

LAW PRACTICE

THE BUSINESS OF PRACTICING LAW OCTOBER/NOVEMBER 2005 VOLUME 31 NUMBER 7

MARKETING THEN & NOW

Legal Marketing's Long
Strange Journey. Personal Lessons.



▶ PLUS

How to Practice Feel-Good Rainmaking
Marketing Salary Survey Stats
Rebounding from Marketing Mistakes
Is Marketing a Laughing Matter?



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 selling 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 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.

Legal Services Marketing Timeline

Here's a quick-shot review of just a few of the many highlights that have marked the still-ongoing evolution of legal marketing.

1977

The U.S. Supreme Court, in *Bates v. State Bar of Arizona*, reverses the Arizona Supreme Court in a 5-4 decision on the question, "Did the Arizona rule, which restricted legal advertising, violate the freedom of speech of Bates and his firm as guaranteed by the First and Fourteenth Amendments?"

1977

The ABA Law Practice Management Section (then called the Economics of Law Practice Section) publishes the first edition of Jay Foonberg's *How to Start & Build a Law Practice*.

1984

Market research briefly takes center stage with an *American Lawyer* cover story about Denver firm Gorsuch Kirgis's marketing program, which was built on research by MIICORP, then the only market research firm specializing in law firm work.

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. 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

Legal Services Marketing Timeline

1984

Van Nostrand Reinhold publishes Robert W. Denney’s *How to Market Legal Services*.

1984

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

Gray Carey’s Justine Jeffrey organizes a meeting of 25 law firm marketing directors in San Francisco. The gathering

1985

ultimately results in the 1985 formation of the Legal Marketing Association (then called the National Association of Law Firm Marketing Administrators) in San Diego, where Sally Schmidt was elected the organization’s first president.

1987

Holland & Hart spices up a staid brochure with a surprising full-color cartoon fold-out map of the firm’s Rocky Mountain region. Color starts to appear in law firm brochures.

1990

Winston & Strawn hires its public relations consultant, Loren A. Wittner, to be the nation’s first full-time marketing partner.

1991

Corporate law firm advertising begins in earnest with Howrey & Simon’s groundbreaking “Human Side of Genius” national campaign.

The Unfortunate Era of the Truly Trite

LIGHT BULBS



▶ “We have good ideas!”

CHESSBOARDS



▶ “We think strategically!”

HANDSHAKES



▶ “We’re your partner!”

GLOBES



▶ “We did a deal in Toronto once!”

BOXING GLOVES



▶ “We’re tough!”

COLUMNS



▶ “We’re, uh, lawyers!”

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 announce-

ment 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.”

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,

1992

The ABA LPM Section launches ABA Women Rainmakers, dedicated to providing marketing education and networking opportunities.

1995

Coffield Ungaretti & Harris launches its “Written Service Guarantee” campaign.

1996

The ABA Law Practice Management Section publishes the first edition of *The Lawyer’s Guide to Marketing on the Internet*.

1997

Red Street Consulting (otherwise known as Erik Heels and Rick Klau) launches annual online reviews of law firm Web sites, grading them for appearance and functionality.

2001

Larry Bodine formalizes the LawMarketing Listserv. Even managing partners tap into daily conversations among “a bunch of really smart legal marketing directors trying to devise new ways to differentiate their firms in a crowded marketplace.”

2005

Sales training, blogging and podcasting are among the new hot-button marketing territories for lawyers.

—Timeline prepared by Merylyn Astin Tarlton

Focus, Focus, Focus

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

At its core, marketing is simple. Identify the people most likely to hire you for the work you want to do, then develop close relationships with them to help them achieve their goals.

One-shot marketing activities do not create close relationships. And undifferentiated, Jack-of-All-Trade lawyers who market to everyone invariably must charge low rates. But if you have—or can develop—expertise in a particular field, go to the trade associations and show them that you have this expertise, you'll be swamped for business.

Direct all your marketing efforts toward the target group. Find an appropriately small pond, well-stocked with clients, and work hard to become a big,

highly visible fish. For lawyers, that type of narrow focus is the only silver bullet that exists.

The more focused your target, the easier it is to be successful faster. If your goal is to be the best divorce or family lawyer in town, forget it—that's too broad and generic. Too many others are competing for that same turf and there's likely a number of others who have been there for decades. Try developing a unique practice focusing on representing only men, or only women. Or perhaps you can build a specialty practice representing gay couples, or the elderly, or second marriages. Whatever it is, become the go-to expert for *something*.

