

20th *Anniversary*

COMMEMORATIVE GUIDE

In celebrating the 20th Anniversary of the Legal Marketing Association, one can't help but reflect on how far we have progressed, where we are and what the future holds.

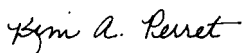
This commemorative booklet provides a brief history of the legal marketing industry, LMA and acknowledges all of our past presidents. Being in leadership of LMA is intensely rewarding both personally and professionally. LMA Leadership also includes all past and current national board members, chapter presidents and boards, committee chairs and the countless volunteers who are the lifeblood of our organization.

This year, we acknowledge the past so we can understand how we have arrived at the present. Most importantly, as we prepare to guide the association for the next 20 years, we recognize that we are indeed building on the shoulders of giants. As for the present, LMA has never been stronger. The association's strength is not just financial, but also in the strong sense of community that has been a hallmark of our association from the beginning.

With more members than ever, LMA is positioned to achieve even greater accomplishments in the coming years. As we invest in the future of the association, we know that our membership is more diverse, more experienced and more committed to empowering the individuals who will soon be 3,000 strong. We will continue to leverage the strength of our membership to build on our past successes and remain *The Authority for Legal Marketing*.

We would like to extend our heartfelt thanks to the 2006 Annual Conference Committee—Roberta Montafia, Jeff Reade, Silvia Coulter, Stuart Goodman and Jenny Powell—for their commitment and extraordinary efforts in planning such an outstanding 20th Anniversary conference. Additionally, we are grateful for the support of the Chicago Chapter and our dedicated staff in making this conference a fitting tribute.

On behalf of the LMA National Board and the entire LMA Leadership, please join us in celebrating this wonderful milestone.



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2006 President



Nat Slavin
2006 President-Elect

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A PERSONAL VIEW OF LEGAL MARKETING'S LONG STRANGE JOURNEY “FIRST, LET’S SELL ALL THE LAWYERS”

BY ROSS FISHMAN

Poor John Bates. All he wanted to do was provide legal services to the indigent— those who weren’t quite poor enough to qualify for free Legal Aid attorneys. But he found that he couldn’t make a living simply through referrals. He needed high volume. Which meant advertising. Which probably meant getting disbarred. So when he and his partner, Van O’Steen, advertised their price list, they simultaneously hired a lawyer of their own.

Sure enough, they got clients—and disbarred.

Fortunately, and famously, their ultimate appeal to the U.S. Supreme Court made it possible for lawyers to market their services. At last, lawyers could stop wondering whether simply having a business card would cause them to lose their licenses. No, really, it was that bad.

It’s been nearly 30 years since the Supreme Court decided the landmark *Arizona v. Bates*, and today sell-

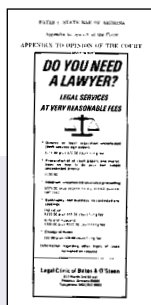
ing the services of lawyers and law firms is a sophisticated and widespread discipline. Witness the fact that the international Legal Marketing Association celebrates its 20th anniversary this year at more than 2,500-members strong.

I’ve watched the discipline evolve from primitive to professional, having left litigation for the brave new world of law firm marketing more than 15 years ago. It’s been quite a ride, in terms of messages, media and more. By sharing some of my own dim recollections and observations, I hope to provide some context for how far legal marketing has come, where we are today—and where we might be heading. I’m a little hazy on some parts ... I wasn’t intending to chronicle the history, so I didn’t take notes. But this is how I personally remember it and, in turn, what I see happening today and tomorrow.

UP FROM DISBARMENT: OUT OF THE GATE POST-BATES

The *Bates* decision led to the first big wave of mostly consumer-oriented legal advertising. Personal injury lawyers grabbed hold of the opportunity with both hands, and the “sincere lawyer holding a gavel and

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1977

Arizona v. Bates decision upholding attorneys’ commercial speech.

