

LAW PRACTICE **Front** LINES

INTELLIGENCE, INSIGHTS & TACTICS FOR YOUR LAW PRACTICE

MARKETING MANAGEMENT TECHNOLOGY FINANCE



WHAT REALLY WORKS?

All the right moves. Not all firms can align their marketing with their practice areas. Some gallop to the fore by branding their culture and style instead. How? With a message that conveys their personality—and impeccable execution. Floaty pens help, too. Lots and lots of floaty pens.

Turn the page to learn the strategy behind Goldberg Simpson's aggressive and quirky campaign.

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What REALLY

Branding a Firm's Progressive Personality

When your firm and your lawyers are creative and dynamic but the practice mix is fluid and



BY ROSS
FISHMAN

eclectic, what value proposition do you sell? Your overall style and innovative approach is the key—but the message and execution must be consistent *and* thorough.

WHO Goldberg Simpson, a 30-lawyer firm in Louisville, KY.

BACKGROUND Goldberg Simpson is a midsize law firm by the standards of the Louisville market. It competes aggressively with the city's large firms—although it isn't really built along a traditional full-service model. This firm is more like a collection of opportunistic boutiques: a group of small, efficiently run, largely independent practices brought together under one roof by some dynamic leaders.

Sure, the firm has the typical range of business-oriented legal services, including sophisticated corporate and litigation practices. But it also closes 3,000 residential real estate deals per year; has an insurance-defense practice down the hall from a catastrophic personal injury plaintiff's practice; and handles high-dollar divorces and high-profile adoptions. It also represents wealthy families in trust

and estate matters, while defending headline-grabbing criminal cases. It's like a restaurant that serves lobster and chicken nuggets ... and sushi and grits. The mix makes no logical sense—until you realize that the synergy is not between the practice areas, but the lawyers themselves. They're all hard-charging, Type-A personalities. In each area, they either lead the pack or they don't bother practicing there.

In addition, management views the firm as a business and, in professional services, the best businesses have the best people. So Goldberg Simpson puts equal emphasis on attracting *and* retaining top professionals, which means a strong focus on building a defined culture—and having fun. They're high-energy, but not high-strung. Loud-mouth jerks or raging egos are quickly shown the door.

MARKETING GOALS The firm wanted a campaign to increase its visibility and name recognition, one that would differentiate it by conveying its strengths and thereby drive new business and improve lateral hiring. But how do you brand a firm as eclectic as this one? Clearly you can't focus on a specific practice area—but you *can*

GOLDBERGSM

SIMPSON^{P.S.A.}
A Law Firm that Really Moves.SM

Works

LAW FIRM MARKETING COMMUNICATIONS

market the culture and personality.

We wanted to show the business community that Goldberg Simpson is a young, vibrant, very cool business firm, a smart choice for executives seeking sophisticated services provided in an agile, personal, cost-effective manner. For laterals, we wanted to showcase the firm's unique culture so that top lawyers feeling frustrated working in stuffy firms would see Goldberg Simpson as the alternative. We wanted to convey the firm's sense of excitement, that it's creative and progressive—a firm on the move, where the most interesting and innovative things are happening.

The tag line to convey the firm's overall style and innovative, fast-paced approach became clear. *Goldberg Simpson is: "A law firm that really moves."*

IMPLEMENTATION We started by revising the firm's bland logo to a bold and colorful one conveying the "moves" theme. And we also created an additional half-dozen versions with cutout silhouettes of things that move—including racehorses, jet planes, arrows, motorcycles and even running lawyers. To create interest and reinforce the brand, every lawyer's pack of business cards alternates with different versions of the logo.

We developed advertisements that, among other images, showed a suited lawyer as a smiling jockey on a race-

horse or wearing race helmets by the water-cooler. These ads are supported by a series of running-lawyer billboards along the main highways heading downtown, helping to promote the firm's relocation to a hot suburban corridor with the giant caption "We moved so you wouldn't have to."

To have additional fun with the "moves" theme, we created floaty pens with the image of a running lawyer that were so hot we've had to reorder. We changed the firm's Web site to

while doing things that "really move"—dribbling basketballs, tossing volleyballs, carrying field hockey sticks, riding bicycles and more. Every time you turn a corner at lunchtime, you'll see another happy sports team dribble, jump, hit, toss or play something.

RESULTS We hadn't fully launched the campaign before the results began to show. The local newspapers wrote a number of articles, and the firm attracted two more best-of-class partners who

admitted the ads and billboards brought the firm to their attention and persuaded them to join.

There's a palpable excitement coursing through the firm. With Goldberg



show the smiling managing partner running, while a small runner moves in the corner. Interior pages repeat the horse and helmet ads, and retouched headshots place the lawyers in front of horse races and running tracks.

To further generate conversation, in the summer we glued Goldberg Simpson logos to hollow cicada shells that clung to downtown trees. It was a rare once-every-17-years opportunity.

Having a "moves" theme offers the opportunity to further stir up the campaign to create a splash that the city will talk about. So to visibly and memorably connect the firm to "movement," we are hiring small groups of high school sports teams to walk around downtown Louisville wearing Goldberg Simpson T-shirts

Simpson on the town's collective lips, all the firm's employees see how much greener the grass is here. Now that the firm owns a clear theme, ongoing executions are easy and all the firm's members are looking for new "moves" ideas. One idea that was a natural for them was to become a primary sponsor of both the local triathlon and the Moscow Ballet's Louisville tour—we even created a ballerina logo for the promotional materials, as well as print ad materials showing dancing lawyers. High-quality resumes are pouring in, as new people seek to jump on board the speeding Goldberg Simpson train. **LP**

Ross Fishman (www.rossfishmanmarketing.com) specializes in marketing training and creating differentiation programs for law firms worldwide.

What REALLY

Narrowing Marketing Efforts to a Single Industry

Industry marketing is an effective way to differentiate your services. Of course, by focusing on this level, you are marketing to a smaller audience. But by marketing more deeply, you develop the kind of close relationships that generate business more quickly.



BY ROSS
FISHMAN

WHO Noland Hamerly Etienne & Hoss, a 20-lawyer firm in Salinas, California

STRATEGIC OBJECTIVE Noland Hamerly was a skilled but unremarkable full-service firm. It had never done any marketing, and now aggressive new competitors were moving into town. The firm wanted to develop more business by increasing its visibility as a high-quality business law firm in its core geographic market, the Salinas Valley. To drive new revenue quickly, it needed something that would have an immediate impact.