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 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 recon-

sidered 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 turtlenecks 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.

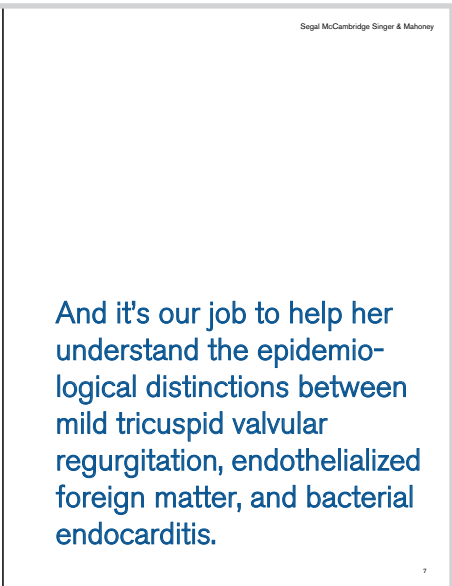
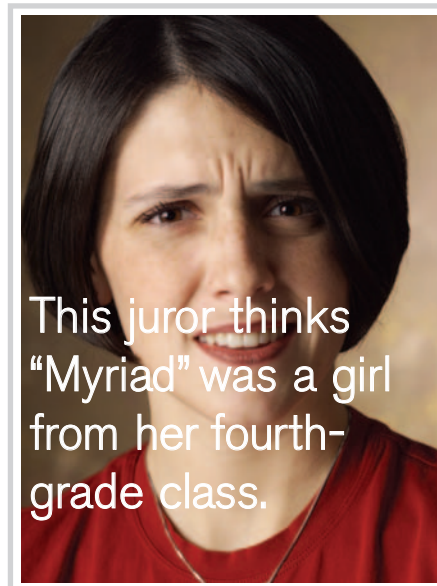
Beyond Brochures: What the Innovators Are Doing Today

Unlike passé clipart images, all the old fundamentals of marketing still work. The best of the current generation is

just putting them to use in different and much, much better ways. Let’s take a look.

■ **Printed brochures.** The firm brochure has ceded agonizing practice-area details to the Web site. Today’s brochure is a shorter image piece—a medium for the firm’s message. Its intriguing cover compels you to open it, and the style, graphics and tightly written text demonstrate the firm’s unique differentiation.

Litigation boutique Segal



► Segal McCambridge Singer & Mahoney, on its Web site (www.smsm.com) and in other materials, uses humor to convey that the firm cuts through the arcane jargon of tort litigation so the people in the jury box can understand the facts at issue.



McCambridge Singer & Mahoney, for example, defends insurance companies in complex mass tort class actions involving difficult issues of law, medicine, biology and science. The firm’s “We make the complex simple” message resonates with its sophisticated clients, who know they must tell a compelling story in a way that an average juror would find persuasive. The humor the firm employs to drive home its message in its ads is echoed in its brochure and on its Web site, too.


■ **Newsletters.** Firm newsletters are still useful ways of staying in touch with sizable numbers of clients and prospects, but lengthy stories detailing the firm's proud internal accomplishments? Not so much of those anymore. The newsletters now are shorter, more timely and focused on useful tips. They're designed and written in an easy-to-read style, with pieces like "Top Ten Tips for [Doing Something Useful]," or "Five New Ways to Avoid [Some Disaster]," or other how-tos to help readers do their jobs better, save money or stay out of trouble.

They go by both snail-mail and e-mail, to ensure that readers get the product in the format they want. And they are "periodic," with "alerts" sent to take advantage of urgent occurrences.

■ **Relationship marketing.** Studies show that it takes between 7 and 20 personal meetings to get from first contact to new business. And that's in addition to all the "broadcast" marketing activities like advertising, articles, Web sites, speeches and the like. Think of all that effort and you're forced to answer the Big Question: Who are you targeting? "Well, Ross, I'm a general commercial litigator, and I have a national practice." (C'mon, does every litigator have a "national practice"?) Okay, so you're selling a general service to 270 million people. And you have to see them 7 to 20 times each. Then what are you doing reading this magazine? You have networking to do! Get out there! *Shoo!*

But seriously, for all the innovative marketing tools and strategies, law remains a profession built on close, trusted, personal relationships. And that point is so important it's been differentiated (that word again) as a sidebar. Read it on page 34—now.

■ **Tag lines.** These short slogans are popular and, done well, help your target



THIS IS NOT THE TIME TO GO OVER YOUR INSURANCE POLICY WITH A FINE-TOOTH COMB.