1981

Justine Jeffrey is hired by Jennings Strouss & Salmon, Phoenix, and immediately begins her search to find someone else in the United States doing law firm marketing.

1983

Legal Times does a feature story on Jennings Strouss’ marketing programs and 10 or so marketers across the country contact Justine. The group establishes a monthly conference call, and a small newsletter is irregularly distributed. Brochures are the top priority and most are patterned on corporate annual reports.

1984

McGuire Woods & Battle’s black and white, all-text brochure gets the nation’s attention in *BusinessWeek* and *The New York Times*.

standing in front of a bookcase” ad was born. Entrepreneurs started snapping up law-oriented 800 numbers, and Yellow Pages advertising exploded for consumer practices. Sales of cheesy clipart flags, eagles and ionic columns grew. No street-side billboard or bus bench was safe.

Then, in the very-late '70s, a couple of thoughtful firms gingerly started putting in writing what they actually *did*, producing the first law firm brochures—black-and-white, all text, single-spaced, really dull. But they showed that at least a few firms were trying to think about what marketing *might* mean.

By 1985, roughly a dozen large law firms had hired their own in-house marketers, and together they formed the awkwardly named National Association of Law Firm Marketing Administrators, or NALFMA (later happily renamed the Legal Marketing Association). The genteel profession of law was becoming a business.

That same year, *The American Lawyer* published the salaries of big-firm lawyers. The figures sent shockwaves across the profession, as lawyers migrated to the money, increasing the competition among and within firms. The firms saw they needed an advantage, a way to connect to clients and attract more prospects.

Public relations became king, as firms hired publicists to get their names in the paper, any paper, on any subject. It wasn't strategic, but PR firms discovered that lawyers loved seeing their names in print—almost as much as they hated seeing their competitors' names there. Sales of annual PR retainers skyrocketed.

And brochures came into vogue on a wider scale. The standard: 24 pages of dense, detailed, single-spaced ponderous prose; no pictures; covers bearing the firm's name alone. Yep, still really dull. You had your

choice of any color as long as it was black. Neither clients nor the firm's own lawyers could read these mind-numbing abominations. But when the firm down the street had one, its competitors wanted one, too.

Then came equally tedious newsletters, full of legal jargon and case citations. The target audience—busy executives—wouldn't touch them, but firms kept churning them out, ordering overworked associates to rewrite recent memos into lengthy articles.

“Marketing strategy” back then typically meant “let's see what everyone else is doing, and do that, too.” Me-too marketing. Lawyers didn't know how to market legal services but figured that their competitors did, so they just copied the flaccid competition. Decisions and revisions were made in large committees, in which every lawyer had complete veto power over every plan, proposal and period. The lowest common denominator prevailed, as the most conservative lawyers volunteered for marketing committee duties, to make sure the image and integrity of the firm wasn't sullied and nothing was tried that might actually work.

Change was inevitable.

AT THE FIRST TURN: PICKING UP THE PACE (BUT STILL A BUMPY RIDE)

Fittingly, change came as we entered the next decade. In 1990, Winston & Strawn hired its public relations consultant, Loren A. Wittner, to be the nation's first full-time marketing partner, creating national news as the playing field tilted. Wittner hired a half-dozen in-house marketers, including me, thereby creating perhaps the first law firm marketing “department.”

NALFMA had around 300 members at this point.

1985

Justine Jeffrey convenes 25 law firm marketing directors for an organizational meeting in San Francisco. Later in the year, another meeting is held in San Diego that elects officers, a board of directors, and the legal formation of the National Association of Law Firm Marketing Administrators (NALFMA) is completed.

1986

The first issue of the association newsletter, *The Law Marketing Exchange*, is published and the Job Bank initiated. NALFMA institutes annual business meetings in the spring and educational conferences in the fall. Members have to be present at the annual meeting to vote on the election of officers and board members.