MARKETING GOALS A tight budget required making some tough decisions about allocating resources. Marketing broadly to the business community as a high-quality full-service law firm would be a costly and long-term process—it was too general a message. This firm needed something unique.

Through the windows of the firm's offices, mile after mile of rich farmland was visible. Green fields of broccoli, artichokes and lettuce stretched as far as you could see. I asked whether they had any agriculture clients. Of course they did. Every local firm did. It was the region's dominant industry. And Noland Hamerly had a long history in that industry—many of the firm's founders

were deep in dirt. Moreover, no other firm had staked out the territory as the leading agriculture-oriented law firm in the area.

So instead of broad and shallow, we decided to go deep and narrow, developing a focused industry-based campaign targeting a specific audience: the Salinas Valley's fruit and produce growers, shippers and ranchers. Making Noland Hamerly the go-to firm for them would bring in significant new business.

RESEARCH AND IMPLEMENTATION Our research showed that this community—one of the nation's most vibrant agricultural areas—has significant and varied legal needs. Plus, an internal study found that it was already the firm's largest industry group, even though the firm had not actively marketed to it yet.

So we created "The Lettuce Lawyers," a memorable, easy-to-spell and alliterative title, to make it feel more like a tangible thing. Next we bought both lettucelaw.com and lettucelawyers.com to make it easy to find the practice online.

Now we simply needed to use a range of tools to show the firm's intimate connection with the industry. We started by designing a unique logo and stationery for the ag practice, modifying the firm's

NOLAND
HAMERLY
ETIENNE
& HOSS

Works

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existing logo by morphing its traditional ampersand into a green sprout. (See page 8.) And for agriculture-specific business cards, we developed a double-entendre “Together We Grow” tag line.

The core of the campaign was a collection of creative advertisements showing the lawyers dressed in suits in



American Gothic-style postage stamps were one tool used to help position the firm—and draw free publicity.

agriculture settings—as the American Gothic farmers (*a la* the Grant Wood painting), casually parking their tractor in front of the firm, lifting NHE&H lettuce crates and the like.

We also created tools to encourage the media to write about the firm, using free publicity to expand the campaign’s reach and credibility. For example, we created firm-specific American Gothic-style USPS stamps;

distributed lettuce seed packets with the new logo as business cards; and created client giveaways, including logo’d bib overalls.

The firm’s LettuceLaw.com micro-site boasts luscious images of local landscapes, as well as the advertising imagery. In addition, even though the agriculture practice was the primary marketing push, we updated the general firm site with a complementary design. This was both to showcase the firm as a high-end provider and to show the lawyers who weren’t representing the agricultural sector that their marketing needs were not being neglected.

RESULTS The broadcast marketing tactics grew momentum and visibility, supporting the lawyers’ face-to-face activities as they focused in on local agriculture trade groups and began writing articles, speaking and networking. And when the ads launched in the California trade magazines, almost immediately clients and competitors took significant notice. The buzz grew in the local agriculture community, and judges even mentioned the ads in court.

The entire campaign to lock the firm into a market-leader position has brought in new agriculture clients, while also delighting existing clients, who are sending the firm more business as a result.

Ross Fishman (www.rossfishmanmarketing.com) specializes in marketing training and creating differentiation programs for law firms worldwide. A Fellow of the College of Law Practice Management, he is an inaugural member of the Legal Marketing Association’s Hall of Fame.

What Do We Do? Ideas You Can Use

Clients crave industry expertise, but it’s hard for them to find—which means that if you can develop expertise in an industry and demonstrate that through your marketing, you can build significant business.

The goal is to become an industry insider and know more about the industry than any other lawyer. So you need to get active and visible, by regularly attending industry meetings, writing for trade publications, speaking at industry conferences, joining committees and working to become a leader. Soon you’ll be recognized in industry circles as the lawyer who knows their business, their concerns, their jargon. It’s not only great marketing; it also makes you a better, more value-added lawyer.

Select an industry where you have a head start. Does your spouse have a job where you have an established network? Do you have an outside interest that you can blend with your practice? Do you have clients you enjoy who are in a small industry? Where is there growth potential or an area that is currently ignored or underserved by other law firms?

Whatever you select, you should enjoy the industry and the people who work in it because you’re going to have to spend a lot of time inside that industry.