CHILDRESS DUFFY GOLDBLATT
Your Insurance Against Insurance

Childress Duffy Goldblatt lawyers. We sue insurance companies. We help ensure you have the right kind and right amount of insurance. We'll plug the loopholes insurance companies use to decline coverage, and fight to get you the payments you deserve. Because that's what we do, all we do, all the time. Just call us before it's too late.

audience understand more about you—how you're different from other firms. The language describes the firm's uniqueness, not its "hands-on, value-added, business-oriented record of achievement." Colorado's Orten & Hindman, for example, exclusively represents community and homeowners associations, and its "Strength in Association" tag line makes that point with a clever double entendre. Chicago's Childress Duffy Goldblatt, a small firm that specializes in suing insurance companies that fail to pay insureds' claims following disasters, uses "Your Insurance Against Insurance."

These slogans are intriguing. They're different. They're icebreakers. And they're a heckuva lot better than insipid things like "Committed to Client Service" or "When Results Matter." (Tell me, when *don't* results

matter? "This isn't important, but I think I'll call a lawyer anyway"?)

Laner Muchin, a midsize labor and employment firm in Chicago, touts its incredible responsiveness and vows to return every client call in two hours or less. Its tag line? "Two hours. Period." Those words quickly tell how the firm differs from its equally skilled competitors. And the two-hour strategy, as a stylized clock, is designed into the firm's logo, too.

Effective tag lines can even extend to law school and lateral recruiting. Levenfeld Pearlstein, an aggressive transactional firm, is advertising and sending direct mail to targeted lateral candidates showing them as robots, cogs or sheep inside their current firms

► Childress Duffy Goldblatt ads make the point that the firm serves as its clients' David against Goliath insurance companies.

and as exhilarated high-divers at Levenfeld Pearlstein. This is not your grandfather’s law firm.

■ **Industry-based marketing.** It works. Lawyers do extremely well by identifying an industry group they enjoy serving and becoming the go-to lawyer for that group.

Noland Hamerly Etienne & Hoss is a 20-lawyer firm that works in the heart of central California’s agriculture belt. Together, the lawyers had marketed themselves as a general practice firm, but we convinced them that the biggest room for profitable growth in their community was the region’s dominant agriculture industry. The firm’s agriculture practice became “The Lettuce Lawyers,” with a subtly modified logo in which the ampersand sprouts leaves and grows. Plus, the practice group gives away logo’d seed packets as business




How valued do you feel at your current firm?

Want more out of your career? Why grind away as a disposable cog at your firm when you can be a vital, active participant in Levenfeld Pearlstein? We know who we are, we know who we want, and we know where we’re going. We are everything most firms are not. So, if you are everything most lawyers aren’t, contact Bryan Schwartz, Chairman, at bschwartz@LPEL.com or 312.346.8380 right now.

Levenfeld Pearlstein. Are you Levenfeld material?
2 North LaSalle Street, Chicago, IL 60602

► Levenfeld Pearlstein targets law school and lateral recruits with a series of ads showing that they’ll be challenged and exhilarated at the firm—not treated like cog-in-the-wheel commodities.



HOW WOULD YOU LIKE YOUR JOB TO FEEL LIKE THIS?

When you work at Levenfeld Pearlstein, everyday can be a bona fide thrill. Because you will be pushed, you will be challenged, and you will succeed. Because you will be doing things that are beyond comfort zone. But we are betting on your potential and believe in your success. Thrilling? Yes. Exhilarating? Absolutely. Sound too good to be true? Contact Bryan Schwartz, Chairman at bschwartz@LPEL.com right now and hear it straight from him. **Levenfeld Pearlstein. Not your everyday firm.**

2 North LaSalle Street, Chicago, IL 60602 | 312 346 8380 | www.lpegal.com

cards and logo’d leather work gloves and bib overalls instead of coffee mugs.

Another interesting example is New Orleans’ Gordon, Arata, McCollam, Duplantis & Egan, a highly skilled firm of nice lawyers with dominant practices in litigation and big oil and gas. Our research showed that the firm’s clients actually enjoyed working with the lawyers, even for high-stakes litigation. Thus, the firm’s tag line is now “Lawyers You Want to Know,” a double entendre conveying the lawyers’ technical skills and genial personalities. The firmwide ads show how much clients like the lawyers, and the oil and gas ads show how well the lawyers understand the industry.

