

## CONSTRUCTION LAW PRACTICE GROUP **STRATEGIC PLAN 2002**

### TARGETED DIFFERENTIATIONS

*by Cordell Parvin*

**Why?** Why would a prospective client choose to engage Jenkens & Gilchrist as opposed to another firm? **How?** How does Jenkens & Gilchrist distinguish itself from other firms? **What?** What must Jenkens & Gilchrist do to distinguish itself and cause prospective clients to select our Firm?

The Construction Law Practice Group has chosen a path of **Targeted Differentiation** as its means towards that end. In our **Targeted Differentiation** we seek to look at legal services from our clients' and prospective clients' perspective and address their needs. The six elements of this strategy represent specific areas where the Group has the opportunity to offer services in a manner unlike its competitors, and to thereby maintain and expand relationships with existing clients and to interest and attract new ones.

**1. First to Market.** New issues and areas attract more attention than old ones. The construction industry is rapidly changing and continues to face new challenges and opportunities. The law changes, the landscape changes, the basic project relationships and methods of resolving disputes changes. Specific types of projects and construction experience rapid growth in activity. By being industry focused and active in industry based organizations, we can be among the first to recognize these areas and to carve out our niche within them. By writing, speaking and conducting

seminars in emerging areas we can be recognized as authorities in our practice.

**2. Investing in Clients.** We seek to build long term partnering relationships with clients. Repeat business rather than one-time representations. A key to this is knowledge not only of the industry but also of our specific clients. How they do business, what they consider value added. Attorneys who need to be "brought up to speed" are fungible. Those who possess an intimate understanding of the client's needs and constraints are an asset. By knowing more about the client than the competition, by being service oriented and by demonstrating to the client our interest in their business, we can differentiate ourselves. This specifically includes offering to send our attorneys to the client's offices and/or project at our expense to develop the understanding and familiarity necessary to better serve them. Everyone says they care—to differentiate yourself you have to prove it.

**3. Effective Use of Technology.** Many construction clients have traditionally used boutique construction firms as their legal counsel. Of these, only the larger leading firms have the capacity and commitment to adopt and employ technological advances to enhance their client relationship. The ability to manage data, share information, research and documents, to communicate with the client, and to organize and monitor multiple items of representation are all opportunities for differentiation which our firm's commitment to technology afford us. Our

firm's investment in technology services is a cost that smaller competitors can not match. Individual lawyer's use of our technology systems creates the ability to be faster and more responsive to the needs of the client and to create potential cost savings despite higher rates.

**4. Strategically Located.** Many construction firms and practice groups have one office, one location. Our Firm has a unique advantage in that it has offices across the country. The ability to establish the Construction Law Practice Group in other existing offices, and to participate in the creation of others, presents a competitive opportunity that can benefit existing clients and attract new ones. The mere existence of a Jenkins & Gilchrist office while beneficial is not, however, sufficient. There must be legitimate Group capability in the office for the potential benefit to be realized.

**5. Full-Service.** Just as most construction firms and groups have but one office, most have but one skill. By and large they are dispute based. Our Group seeks to differentiate itself in two (2) ways. First, the Group itself offers a more diverse combination of services to clients than are normally available. We have the ability to represent contractors and owners, developers and sureties, vertical builders and horizontal constructors, commercial construction and industrial development, private and public owners, transactional matters and litigation. Second, the Firm offers legal services beyond construction matters. Labor, employment, tax, finance. Construction boutiques are for the most part one-dimensional. Jenkins & Gilchrist affords full-service representation to construction industry clients.

**6. Quality Service Driven.** Quality, timeliness and cost drive the construction industry and its projects. Contractors are by necessity slaves to their schedules. They are in pursuit of substantial completion, controlled by the critical path and haunted by long-lead delivery items. They object to professional service providers who lack their adherence to quality, schedules and project controls. In order to differentiate Jenkins & Gilchrist, we intend to adopt our clients' philosophy. Our goal is to demonstrate and produce a Service Quality Plan for their projects, for their problems. By providing and adhering to A Service Quality Plan that shows the client what will be done by whom and when, we can evidence not only our knowledge of their method of doing business, but also differentiate ourselves from our competitors. This commitment can be enhanced through the use of shared computer technology and attorney-client interface such as Lotus Notes, areas that are consistently shown to be high priorities to clients.