

The way law firms do business is changing. The RFP is a sign of the times.

THE ONLY TIME A LAWYER used to see a request for proposal — an RFP — was when a corporate client asked for assistance in responding to one. But times are changing. Today, law firms themselves are being asked by potential clients to respond to RFPs. "It has been my impression that more and more banks and corporations are sending them to lawyers," says Deborah J. Addis, a vice president with Addis & Reed Consulting Inc., based in Massachusetts. And, she adds, governmental entities typically now use them, "especially after a change in administration."

Other professional firms are familiar with RFPs. Accountants, architects and engineers have years of experience with them. Some lawyers, though, have not been adapting well to the growing use of RFPs in the legal profession. That's because, in Addis' opinion, they "do not know how to frame themselves to make themselves more competitive; they do not know how to sell themselves."

From a potential client's point of view, distributing RFPs to law firms makes sense. They can save both time and money. For instance, a corporate executive to whom a number of law firms have been recommended may issue an RFP to take a closer look at those law firms before selecting some to interview in person. Indeed, even a company that already has settled on a firm may issue an RFP or utilize information garnered from past RFPs to attempt to negotiate a lower billing rate with the firm.

RFPs typically call for a number of different kinds of information. Margot Wellner, a former marketing director at Stroock & Stroock & Lavan in New York City, says that they may seek information on a law firm's capabilities in particular practice areas; the number of years in which the firm has engaged in those practice areas; the various clients the firm has rep-

ABCs — OF — RFPs

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resented, including institutions similar to the issuer of the RFP; profiles of the attorneys the firm proposes will handle the matter; references; and an explanation of the firm's billing practices.

Although the various categories of information sought by most RFPs may be quite similar, law firms must tailor their responses to each specific RFP. The best responses, as Wellner says, are written

to "meet the specific needs" of the potential client.

Information that a firm wants to include in a response to an RFP should not be too basic. Unless required by the provisions of the RFP, firms should answer questions with more than a simple "yes" or "no." They should be specific about their capabilities and demonstrate their

experience with actual examples of actual legal matters in which they have been involved (keeping client confidentiality and ethics rules well in mind.) Addis believes that when responding to RFPs, law firms must do more than just "fill in the blanks."

For example, a law firm should not simply write that it has a bankruptcy practice. It probably would be better off explaining that its practice involves the representation of debtors or creditors, or both. A firm that has represented debtors should make it clear if they included large public companies or smaller closely held organizations. If the firm can provide litigation, banking, corporate and tax support, that should be indicated, too.

On the other hand, a response to an RFP is no place to attempt to cross-sell the firm's services. If it is obvious that the potential client is interested only in commercial litigation experience, the response to the RFP should focus on that particular practice area. Including a description of the firm's trusts and estates practice or other irrelevant practice area would be distracting to the RFP's reader. Cross-selling

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can come later, after the law firm has been retained.

Accordingly, unless an RFP seeks general information about a firm, it may be inappropriate to enclose a copy of the firm brochure with the firm's response. Even where the RFP does request general firm-wide information, there may be a good reason not to enclose a brochure: If the brochure is too glossy or promotional, it might offend the potential client. "Bank presidents, corporate CEOs and high level people in government are likely to be turned off by gloss," Addis states.

A response to an RFP should be specific. The firm should describe the kinds of work that it has done for clients in industries similar to the industry of the RFP issuer. Wellner also advocates the use of tables and charts to chronicle deals, volume of transactions handled and other quantifiable information.

Law firms do not have to start from scratch each time they respond to an RFP. In fact, they should not start from scratch. Some of the ma-

terials that should be used can be prepared in advance. Descriptions of particular cases, deals or transactions in which the firm has been involved can be written as the matters are concluded; the material should be updated regularly. Partner biographies also can be on a computer, ready to be edited to delete extraneous information. For instance, a litigator with experience in trademark, insurance, environmental and product-liability law may best be advised to include only a detailed description of his or her environmental litigation experience for an RFP that focuses on that subject.

A mistake that firms often make when responding to RFPs is that they do not take them seriously enough. If a firm believes that an RFP has been distributed *en masse* to a large group of law firms, it may relegate the response to a paralegal. Once a partner looks it over, the firm then may submit its materials, as Addis says, "just in the nick of time."

The better approach, for a firm that has an in-house marketing director, is to have the marketing director write, edit and coordinate the final production of the response, Wellner believes. The marketing director also can ensure that all of the firm's branch offices contribute to and cooperate in finalizing the firm's response.

A firm that does not have a marketing director may want to "engage a consultant to help do it in an honest, factual way and in a way that best positions the firm for the work," Addis says.

A Massachusetts teachers' union recently sent out an RFP to law firms requesting information on the kinds of legal services they could provide for all of the union's members. Incredibly, Addis says that some law firms that received the RFP threw it away.

Law firms that are ready for the '90s are law firms that are ready for RFPs. It is not too late for a firm to familiarize itself with the RFP process — many management consulting books talk about RFPs and how to respond to them.

But because the practice of law has gotten so competitive, it is too late to be throwing away RFPs. Progressive and smart firms recognize the value of RFPs. Some of them even are beginning to initiate the RFP process themselves by asking their contacts at banks, insurance companies and other large corporations for the opportunity to respond to an RFP. □