1987

Color and sophisticated graphics begin to appear in firm brochures. NALFMA publishes the first White Paper, “The Law Firm Marketing Director,” explaining the position and function. The Board designated liaisons to the American Marketing Association (AMA), the Association of Legal Administrators (ALA) and the American Bar Association (ABA). The ABA Law Practice Management Section reciprocated with the designation of an official ABA liaison to NALFMA. The first annual “Your Honor” Awards program was held.



Wittner and I became co-chairs of the ABA's national Marketing Legal Services Committee. We were also the only members. Membership soon doubled in size, to four, then doubled again, to eight.

Corporate firms gingerly started to advertise, using text-only "we're pleased to announce" ads called "tombstones," designed like typewritten wedding invitations. At Winston & Strawn, we merged with a Washington, D.C., firm and, following numerous tense marketing committee meetings, we successfully removed the words "pleased to announce" from our merger announcement ad—simply naming the firms and using the word "merger" between them—just to be a little different. Internally, it was seen as a huge risk: How would people know that you were happy about the merger if you didn't tell them? Nonetheless, the ad won national awards for creative law firm advertising. Boy, those were the days. The innovation bar was so low you could practically trip over it.

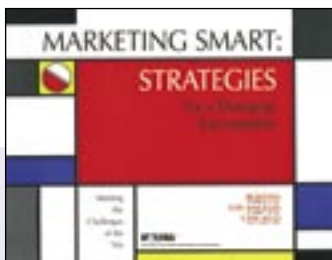
Soon after, Howrey & Simon launched the profession's first image-advertising campaign, the brilliant "Human Side of Genius" series. And miraculously, it worked, helping expand the firm's reputation beyond antitrust litigation. Still no pictures, but it showed actual creativity. A high-quality corporate firm advertised and neither the firm nor the legal profession imploded. In fact, clients and prospects noticed and approved, and the firm grew, prospered and diversified its practice. Other progressive firms took careful notice.

But progress comes in fits and turns. Back then, I recall one of our branch office partners insisted on using Times Roman for his correspondence instead of Courier, the standard font used by the nation's typewriters.

His choice created a complete furor. Times Roman? But lawyers should use Courier! Yeah, the transition to computers was hard on everyone. When our marketing department requisitioned an inexpensive color printer, we were informed that law firms don't need color. At that time, sadly, they were probably right.

That changed over the next five years, fortunately, as firms began marketing in earnest with some new tactics:

- Others started to follow the early adopters and logos started to have a dash of color.
- The first new-hire announcement ad to actually use the lawyer's photo was published about 1995, by Schiff Hardin & Waite. It gained attention for the headshot (even though the design tragically looked like an obituary).
- Some brochures and newsletters became more readable. Somewhat.
- Bill Flannery's business offering "sales" training (gasp) to big firms took off. Suddenly lawyers saw that it brought in business.
- Smaller firms, with streamlined decision-making processes and greater risk-taking abilities, took larger calculated risks and won more business.
- Firms started targeting their materials, creating tailored, well-researched new-business proposals for each new opportunity. They formed client teams and videotaped their presentation rehearsals. And the firms with the best strategy and materials started to win disproportionately high numbers of these competitive "beauty contests."



1988

Steven Brill, editor-in-chief of the *American Lawyer*, proclaimed NALFMA "the worst invention of 1987" in his January review of the previous year in the legal profession. NALFMA membership doubled (again) to just over 450 professionals in the United States and Canada, and initiated a membership category for consultants to the field. The Board hired professional management and conducted its first national salary survey.

1989

First chapter formed in Chicago. Held the first co-sponsored educational program with the ABA Law Practice Management Section, in San Francisco.



1990

Winston & Strawn hires its public relations consultant, Loren A. Wittner, as the first publicly acknowledged full-time *marketing partner*. NALFMA publishes its first informational brochure and changed the organization's name to the National Law Firm Marketing Association to more appropriately define its function and membership. First regional salary survey conducted by the Chicago Chapter, which also hosted the first regional educational program.