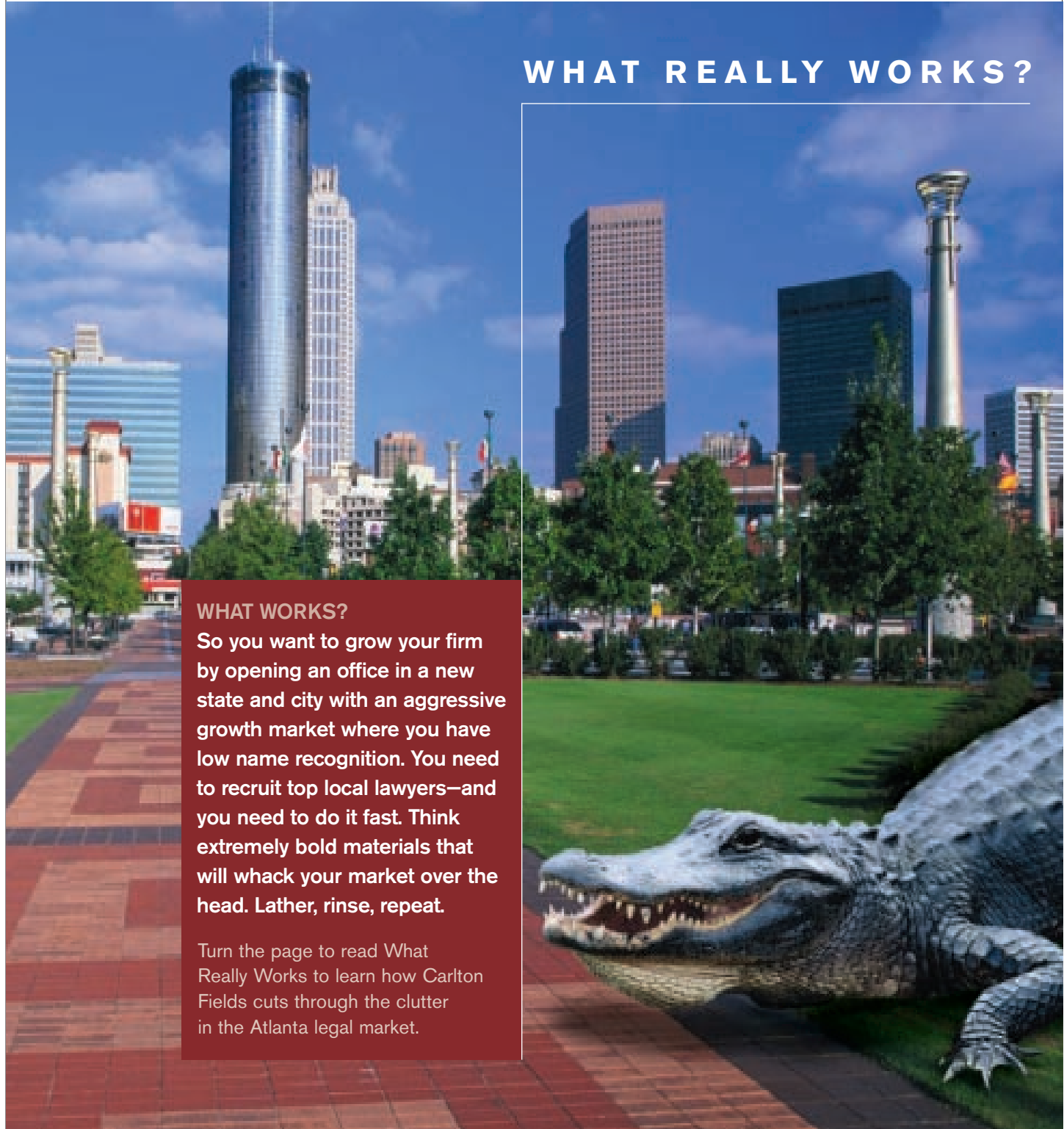
The more involved with it you become, the more you learn, and the more you learn, the more valuable you become. Once you get some traction, you’ll find that prospects talk among themselves about your knowledge, leading to new business and more referrals.

—Ross Fishman

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WHAT REALLY WORKS?

WHAT WORKS?

So you want to grow your firm by opening an office in a new state and city with an aggressive growth market where you have low name recognition. You need to recruit top local lawyers—and you need to do it fast. Think extremely bold materials that will whack your market over the head. Lather, rinse, repeat.

Turn the page to read What Really Works to learn how Carlton Fields cuts through the clutter in the Atlanta legal market.

What REALLY

Recruiting in a New Market with Shock and Awe Tactics

Your campaign will be dead on arrival if what you need is immediate impact and try to splash with a mediocre series of ads that trickle out one at a time. Solution: Front-load for massive visibility.



BY ROSS
FISHMAN

WHO Carlton Fields, a 250-lawyer full-service firm.

BACKGROUND Established in 1901, Carlton Fields is one of Florida's oldest law firms. It is also one of the state's largest, with offices in Tampa, Orlando, Tallahassee, West Palm Beach, St. Petersburg and Miami. It had called itself "The Florida Firm" since 1992. But when it developed a growth plan that including opening offices outside of the state, beginning with Atlanta, Carlton Fields found that it had a recruiting problem.

To comprise the ranks of its planned

office, the firm's aggressive growth goals targeted high-level partners at top Atlanta firms. The firm had signed a lease for significant office space that it needed to fill with top local lawyers quickly. However, despite the fact that Carlton Fields was a terrific firm with high quality-of-life scores in AmLaw surveys, it was having trouble getting its headhunter calls returned because of its low local name recognition.

Initial research disclosed that another problem was that dozens of prominent

national and regional firms had also opened Atlanta offices recently, although most of them had limited, if any, local name recognition either. The new firms seemed similar, if not interchangeable, and few of them were really fighting to get noticed.

So although Atlanta was an aggressive legal market, the firm had an outstanding opportunity to one-up the other newcomers—if it could leverage its reputation and quality-of-life ratings.

MARKETING GOAL: Carlton Fields needed significant name recognition among highly skilled Atlanta partner-level lawyers within weeks. The project began near the beginning of recruiting season. The objectives were to (1) inform the lateral targets of the firm's dominance in the Florida market for credibility, and (2) showcase its friendly work environment. And because Atlanta is such a large and saturated market, the campaign materials needed to be extremely bold to cut through the clutter.

RESEARCH: We interviewed headhunters, lawyers who had accepted or rejected the firm's job offers, prospects, consultants and other parties to pinpoint the marketing challenges and obstacles to success. The firm then conducted market research to identify its competitors and learn more about the invasion of new



Carlton Fields. Florida's law firm, now in Atlanta.

Carlton Fields' fast-growing Atlanta office is looking for talented lawyers seeking a ground-floor opportunity with our team. For more information, contact Wayne Shortridge, Atlanta office's managing shareholder, at 404.815.3399, or wshortridge@carltonfields.com.

Atlanta | Miami |



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CARLTON FIELDS
ATTORNEYS AT LAW

www.carltonfields.com

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out-of-state firms.

IMPLEMENTATION: We developed three primary messages: (1) Credibility, (2) Work Environment and (3) Recruiting. We then created a four-ad series of humorous, colorful, eye-catching ads that used both visual stereotypes of Florida (e.g., sunburns, beaches and alligators) and connected the firm's roots with similarly iconic imagery that conveyed the concept of either "lawyer" or "Atlanta" (e.g., a giant Georgia peach and the city's downtown).

Firms often trickle out their campaigns evenly over a long period of time, such as one ad each month for a year. Instead, we chose a shock-and-awe strategy—front-loading the advertising placement, thereby overwhelming the Atlanta legal market with the impact in the early weeks.

To reach the campaign's broad audience, we decided that a single publication was the most appropriate advertising vehicle—specifically because there was a very well-read local legal publication, the Fulton County Daily Report. Most of the target audience read this publication and we had to hit those readers quickly with ads that caused them to (1) take notice and (2) remember the firm name, the message and what it offered. We wanted to make a big splash instantly—in case another competitor saw what we were doing and decided to do it, too.