■ **Web sites.** Nearly every firm has one by now, and some firms have more than one for different purposes. The best ones stand for something and show why the firm is unique. The Sarasota, Florida, firm Williams Parker



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

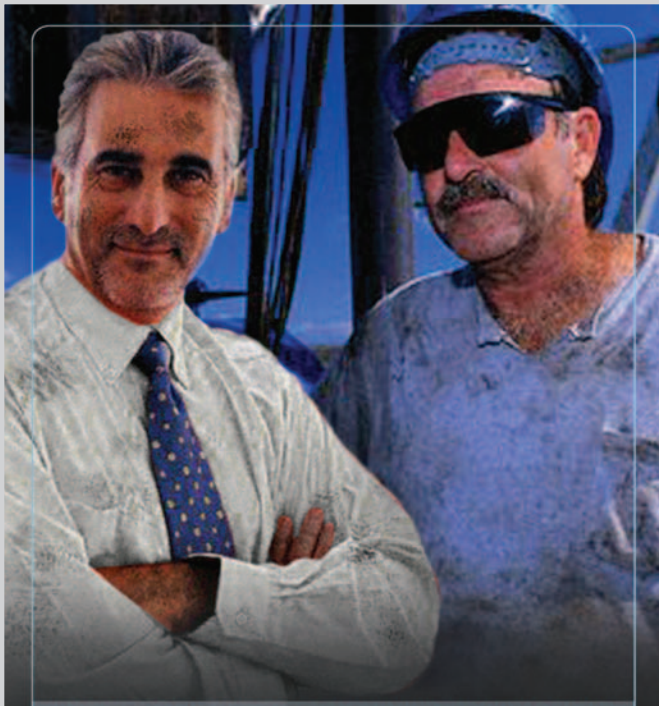
Carlton Fields' fast-growing Atlanta office is looking for talented lawyers seeking a ground-floor opportunity with our team. The *American Lawyer* ranked us among the "nation's top ten firms for job satisfaction" three years in a row. For more information, contact Wayne Shortridge, Atlanta's office managing shareholder, at 404.815.3399 or wshortridge@carltonfields.com directly.

CARLTON FIELDS
ATTORNEYS AT LAW

Nationally known, regionally regarded.™

www.carltonfields.com

Atlanta | Miami | Orlando | St. Petersburg | Tallahassee | Tampa | West Palm Beach



HOW MANY LAWYERS WORK WITH THEIR CLIENTS LIKE THIS?

At Gordon, Arata, we fiercely believe in winning, no doubt about it. And we do. Often. But we also believe in creating a better overall client experience. After all, we understand no one goes to their grave wishing they'd spent more time with their lawyer. That's why we've been successful in the Oil & Gas Industry since 1932. In fact, our founding partners were industry leaders.

GORDON ARATA
OIL & GAS LAW DEFENDERS
SINCE 1932

201 ST. CHARLES AVE., NEW ORLEANS, LA 70170 • 504.582.1111 • WWW.GARDE.COM

► To help attract local lawyers to its new Atlanta office, Florida's Carlton Fields cleverly combines clichés of both states into a visually powerful series of ads.

► Gordon, Arata focuses in on the double message that its lawyers are beloved by clients and highly skilled in the mechanics of the firm's oil and gas practice.

markets trust, safety and security—a good background message for its trust and estate practice, as well as real estate.

Including your message is key. What not to include? I've said it before, and I'll say it again. No columns, compasses, currency, gavels or globes, beakers or briefcases. Not in your advertisements, not in your brochures, and not on your Web site, please! No one shaking hands or sprinting up courthouse steps. Instead, look at the examples in this article. People and images that center on the focused, differentiating message. That's what wins share of mind.

**Off to the Unbeaten Trail:
What's Next**

Crystal balls don't work well. In the working lifetime of many of us, technology that was unimaginable at the time of the *Bates* decision has trans-

formed how marketers think as much as what they do. I can't even guess 10 years down the road. But three years? Okay, I'll inch out onto the limb.

Blogs, those easily updated and participatory Web sites, are the best marketing tool since sliced bread—at least according to some seemingly knowledgeable pundits. I suspect they will end up like Web sites—wildly effective for the early adopters, a generally useful tool for everyone else.

Podcasting may be the next great thing, although I'm still not sure exactly what it is. But look for it to become very popular, especially among service providers who don't know what it is either but will want to sell it to you.