Meantime, back at Winston & Strawn, to pitch the business for Major League Baseball, we put our lawyers on baseball cards and had them autograph baseballs for the team owners. These became so popular that we had to reorder. The recipients started showing them to their other private firm lawyers, proclaiming, "This is how a law firm should market!" Clearly, the clients were ready to accept creative marketing efforts long before most lawyers were willing to offer it.

Five more years passed. Ads were next. *Corporate Legal Times* created a platform targeting in-house lawyers, and its aggressive sales staff convinced firms to advertise with them. And firms gradually did, in greater numbers. The early ads were awful—every firm was "big," "smart," "smart and big" or "big and smart" (cf. www.smartbiggar.com). But every tiny innovation was emulated and improved on again by yet another progressive competitor.

As the ads improved, willing firms saw more examples down the street to copy or another bar to step lightly over. Marketing committees still retained full control over the advertising images and messages, and thus began the unfortunate era of the truly trite:

- Light bulbs ("We have good ideas!")
- Chessboards ("We think strategically!")
- Handshakes ("We're your partner!")
- Boxing gloves ("We're tough!")
- Globes ("We're global!" or "We did a deal in Toronto once!")
- Columns ("We're, uh, lawyers!")
- Running up courthouse steps ("We're late!")

Many ads contained two, three or more (the trifecta) of these icons. Translation: "Our tough lawyers have strategic, partner-y ideas all over the place!"

Then, boom, Womble Carlyle turned a single ad with a cute bulldog into a nationally renowned marketing mascot, and other prominent firms took serious notice.

The gloves slowly came off.

ON THE NEXT LEG: DIFFERENT? WHO? YOU?

By the latter half of the '90s, as competition for corporate clients stiffened and firms needed to convey their worth, marketing's focus became differentiation. By that time, I'd accepted a job at Coffield Ungaretti & Harris as the nation's second marketing partner. In 1995-96, we offered the first "Written Service Guarantee" and nearly doubled the firm's revenue. We implemented the same message using both public relations and advertising. And our brochure matched the mugs! The campaign generated enormous positive publicity in the legal and business press, and law firms saw that you could use a multifaceted marketing campaign to implement an *actual strategy*. We won all the marketing awards that year (which might sound like I'm bragging, but see the "low bar" comments above).

I left Coffield Ungaretti & Harris to make a consulting career of helping other firms differentiate themselves and, in 1997, through the first prominent industry-based marketing program, helped Alabama's 10-lawyer Crosslin Slaten & O'Connor become The Bug Lawyers. The program featured "Some lawyers don't know their



1991

Corporate law firm advertising begins in earnest with Howrey & Simon's groundbreaking "Human Side of Genius" national campaign. NALFMA's second White Paper, "The Law Firm Marketing Department," is published. Orange County, Los Angeles, New England and Mid-Atlantic Chapters are added.

1992

The ABA Law Practice Management Section launches the "Women Rainmakers" subsection, dedicated to providing marketing education and networking opportunities to women members of the ABA. NALFMA runs its first print advertisement in the *National Law Journal*.



1995

Coffield Ungaretti & Harris launches its "Written Service Guarantee" campaign.



ants from a hole in the ground” ads, along with a BugLaw.com Web site (sadly, currently offline), complete with crawling termites and downloadable checklists and animated cursors of bugs chewing away at the firm’s logo. Our pest control-industry tradeshow booth gave away cute stuffed termites wearing BugLaw.com T-shirts. Marketing the Bug Lawyers? Like shooting fish in a barrel or bugs in a . . . whatever. The international publicity generated both sizable firm revenue and demand for similar industry-based campaigns.

Corporate clients, having realized that they had the buying power, started flexing their muscles, causing law firms to look for new ways to offer more value. Differentiation became increasingly important. And firms started using those ideas as the foundation of their new collateral materials. Sadly, that message was rarely displayed in firms’ first-generation Web sites, which typically used photos of the firm’s:

- Office building (“We work in a building!”)
- Lobby (“We have couches!”)
- Local city skyline (“We ... oh, never mind.”)