DIFFERENTIATION: In the first weeks of the launch, we ran two or three half-page or two-third-page ads two or three days per week on consecutive odd-numbered pages near the front of the newspaper (e.g., pages 3, 5 and 7), so readers turning the pages saw the ads in sequence,

one right after the other, multiplying the campaign's early impact. We negotiated a good deal with the publication, and the shocking red color caused the ads to jump off the page. If you read the paper, you couldn't miss the ads. Not a chance. We reduced them in quantity and frequency after the first few weeks, after the initial impact was achieved.

We also reprinted them as 8.5 x 11-inch glossy handouts and mailed them directly to lateral prospects at select target firms. Therefore, the hottest targets not only saw the campaign materials in print, but also saw them landing on their desks.

RESULTS: Anecdotal evidence indicated that the campaign attained massive visibility in the Atlanta legal community. Every Atlanta lawyer we surveyed remembered the ads and commented approvingly on the content. Most importantly, they remembered the message—the name of the firm, its Florida roots, and that it was seeking laterals. Research with local headhunters indicated that the recognition problem was completely solved. The success rate of headhunter calls more than doubled, and in-person recruiting success tripled. And the entire campaign cost less than half of one headhunter fee.

The next year, the campaign ran again and we added another couple of versions to the mix.

Carlton Fields's Atlanta office now has 21 top-quality lawyers.^{1P}

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What Do We Do? Ideas You Can Use

Good campaigns will make you money, but they're costly—which puts them in a precarious position in a firm's budget. For example, firms typically buy a "13x" advertising rate in monthly magazines, which is the point of frequency where the multiple-placement discount begins. Then the firms run their ads once each month, which seems perfectly logical. After three to four months, though, the bean counters who live in every firm will start asking, "What clients have these ads generated?"

In other words, "Since the ads started running, how many CEOs we have never had contact with have called our receptionists and said, 'I saw your ad and would like to hire one of your attorneys, any attorney, to take my company public'?" At less-sophisticated firms, if you answer "None," or "I don't know," the consequence is that the campaign is then probably teetering on life support dead, if not officially dead.

Powerful, potentially effective programs often die young, before they've had a chance to succeed, and the efforts and opportunity for greatness are squandered. Once dead, the opportunity won't come back around for at least another five years, or at the next management turnover at the earliest. For campaigns to succeed in firms that do not have lots of marketing experience, or have potentially short attention spans, you need to create a big buzz, fast. The best option is to market the heck out of it early and create a big buzz as soon as possible, so people can feel the difference. Spend much of the money early and whack your market over the head with your campaign. — Ross Fishman

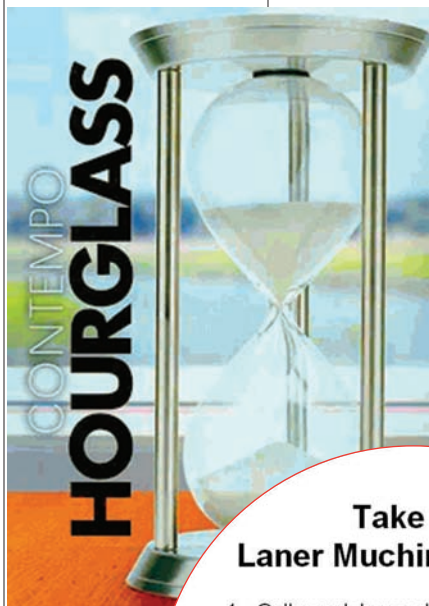
What REALLY

Distinctive Give-aways to Reinforce a Winning Message

Most firms have lawyers who are known for the stacks of unreturned message slips gathering dust on their secretaries' desks. So if you return client calls faster than the rest, you have a real differentiator to promote. One great way to do it: Put something on the *prospects' desks* that will keep you front of mind.



BY ROSS
FISHMAN



Take the Laner Muchin Challenge

1. Call your labor and employment lawyer and leave a message.
2. Turn over this one-hour hourglass.
3. Call us and leave the same message.
4. When the sand runs out, turn it over again.

Who called you back within two hours?

Laner Muchin.
Two Hours. Period.SM
312.467.9800
www.lanermuchin.com

WHO Laner Muchin, a 40-lawyer Chicago-based labor and employment firm exclusively representing management.

STRATEGIC OBJECTIVE For decades, clients have complained about their lawyers' lack of responsiveness. Nonetheless, very few firms have actual policies regarding returning phone calls, and those that exist weakly suggest that client calls be returned within 24 hours. But the lawyers violate those policies, and no one in management does anything. Frustrated clients quietly take their business elsewhere.

It's a vastly different story at Laner, Muchin, Dombrow, Becker, Levin and Tominberg, a labor and employment firm that was established in 1945. In all the years of its existence, the firm's lawyers have returned phone calls within *two hours*.

Yes, *two hours*. Remarkable.

This outstanding responsiveness serves as the hub of a marketing campaign that began two years ago, when

we developed a series of brochures, ad campaigns and direct-mail pieces to push the message to the firm's market. We changed the firm's logo to incorporate a stylized clock and conceived the tag line "*Two hours. Period.*"

We also wrote the "Laner Muchin Challenge," which created a first-response competition with prospects' existing lawyers. It challenges people to leave a message for their lawyers, then call Laner Muchin to see who returns the call first. If the callers' current lawyer does, Laner Muchin loses, and so must donate \$100 to the callers' favorite charity *and* buy them lunch. (Get it? For just \$100 Laner Muchin gets to take some other firm's presumably dissatisfied client out to lunch.)

The campaign had helped generate millions of dollars of fresh revenue from brand-new clients. But to continue growing, the firm needed to push its message to more new prospects. And we needed something extra for the second phase.

MARKETING GOAL In communicating with prospects, we wanted to show Laner Muchin as *the alternative* for other firms' clients when they feel unappreciated by their skilled-but-unresponsive

Works

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lawyers. The phase-two objectives were to generate awareness and in-person meetings with human resources VPs at top Chicago companies, while also creating a casual, friendly reason to follow up with them. We decided to do a give-away gift, to put a year-round reminder of the two-hour phone-response promise on top prospects' desks. And so they could reach the firm easily, we wanted the reminder to include contact information, the firm's clock logo and the tag line of "Two hours. Period."

RESEARCH AND IMPLEMENTATION We extensively surveyed the existing research and studies and talked to clients and in-house counsel regarding what service issues were most important to them. This verified our belief that responsiveness remains among the attributes most valued in lawyers. Elsewhere, responsiveness was declared the most important thing a firm can do to improve its client relationships, apart from reducing cost. We elected to grab "responsiveness" as our differentiator, to accompany the firm's tag line.

