which we have always supported the firm's business development efforts, I described the costs and intricacies of some of the research tools that we use, and the obvious benefits to the firm of keeping this research in the hands of experts, including centralizing resources, research, and spend, and controlling duplication of resources and efforts.

I offered to be the point person for all contract negotiations and purchases of databases, a role I already play in the firm, and to be accountable for that spend in my budget. I explained my plan to hire or promote from within, and to craft the position so that one person would be the liaison with the marketing department. All this over our monthly sushi lunch! And it worked. One thing that I have learned - rarely are you turned down when you volunteer to take on a project.

In our case, since so much of our work and business development research is in the corporate arena I took this opportunity to promote our assistant corporate librarian. I changed his title to reflect his new responsibilities - corporate and business development librarian. At the same time I hired another reference librarian with strong corporate skills, to pick up any slack.

I met with our new marketing director, who was thrilled to find out that he had a ready made resource at hand. I filled him in on all of the business development research we were already doing, including Dewey in the News and client news alerts, docket watches, and the myriad discrete business development research questions that we handle directly for attorneys. In turn, he told me about the databases that he wanted to use to track media hits, his vision for a proposal generator database, an expertise database, and his long range plans for his department.

In the interests of quantifying our business development efforts (all of which are nonbillable) I set up a separate number for marketing database searching and time billing. Admittedly, we are not very rigorous when tracking our nonbillable time, but I felt it important, especially if we had to request increased staff in the future.

I invited our marketing director and business development manager to our library managers' summit in NY, at which they talked about current initiatives and future projects, including what their counterparts in our European offices were doing. This meeting gave the group an opportunity to brainstorm about regional resources with which they were familiar that could be brought to the table to help the business development efforts globally.

I am happy to note that the marketing department has credited us with contributing to the success of a number of programs and initiatives, including our key client program in the US and abroad, responses to RFPs and preparation of pitches, research on wallet share information for internal deal databases, Interaction contact information, many requests for background information, litigation trends, people information. The conflicts department, which is one of my responsibilities, has been called upon to provide information to the marketing staff: matter reports, attorney board memberships, contacts, affiliated clients, and information about companies that we are cultivating as potential clients, so that we do not take on engagements that would be adverse to those potential clients. Last but certainly not least, we pointed out the need to source the data and respect copyrights.

Along with the successes of our partnering, there are frustrations and challenges. For example, often we don't know how (or if) the information that we have gone to great lengths to obtain is used. We get requests piecemeal and often without context. Of course, in speaking with our marketing colleagues we find that too often they don't hear the end results of their efforts either!

Another challenge is a result of the plethora of research products, all with different feature sets and data sources, but often significant overlap. And none of them is cheap! We want to provide all of the tools that we need to do competitive research, yet we know that none of the research will be billed back to clients.

If you don't have the staff infrastructure to support the marketing efforts in some of the ways that I described, there are still ways in which you can team up with and support your marketing staff: get to know them and learn their research and information needs; find out what they are working on; share information about library resources; develop a request form for business development research, with a checklist of available resources; include their staff in your evaluation and planning process for new resources of potential interest; meet regularly with a business development staff member to review projects, evaluate progress, identify successes, failures, and black holes.

In the past, our firm's approach to competitive intelligence was tactical - whom do we have to beat out in a beauty contest. Now, like many firms, it has become strategic - how can we develop and cultivate our clients and leverage that good will into more business. Our successful partnering with the marketing department insures that the library's contributions to the success of those strategies are relevant and recognized.