Since then, the competition for corporate mindshare has led to firms using everything from Orrick’s proprietary viral computer games to one firm’s realistic-looking hand-grenade mailers. (Okay, they probably should have reconsidered that last one. By definition, great

marketing doesn’t cause clients to evacuate their buildings.)

Oh, and along the way, “branding” became a buzzword, then a noxious fad. Although it remains a powerful strategy, it’s now called differentiation or positioning.

Today international law firms are marketing as innovatively and aggressively as our corporate clients, using the full range of tools. Think global client teams, lead-generation professionals, client extranets, direct mail, secondment and Internet micro-sites.

And those advertisements that Bates and O’Steen suffered for? The corporate counsel-targeting magazines are now so choked with vibrantly colored advertisements that desperate firms will do almost anything to get noticed. Their ads use eye-popping photos of yellow rubber duckies, wacky doggies wearing turtle-necks and cute widdle wide-eyed babies. Some implement a well-defined strategy, but most seem simply to be saying, “Look at me! Look at me!” (If I saw an ad next month showing a naked founding partner named Ralph, I wouldn’t flinch. I might ralph, but I wouldn’t flinch.) Lawyers surfing, kissing, climbing up or rappelling down mountains. The sky’s become the limit in advertising.

But look at any collection of lawyer marketing and you’ll still see plenty of globes, gavels, handshakes and columns. Some things just don’t change.

But on the other hand, plenty of things do.

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1996

Organization name shortened from National Law Firm Marketing Association to Legal Marketing Association.

2001

LMA’s Annual Conference is held outside of the United States for the first time in Toronto, Canada.

2005

LMA Vancouver recognized as LMA’s first international chapter.

2006

LMA’s membership surpasses the 2,500 mark. LMA celebrates 20th Anniversary at the 20th Annual Conference and Exhibition in Chicago.



"In the early days of LMA (called NALFMA at the time), we were all thrilled and surprised to find other people doing the same job in other parts of the country. Some of us came from marketing backgrounds and were learning about the legal industry. Others came from the legal industry and were learning about marketing. There was an incredible willingness to share both successes and failures, which made us collectively more effective.

The friends I've made through LMA are resilient, smart, energetic, warm and generous with their time and ideas. I hope the members of LMA today forge the same kind of professional friendships and receive the same kind of value from their colleagues around the world. Here's to the future of LMA and law firm marketing!"

—SALLY SCHMIDT
1986 LMA PRESIDENT

"I remember attending the first official meeting (February 1986) in San Diego. At the end of the first day of that meeting, I asked Sally Schmidt and Merrilyn Tartton if one could really make a career in law firm marketing or was this just a flash in the pan. They both assured me that there was a definite career path in legal marketing! Thanks to them and many other LMA colleagues, I am still working at making a career for myself in legal marketing some 20 years later."

—MICHAEL R. RALSTON
1990 LMA PRESIDENT

"Congratulations to LMA on reaching adulthood! As the 13th President, I had stewardship of the organization as we entered adolescence. As befits that age, we were just on the threshold of massive industry changes and on the brink of a new age in law firm marketing. We certainly look different at 20! Cheers!"

—BETSY HUNTLEY
1998 LMA PRESIDENT

"I learned more about legal marketing from my colleagues at LMA than anywhere else and also developed some life long friendships."

—MAGGIE WATKINS
1999 LMA PRESIDENT

"We may be celebrating our 20th anniversary, but we are a young organization supporting a young profession. The spirit of LMA has always encompassed the belief that we can accomplish more as a group of learners than we can as individuals. I know that the best work I've done in this profession has been the direct result of my exposure, through LMA, to thought leadership, camaraderie, and a sense of 'group courage.' Alone, we may be determined, but together, we are intrepid. It has been an honor to be part of this organization."

—HEATHER GRAY-GRANT
2003 LMA PRESIDENT