After a visibility-enhancing ad campaign, we wanted to focus the next step narrowly toward our 100 hottest prospects. For months, we looked for an appropriate mailer to spread the two-hour response message and cause more of them to take "The Laner Muchin Challenge." We looked at countless promotional stopwatches and other items, finally finding a striking, foot-tall, hand-blown hourglass. At \$50 each, however, they were outside our budget. Then research uncovered a closeout retailer offering the hourglasses at just \$12 a piece. We went store-to-store to buy their entire

remaining stock. We prioritized our top prospects and delivered the hourglasses with a letter that invited them to take the "Laner Muchin Challenge."

DIFFERENTIATION In part, the campaign letter asks prospects to turn the hourglass over; leave a message asking their current lawyer to return their call; leave the same message for one of Laner Muchin's lawyers; then when the hourglass runs out, turn it over again and see who has called back first by the end of the second hour. Thus, the hourglass serves as a tangible tool to implement the challenge.

At the same time, sitting on the prospect's desk it acts as a daily reminder of the firm—and its position as the *alternative* when you're frustrated that your existing employment lawyer doesn't call back quickly enough.

RESULTS The reaction to the mailings has been overwhelming, with a 50 to 60 percent response rate! (You simply *have* to call when you receive this significant, expensive-looking hourglass.) In initial tests, 25 to 30 percent of the hourglasses sent to non-client prospects led directly to in-person meetings—and 25 to 30 percent more generated phone calls from the recipients, many of which have requested more information about the firm. The mailings also give Laner Muchin a reason to follow up with recipients who have not communicated directly with the firm.

All from a \$12 hourglass. **LP**

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What Do We Do? Ideas You Can Use

Conceiving a useful, creative give-away is difficult for law firms. There are only so many logo mugs, mouse pads, pens, baseball caps, umbrellas, T-shirts and golf balls that clients can stand—and we hear that most of them get tossed. It's even harder to find one that leverages the firm's brand message.

But you are building your brand and awareness if you can create something interesting or useful that sits on the clients' desks and acts as a constant reminder of the firm and what differentiates it from its competitors.

For example, Chicago's Levenfeld Pearlstein cleverly sent small logo'd racecars when marketing its "Built for Speed" campaign.

Three-lawyer Scandaglia & Ryan mailed a popular Ty Inc. Beanie Baby bear as part of a mailing announcing the hire of Ty's former general counsel.

In lieu of business cards, 20-lawyer Noland, Hamerly, Etienne and Hoss distributed logo'd seed packets as part of the marketing of its agricultural law-focused "Lettuce Lawyers" campaign.

The point is, you don't want to settle for the same old thing as everyone else. Push your marketing people and promotional company to conceive of something different.

—Ross Fishman



LAW PRACTICE **Front** LINES

INTELLIGENCE, INSIGHTS & TACTICS FOR YOUR LAW PRACTICE

MARKETING MANAGEMENT TECHNOLOGY FINANCE



WHAT REALLY WORKS?

What works? Too many firms rely on safe, bland marketing—and wonder why it fails. Boring marketing takes forever to gain traction. Wildly innovative messages, visuals and activities get attention more quickly, at a much lower cost. Of course, it's also harder to persuade lawyers to try those things. What happens when a firm does break out and tries something new?

Turn the page for our new column, What Really Works, and get the story behind Shefsky & Froelich's full-service identity makeover.

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What REALLY

Identity Update for a Full-Service Firm

You can't differentiate full-service, midsize law firms. They all look alike. They all do the same thing, the

BY ROSS FISHMAN

same way. Heck, half of their lawyers used to work for competitors, so all their marketing gets muddled into the middle. Unless ...

Shefsky & Froelich: Putting Imagination to Work

WHO Shefsky & Froelich, a 70-lawyer full-service Chicago firm.

STRATEGIC OBJECTIVE Shefsky & Froelich historically had a reputation as a business-oriented firm representing small, entrepreneurial clients. In recent years, though, the firm had gone upscale in its client base and its senior partners. The percentage of large, institutional clients

had increased significantly and an impressive group of new senior partners had enhanced the firm's practice and reputation. The clients were now larger, more-sophisticated companies.

The firm's charismatic founders had developed great individual relationships and so hadn't invested in marketing the general firm. More recent rain-makers were individually renowned and so the marketplace was not aware of the firm's current composition. The firm was not well-known, and those who knew of it had a decade-old view. It was losing work to less-skilled but better-known firms. Good clients were telling the lawyers that they couldn't hire them for larger matters because the firm wasn't high-profile enough.

We needed to do something that caused the marketplace to view S&F differently, to leverage its historically creative reputation, but in a way that moved the firm up a tier in perception. We needed a new identity, a new message, and a visual treatment that supported it.

The challenge with full-service firms is how to distinguish them from the countless other seemingly skilled, look-alike firms. "We're smart" isn't differentiating. Neither are claims that the firm



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Works

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is skilled, service- or client-oriented, dedicated, ethical, excellent or any of the countless generic platitudes firms mumble when they have nothing to say. How often do we hear clients plead, “Gosh, if *only* I could find an ethical, dedicated law firm”? Not very.

We needed something strong, fresh and unique. And with a limited budget, we needed to do it boldly enough that people would quickly take notice. This meant a complete image overhaul, from logo to Web site to brochure. Boring marketing takes forever to gain traction. Wildly innovative messages, visuals and activities get attention more quickly, at a much lower cost. Of course, it’s also harder to persuade the lawyers to try those things.

MARKETING GOAL The audience was both internal and external. We needed to show the lawyers how they were unique and also explain it to prospects. Volvos are safe. Baker & McKenzie is global. My wife is fun. What word could this firm stand for?

RESEARCH AND PLANNING We interviewed nearly the entire firm, listening for themes. We gleaned that S&F lawyers have a unique focus on finding nontraditional solutions to clients’ problems.

They’d always been this way. Cid Froelich recalls the early days—with few clients but plenty of time—sitting around thinking up brand-new solutions to tough problems. After they developed a solution to some interesting problem, they’d figure out who they knew who had that problem, then call and tell them what they’d discovered, and often get hired. Clever.

