Is TV Right for Your Personal Injury Practice?

By Les Altenberg

Personal injury law attorneys often ask us how much it would cost for them to advertise on TV. They, like the rest of us, are witness to the scores of commercials that inundate the airwaves touting scores of firms' commitment to "fight for you" at virtually no risk to the client (i.e., "We get paid only if you do.") Many of these firms are known for doing quite well. Hence, it is only reasonable that competitors express interest in duplicating their efforts.

But the answer to the question regarding the efficacy of television in promoting the PI practice is not as simple as it may sound. There are a number of variables that must be considered, not the least of which is the overall philosophy of the firm towards consumer advertising in general. It is probably not an over stretch to state that, rightly or wrongly, the legal industry does not always enjoy the most favorable image among the general public. And within that industry, PI attorneys probably suffer the most in terms of negative perceptions regarding legal marketing. It is a hurdle PI firms must overcome, and those that do, usually have allocated great deals of financial resources towards the marketing function.

There are many reasons not to seek new business via TV, among them the possibility of being labeled as just another "ambulance-chaser," the potential of negatively impacting other areas of the multi-practice firm, and the probability that the firm will be besieged with a litany of frivolous and time-wasting cases.

Yet despite these potential concerns, many firms do, in fact decide to pursue a television effort. The question then becomes, how does one determine an optimal level of spending. Clearly, one never wishes to spend too much. But spending too little, unfortunately, can be as, if not a greater mistake.

That is because all kinds of research exists which suggest that it takes exposure to a multiplicity of messages before an individual is prompted towards action. When one considers that the hiring of a personal injury firm cannot be stimulated (vs. for example, a coupon offer on the latest deodorant stick), that frequency of exposure must be maintained for relatively long periods of time. Or to put it another way, individuals will not contract with a PI attorney, until they need one. And when they do need one, they will most likely select one with which they've become familiar over time.

This requirement of frequency can get pricey. Typically, new product roll-outs on TV require at least a frequency of 4+ over a 4-week period in order to make inroads into the market. Because of the nature of personal injury described above, an effective PI effort should maintain a frequency of around a 3+ - - provided the campaign airs over a reasonable length of time (i.e., at least 6 to 12 months). But even here, there are numerous issues to consider. The most critical of these is the level to which competitors are spending. If the market is dominated by one or two players who allocate $1 Million to their advertising, coming in with a $100,000 budget may be fool hearty - - even if frequency goals are reached. One doesn't want to ever get drowned out. By losing the battle for "share of voice," there is real risk is seeing little return on marketing investment. Unfortunately, getting a handle on how much competitors are spending may be difficult and/or expensive in itself to obtain. That being said, some simple observance of television commercial patterns can provide some indication as to who's advertising and at relatively what kinds of levels.

There are ways to get around the high "cost of entry" into the competitive television market, but they require considerable creativity on both the commercial production as well as media planning sides of the advertising process. In terms of developing a commercial, it is fair to say that there is a sameness to the commercials employed by personal injury firms. They all make the same claims and offer the same means for compensation. And they do so in the same style. Advertising agencies are always preaching the value in doing things a little differently and nowhere would this philosophy seem to make more sense than in the area of personal injury marketing. A unique commercial stands apart from the rest. That would seem to be a reasonable goal in and of itself, but it has a more practical application as well - - if it stands out, it also requires less frequency. And less frequency means purchasing a lighter schedule, thereby saving valuable funds.

On the media planning side, the role of creativity cannot be ignored either. There are ways to make a media schedule seem bigger than it is. Pulsing the activity, for example, by running two weeks on and one week off, can still give the firm a significant presence throughout the year. Focusing the vast chunk of one's dollars on just one network may limit the total number of "eyeballs" reached, but at least do so at the threshold levels of frequency needed to "make a dent." Similarly, if one can't be a major player within a given geographical area, …picking another, smaller, more targeted area just makes good sense. With cable, satellite and other types of programming distribution systems available, law firms are able to target very tight geographies. Again, while the PI firm that employs such a tactic may not be reaching a lot of people, they may be dominating the airwaves among the people that do see their spots.

So, how much is enough? A prototypical schedule that generates awareness in a major market can run into the hundreds of thousands of dollars over the course of a year. That exact figure of course, will be a function of a number of elements of course including the size of the market itself, the availability of media inventory, and the per cent of the population the plan is seeking to reach.

That kind of budget is beyond the reach of many personal injury practices. As mentioned, such firms still interested in television should explore schedules on more localized media outlets. Costs for a cable TV schedule are highly contingent on the size of the geographic zone being purchased. Depending on the market and the cable system, schedules can be bought that cover everything from an entire major market to partial market zones, and down to even individual areas within a specific county. Of course, while this may save the firm money in terms of out-of-pocket expenses, the limited viewership means that in some ways, the risk is actually greater. Firms seeking to go down this path should still expect to spend anywhere from $30,000 to $100,000 for a full year program.

Does this suggest that the personal injury law firm with a limited budget should refrain from marketing? Hardly. But it does suggest that such firms may be wiser looking at alternative marketing tools and different marketing approaches to tout their wares… all fodder for another article on another day.

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