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EFFECTIVE MARKETING, NOT BRANDING, IS THE KEY TO GROWING WORK FOR EXISTING CLIENTS AND ATTRACTING NEW CLIENTS

By John Sterling, Partner

As law firm strategists, we have watched the rising interest in and discussion of “branding” in law firm marketing and management circles. And, while we do not provide marketing program implementation services, we are keenly attuned to the critical importance of marketing and business development in law firm environments.

That said, we are troubled by the noise and misinformation that has emerged around the term branding in law firm management circles. If the misunderstandings surrounding branding were limited to consultant speeches, advertising agency bromides, and self-serving Internet listserve discussions, we would not give the topic a second thought. However, we have seen some stark examples of branding efforts leading to outright destructive and wasteful allocations of resources in law firm marketing budgets.

Undoubtedly the most egregious example of this was Tower Snow’s \$10 million television image advertising campaign on CNN et al. Brobeck Phleger & Harrison ultimately went bankrupt pursuing a misguided strategy that was visibly manifested in this ego-centric branding initiative. Certainly, many other factors led to the demise of Brobeck – partner defections, massive overhead growth, aggressive and irrational use of debt, an excessive focus on IPOs at the expense of traditional commercial practices – but the unconscionable spending on a branding campaign served to shine a spotlight on how wasteful such efforts can be.

Make no mistake, Brobeck’s branding campaign followed the rules of good branding. It was a reflection of the firm’s direction and the “promise” it was making to the marketplace. It actively sought to distinguish and differentiate Brobeck from its competition. It was reasonably consistent with what the firm was “known for.” But, it was a tremendous waste of resources – precisely at the moment that the firm’s core market was crashing.

In this monograph we cut through the noise and misinformation, offer insights regarding what ought to drive law firm marketing and business development initiatives, and highlight those things that have been proven to work in law firm and practice group marketing.

HIJACKING THE MEANING OF BRANDING

Over the past four or five years, the meaning of branding has been hijacked by marketing professionals and consultants – some well meaning and earnest, others self-interested, still others willfully ignorant – attempting to make a renewed case for the importance of marketing and business development in a law firm environment. Frankly, we applaud the broader intent – to highlight and underscore the value of marketing. But, the ways in which the definition and application of branding has been contorted toward that end is maddening.

The Wrong Solution to Improve Marketing Effectiveness

First and most obviously, branding is a concept best suited to business-to-consumer applications.

- Ultimately, a brand is a combination of image, reputation and performance. It is the gestalt of the rational, emotional and psychological reactions individual consumers have when they are exposed not only to the product, but to cues associated with the brand (e.g., the image of the golden arches, the Nike swoosh, the Intel “chimes,” and countless other examples).
- Successfully marrying cues, advertising, and other communications with experiences that are consistently in line with those cues and communications is extraordinarily difficult.
 - The level of difficulty in controlling consistency in a manufactured, packaged product is high – despite the fact that manufacturing lends itself to measured, controlled processes.
 - Controlling a service experience is even more difficult.

- McDonald's had a long run before it could no longer deliver on its promise of cleanliness, value, and service.
- Conversely, major airlines (with the exception of Southwest) have routinely fallen short of the expectations they set in marketing campaigns.
- Certainly, law firms need to seek meaningful differentiation in the marketplace. And clearly, law firms do have pre-existing reputations in the marketplace.
- However, clever advertising campaigns (even when coupled with actual experiences with a firm) cannot create an emotional and psychological bond with a law firm that in turn will yield premium rates and enduring loyalty. And they cannot overcome the reality that highly successful lawyers generally will not conform to defined, consistent, repeatable processes.

Simply put, branding is the wrong concept to apply in a law firm setting to directly improve the effectiveness of marketing and business development – (i.e., to attract higher paying and more sophisticated work).