IMPLEMENTATION One word that came up repeatedly during the interviews was “imagination.” It was how S&F lawyers develop new solutions to tough problems. Imagination is a strong word. It says “creativity” in a more interesting way, and it was a word we could own.

DIFFERENTIATION We trashed the original skyline-burdened Web site and created ImaginationLaw.com. Bell-bottoms were in style when their logo was designed, so it needed to be refreshed, and we conceived “Imagination at Work” as the tagline. Just before we launched, General Electric began using it! There was no real risk of confusion, but marketing partner Allan Slagel still preferred to use our second choice, “Putting Imagination to Work.”

RESULTS It gave them a message to go to market with. There’s a new spring in the lawyers’ steps, and the firm is growing and attracting more top lawyers and clients. Administrator Georganne Binnie was integral to the re-branding and talks with pride about how the cool new image has improved the firm’s recruiting, too.

Clients love it, and other Chicago firms admit to borrowing the Web site design. It differentiates the firm in head-to-head competitions and helped bring in a multi-million-dollar case in a national RFP. This marketing thing—it just might catch on. **LP**

Ross Fishman (www.rossfishman.com) specializes in marketing training and creating differentiation programs for law firms worldwide. A Fellow of the College of Law Practice Management, he is an inaugural member of the Legal Marketing Association’s Hall of Fame.



What Do We Do? Ideas You Can Use

Conceiving a unique message is hard. Executing it creatively is even harder. Convincing lawyers to let you launch it is the hardest part. Long ago, I’d storm into a lawyer’s office with an idea that was guaranteed to make the firm rich and famous. And they’d recoil in horror. It was so obviously a brilliant idea, why didn’t they see that? Why do law marketers routinely complain that their lawyers get in the way?

Here’s what I’ve learned. Lawyers are smart, but most haven’t had marketing classes. So if you want to try something new, educate them first, before showing them the idea. Springing powerful new ideas on a lawyer is the easiest way to hear “no.” (They were expecting gavels and globes and you showed them ... this?)

Teach the difference between good and bad, between safe and effective, between dull and powerful. Help them see what catches their eyes and what doesn’t. And *then* show examples of the extraordinary marketing used by high-end firms. Once you have prepared them to accept great work, make your recommendations. *That’s what works.*

The safe answer is always “no.” The harder answer is, “Okay, let’s try it.”

If a brilliant idea is rejected by smart people, it wasn’t sold effectively. — Ross Fishman

LAW PRACTICE Front LINES

INTELLIGENCE, INSIGHTS & TACTICS FOR YOUR LAW PRACTICE

MARKETING MANAGEMENT TECHNOLOGY FINANCE

WHAT REALLY WORKS?

This is no time for stage fright. Too many firms shy away from using head-turning, art and text in their advertising for fear of tarnishing their image and drawing the ire of ethics boards. **But good drama can draw attention and results—and build a stronger brand.**

Turn the page for What Really Works, and get the story behind Williams Parker's dramatic leap into advertising.

What REALLY

Dramatic Flair Grabs the Applause in Advertising

When your competitors get assertive with their advertising, you can't just sit back mired in old-school attitudes. It's time to raise the curtains, act based on new thinking, and go for center stage with your marketing.



BY ROSS
FISHMAN

WHO Williams Parker, a 48-lawyer full-service firm in Sarasota

BACKGROUND Williams Parker Harrison Dietz & Getzen is a highly skilled full-service firm in Sarasota, Florida. It has a strong estate planning practice and an elderly client base of wealthy retired people and local business owners. The firm historically avoided external marketing,

believing it to be demeaning to the firm and the profession. For a smaller city, Sarasota prides itself on its remarkably strong cultural and arts communities, and the firm's marketing activities involved mostly charitable giving and community board activities.

Although Williams Parker is the largest firm based in Sarasota, its market research began to show that smaller, younger, more aggressive competitors were increasingly better known and had started image advertising. Fortunately, their advertising was bland—but it was likely just a matter of time before the quality improved and the ads started to gain traction.

If Williams Parker didn't become more aggressive, and *fast*, it risked losing market share to the upstarts. But there would be significant challenges to overcome. This was a conservative firm culture that disliked marketing and advertising. Any campaign would have to comply with Florida's marketing ethics rules, which are the nation's most restrictive and prohibit most types of creative advertising. Plus, the firm owned its own three-story office building and had run out of offices, so it could not physically add more lawyers—it could only achieve revenue growth by generating higher-dollar, premium business.

From the opening act to the last.



It's never over until it's over. That's why you should trust Williams Parker Lawyers. The largest and oldest firm in Sarasota. With more lawyers and more experience, we protect you, your business and your family. And ensure you remain financially secure from the opening act until...well, you know.

Works

LAW FIRM MARKETING COMMUNICATIONS

MARKETING GOALS The firm had hired Pam Ringquist, a talented marketing director, giving it a strategic edge. She wanted to use creative image advertising and other branding initiatives to increase the firm's name recognition locally, grow new and repeat business, and drive traffic to the Web site to increase profitability. Of course, because the firm's attorneys felt that image advertising was unprofessional, and that their elderly clients would perceive it as either negative or desperate, it meant that we had two distinct audiences—internal and external—that needed to be satisfied before the campaign could be declared successful. We would need to start cautiously and build success in steps.

PLANNING AND IMPLEMENTATION One obvious problem to address early was that the firm still used all five names, all the time, which doesn't give the reader or listener something to grab onto. Long names invariably get slurred, creating blurry proper nouns that sound like "williams-parker-harrison-dietz-and-getzen." That's just too much to work with, especially when the firm has a strong, memorable, easy-to-pronounce street name like Williams Parker.

It is always problematic to recommend redesigning a firm's logo to emphasize a shorter colloquial name because some loyal supporters in the firm can view it as diminishing the latter named partners. When asked personally, though, they generously supported the marketing use of Williams Parker. This made the re-branding easier and more effective,

and we ultimately updated the logo to reinforce the shorter name.

To identify the message appropriate for the target market, we interviewed all the firm's attorneys and analyzed its proprietary market research. We selected the theme of *trust*, which addresses the needs and concerns of the firm's wealthy and elderly target audience, while blending with the orientation of its dominant estate planning and business practices. We also created a tag line of "The Art of Law" to convey the firm's high-end legal skills and connection to the cultural community. It was a message the firm could rally around.