Seminars and conferences will still work, but they will become smaller and more targeted (a 10- or 20-person roll-up-your-sleeves breakfast briefing). They will also migrate more and more

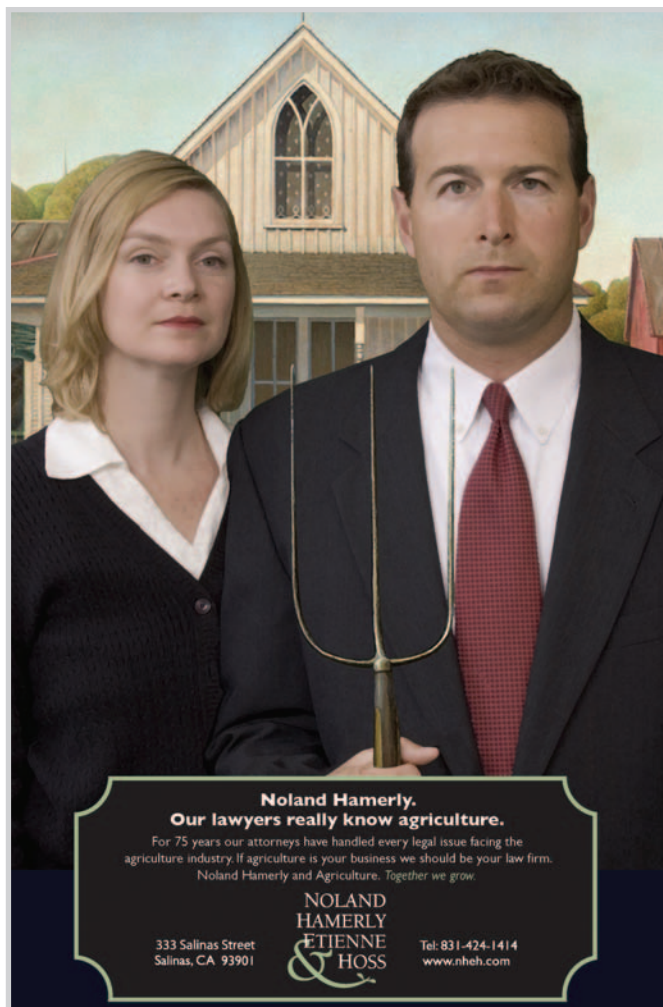
to the Internet, as Webinars that save on time and money for everybody.

Market research will gain in acceptance, but most law firms have the budget to either *do* something or *measure* something—not both. One exception is megafirm O’Melveny & Myers, which just hired Mark T. Greene, Ph.D., a nationally known market researcher.

Business development will supplement the historic marketing communications efforts. “Biz dev” is a euphemism for sales, in the client-specific way that accounting firms have long marketed. Generating leads, measuring ROI, strategically targeting specific clients for acquisition, the full range of sales efforts. This is tangible and meaningful. Cross-selling—which is vague, threatening, overwhelmingly, unsuccessful—is *not* meaningful. Neither, for the most part, are client service teams, although everybody says they want them.

Shorter names will be the rule at more firms, fragile partner egos notwithstanding. In savvier firms the clear trend is to emphasize the colloquial street name—the one clients and prospects know. Think of “Skadden” or “Skadden Arps” instead of “Skadden Arps Slate Meagher & Flom,” which the poor receptionist would traditionally pronounce “Skadnarpslameagrunflom.” Need more proof? Go to www.smrl.com and pretend you’re the receptionist.

Marketing training will heat up. Bringing in business is innate for a firm’s internal sales force, those we call rainmakers. But for others, it’s a teachable skill. Indiana-based Barnes & Thornburg just completed marketing training for lawyers in all eight offices. Simple things like how to network and work a room are hot topics, summarized most basically as “shut up and listen, for a change.” And once you can



► The “Lettuce Lawyers” at Noland Hamerly speak savvily to their agricultural clients with this play on Grant Woods’ classic “American Gothic.” See how the ampersand in the practice’s logo sprouts leaves.

do that, remove your butt from your office chair.

And **predatory pitches**, in which firms strategically decide whom they want to represent and then find a way to steal that client away from a competitor, will enjoy significant success. A key part of this is communication and presentation skills training, teaching lawyers both to improve their presentation style and learn to form closer relationships more quickly.

What else do I see? The possibilities are endless. The one thing I know for sure is that we’ve only begun. Lettuce Law? Two-hour return-call guarantees? Oil-rigging lawyers?

John Bates, now a client of mine, bless his heart, is still smiling. LP

Ross Fishman (ross@rossfishmanmarketing.com) is Chief Exceleration Officer of Ross Fishman Marketing, Inc., based in Highland Park, IL, (847) 432-3546.