We still had to persuade the firm's lawyers that it was appropriate for them to advertise, educating them about the new developments in law firm marketing, as well as Florida's revised ethics rules and how they were being applied. Then we put this campaign in context, showing how it would be most likely to achieve their marketing goals. We showed a range of campaign options conveying "trust," from aggressive to more conservative. The presentation calmed many fears.

After lengthy discussions, we crafted the advertising concepts and were ready to launch. First, though, we would comply with every single ethics rule and so had our ads prescreened by the bar. We knew that the ads complied with the technical ethics rules but also that they would likely be denied anyway. Because we wanted no surprises that could derail the campaign internally, we prepared the lawyers for this

probability and told them that we would likely win on appeal. Which is exactly what happened.

We launched with an attractive but relatively conservative ad. The headline reads "Leave the drama here" and uses a vibrant blue theater scene as a simple, eye-catching background. This leverages Sarasota's strong theater and cultural activities, as well as the interests of the firm's elderly target audience. The subhead reads "Trust Williams Parker to protect you, your business and your family." The second ad in the series shows a delicate ballerina bowing to the audience, headlined "From the opening act to the last."

These ads were placed weekly in the local business newspaper and also monthly in two local glossy magazines. One also ran as a moving banner ad on the Sarasota Chamber of Commerce Web site.

RESULTS Running for just eight months and \$50,000, the campaign helped grow annual revenue by \$2 million (14 percent), while growing attorney headcount by just *one* lawyer. It also increased the unique visitors coming to the firm's Web site by 700 percent. The buzz made Pam Ringquist's public relations efforts even more successful, and the firm has been featured more often in newspaper articles. What's more, the campaign's initial success led to the once-resistant lawyers *asking* to use more striking graphics in the next ads! **LP**

See page 12 for ethics compliance advice.

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Ideas You Can Use Dealing With the Marketing Ethics Rules

The marketing ethics rules are silly. Okay, not the ones that protect uneducated lay consumers in dire straits, like personal injury, divorce or criminal matters. Those are important. But sophisticated consumers of business-oriented legal services don't need protection against law firm brochures and magazine ads.

Which is why I find it ludicrous that the ethics rules apply equally to protect (1) the 60-year-old Harvard-educated general counsel of a Fortune 500 company hiring her 100th law firm, and (2) a barely literate teenager who just got hit by a truck and wants to find a PI lawyer.

But that's just me. I'm just the guy who has to help law firms comply with 50 states' rules. Which all differ.

So how does a law firm ethically advertise in a national magazine? For absolute compliance, the firm would have to make sure nothing in its external marketing violates any clause or provision in any of the 50 states' individual rules, including taking into consideration the day-to-day vagaries of how each state actually *applies* its rules.

So how do you comply? Read your state's rules pertaining to the Communication of Lawyers Services section, or generally Model Rules 7.1-7.5. (See www.abanet.org/adrules.) You'll probably be surprised at what you clearly *can't* do that you *are* currently doing. The most common violation is probably use of the word "expert" or "expertise," which is specifically prohibited in most states.

Most states prohibit superlatives as unsubstantiated comparisons. You can only describe your practice in ways that can be quantitatively verified. For example, under Rule 7.1 you can claim "20 years' experience," but you can't say that you have "significant experience." Technically, you can't even say that you are a "good" or even "competent" lawyer because it implies that other lawyers aren't.

Call me when you find a law firm Web site that doesn't use an adjective.

Of course, as everyone knows, there's The Rule and then there's its application. The chief counsel of the disciplinary board in one moderate state confidentially told me that he's too busy worrying about lawyers who commit serious infractions to worry about B2B marketing. So moderately violating the rules in that state is probably fine. However, some states, like Florida, take a more aggressive and proactive approach. This can be a problem for, say, a large Wisconsin law firm with a lawyer licensed in Florida that advertises in *Fortune*. That lawyer's

Florida license is at risk with every issue of the magazine.

In response, conservative firms take a strict-constructionist approach and follow every single rule to the letter. Others knowingly flout the rules, taking the calculated risk that they probably won't get caught (and they're usually right). They know that if they do get caught, the first action will simply be a letter from the ethics board politely asking them to change their marketing to comply. Then it's the firm's choice to change it and conform to the rules, or face disciplinary charges. A few states have an advance-screening process, where you can file what amounts to a motion to reconsider an adverse opinion.

The reality is that it's not the clients who complain about a law firm's marketing. According to the same chief counsel, he rarely gets marketing-related complaints from clients. Instead, they come anonymously in unmarked envelopes from scared lawyers seeking to stop a competitor's successful campaign.

Seek guidance in advance. If you think you might be pushing, but not ripping, an envelope, it can be helpful to preview your material with a member of your state's disciplinary agency. I recommend trying to get to know someone in advance. That way you can sit down and explain what you are doing and why, and how you feel it complies with the rules. If you take the initiative, you can muster your evidence and make your case up front, instead of trying to overturn or appeal a negative ruling, which is risky and can cause lengthy delays.

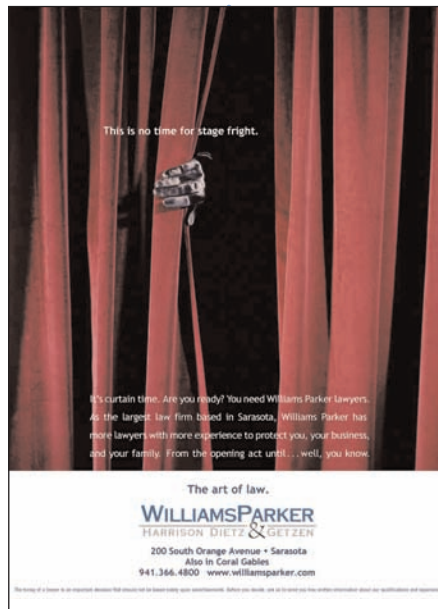
Some disciplinary counsel seem to just hate marketing, and they won't talk to you in advance. In those situations, I've occasionally warned clients that, although our campaign is in compliance, it will probably be rejected and that we'll have to win on reconsideration. The advance warning can

keep nervous marketing committee members from panicking when the cease-and-desist letter arrives and also steel them for the fight.

In the alternative, I often run ideas or campaigns by Will Hornsby, the ABA's expert in lawyer advertising and marketing. He has an encyclopedic knowledge of most states' rules and whether a campaign is likely to pass muster, as well as what change might make it more likely.

A nuanced understanding of the applicable ethics rules can help you avoid trouble. For example, Florida specifically permits: "(12)(K) ... a photograph of the head and shoulders of the [lawyers] against a plain background consisting of a single solid color or a plain unadorned set of law books." So the next time you're tempted to use photos of *adorned* law books in your ads, check your state's rules. And if your firm's walls are two different colors in your brochure, well, heaven help you! **LP**

—Ross Fishman



What REALLY

Marketing a No-Nonsense Attitude

Let's say your firm has a uniquely entrepreneurial, aggressive, hard-working style and culture, and you have a multifaceted audience to reach to diversify your reputation. To hit the target, try a roll-up-your-sleeves branding campaign.

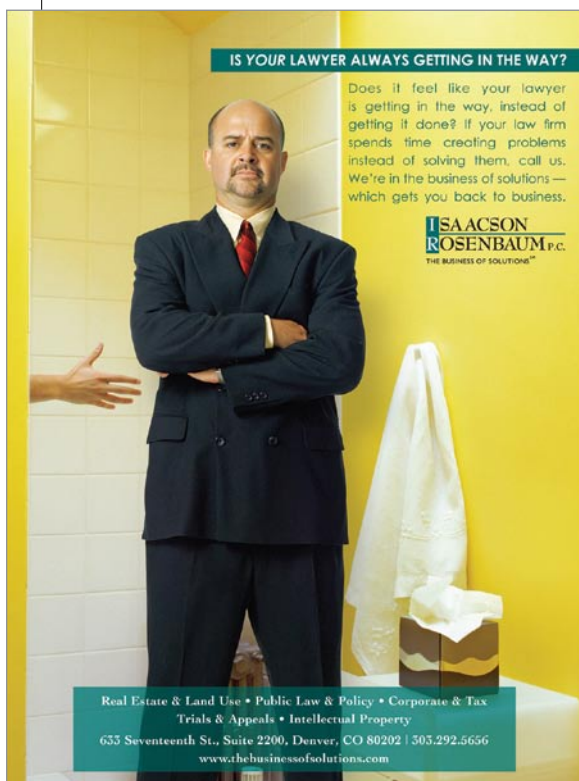


BY ROSS
FISHMAN

WHO Isaacson Rosenbaum, a 50-lawyer Denver-based business law firm.

BACKGROUND Isaacson Rosenbaum had a reputation as one of Denver's leading real estate practices. In addition, its public law and policy and conservation easement practices were among the

area's most high-profile ones. But the firm's more traditional practices—corporate, tax and litigation—were neither sizable nor well-known. While its strategic plan sought to grow those groups in particular, the firm wanted a creative brand message that would support all of its practices.



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Works

LAW FIRM MARKETING COMMUNICATIONS

The firm's slogan at the time was a thoroughly non-differentiating "Law. Client. Community." (Apparently "Good. Smart. Nice." was taken already.) Unfortunately, because this really *is* a firm with a difference. These are smart, roll-up-your-sleeves-and-do-the-deal lawyers. No elitist snobs who are overbilling clients. They talk plain, and they find out how to get it done quickly, efficiently and cost-effectively. They speak proudly of the times they've found creative shortcuts to solve client problems. They're easy to get along with, and their clients and opponents like them. They have high standards of ethics and integrity and do lots of pro bono work and community activities.

To convey how Isaacson Rosenbaum's lawyers stand out from the crowd, the marketing partner, Mark Grueskin, wanted an especially creative campaign.

MARKETING GOALS The objective was to increase the firm's name recognition and diversify the reputation of its lawyers among the Denver business community and high-net-worth individuals. This made for a multifaceted target audience, with some of the businesspeople being highly sophisticated corporate officers, and others being hard-driving blue-collar types.

For purposes of attracting lateral hires, the campaign also needed to appeal to creative, aggressive and entrepreneurial lawyers who would relish the chance to join a firm that had a more robust personality and better quality of life than their current firms.

In sum, this is what the campaign needed to say: We are a high-level, high-quality, sophisticated law firm with a varied practice in (1) real estate, (2) public

law and lobbying, (3) corporate and tax, and (4) litigation, *and* we have a practical, roll-up-your-sleeves, get-the-job-done approach and work environment.

We wanted ideas that would speak to the firm's unique style and culture, so that the materials would support each of the firm's practice areas. But we also wanted something with an edge, a couple of options with a sense of humor, to create a sense of interest and excitement around Denver. At the same time, this was still a law firm talking to businesspeople and high-net-worth individuals in a somewhat conservative environment, so it had to be appropriate in tone, saying that this firm is a smart choice for businesspeople who want sophisticated services provided in an agile, personal, cost-effective manner. And for recruiting, of course, we wanted to showcase the firm's positive culture.

IMPLEMENTATION AND RESULTS We developed a campaign around the tag line "*The Business of Solutions*," a straightforward pitch to the lawyers' no-nonsense attitude about solving client problems. Then to flesh out the firm's unique approach to providing services, we incorporated humorous visuals showing an exaggerated sense of what it is like to have lawyers who do *not* act in a helpful, positive, solutions-driven way. We developed a three-ad campaign illustrated by images of a stereotypically sour or geeky lawyer standing between the client and what they were trying to accomplish—reaching for a towel after a shower, putting on the golf course, or trying to get money at an ATM ma-

chine—and carrying the headline "Is your lawyer always getting in the way?"

Then we added another phase to the campaign, in which we paired each ad with a *second* half that represented the experience of working with an Isaacson Rosenbaum lawyer who is in "The Business of Solutions"—for example, handing the client a clean towel, or holding the flag on the putting green—to illustrate a lawyer who is "always getting it done."

We ran these two-part ads in business publications and legal trade journals, in which each "before" ad was followed by an "after" ad when a reader turned the page. We also turned the ads into direct-mail pieces. In addition, the firm's redesigned Web site shows the towel and ATM ads fading in and out. And it is all supported by a complementary firm brochure.

Simultaneous with the campaign's launch, the firm sent the media a press release accompanied by white logo'd towels that were attached to reproductions of the shower-and-towel ads to drum up attention. The *Denver Post* carried an extremely positive story about the campaign on the cover of its business section, which generated significant traffic on the new Web site on the day it launched.

The launch party was fun, too, with proud speeches by firm leadership thanking everyone for working so hard in bringing this to market. LP

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