Wasting Scarce Marketing Resources

While the most obvious mistake associated with branding in law firms is that the concept simply does not fit sophisticated legal services, it is not the most damaging. No, the most damaging aspect of full blown branding initiatives is the enormous waste of scarce marketing resources that accompanies it.

- Branding initiatives tend to allocate significant funds to firm-level, image advertising – trying to promote a core message or “*promise*” to the marketplace. Simply stated, image advertising does not bring in work – the best it can do is raise awareness and interest.
 - Any self-respecting advertising executive can cite their favorite response hierarchy for effective advertising – awareness, interest, intention, evaluation and action.
 - Image advertising of the sort used to support law firm branding initiatives can do no more than build awareness – and with real luck, interest – regardless of how much money one spends on media.
 - Is there something uniquely powerful about law firms’ image ads that will overcome this fundamental truism? Or, asked another way, is it worth spending tens of thousands of dollars per partner merely to build awareness?
- Ironically, branding campaigns that include advertising components – despite consuming a significant portion of firm resources – grossly under-spend in an advertising sense. Ad dollars are wasted if they do not achieve defined frequency and reach targets. Frankly, most law firm ad campaigns do not spend enough money to achieve an effective level of frequency and reach.

On balance, firm-wide branding initiatives are a highly inefficient way to spend scarce marketing resources. Those resources can be much more effectively and efficiently spent at the practice group level.

Appropriating Vision and Mission Development Under the Branding Guise

The literature promoting law firm branding goes to great lengths expounding on the point that “*branding needs to touch every aspect of your firm's activities – from how new lawyers are recruited and trained, to servicing existing clients, to the way your receptionist answers the phone. . .*” Law firms are told that part of the branding process should include defining the firm’s vision and mission and its strategic direction, and that it needs to capture the essence of its culture.

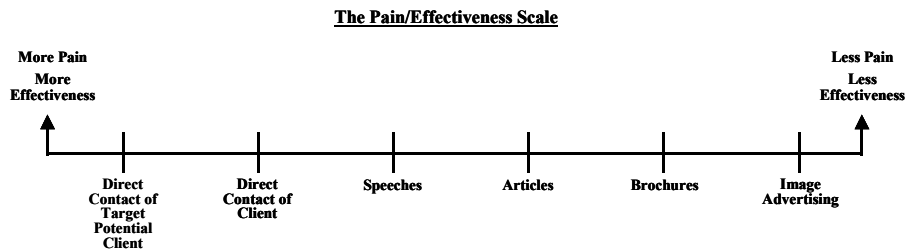
If ever there was a case of the tail wagging the dog, this is it. In essence, the consultants are saying that the branding process should define the strategic direction. Certainly, marketing efforts and strategies should be closely aligned with a firm’s strategic direction and market position. But, the notion that law firm marketers and marketing consultants should drive the strategy development process is out of line. Overall firm strategy needs to be developed by a firm’s leadership, not by its marketing function.

You can call the process of defining a strategic direction branding if you want. But, it is strategic management, not marketing, and strategic management cannot be delegated to the firm’s administrative management – regardless of how bright and capable they are.

DRIVING EFFECTIVE LAW FIRM MARKETING AND BUSINESS DEVELOPMENT

Marketing and business development is hard work. This simple reality is lost on many attorneys, some of whom continually search for silver bullets to make marketing easy and painless. As professionals, we would all like to have our phone ring purely as a result of the excellent work we have done in the past and the brilliant writings we have published in journals and newsletters. Unfortunately, it does not usually happen that way – getting new work from new and existing clients often requires hard work on the part of attorneys. Furthermore, the business development process puts lawyers in a position where a client or prospective client might say no – and no one, least of all successful professionals, enjoys rejection.

We have long believed that marketing and business development activities can be charted on a “*pain/effectiveness scale*.” While activities should be undertaken across the full range of the scale – from writing thoughtful articles to meeting with prospects “*trolling for new work*” – it is the more painful activities (i.e., those with the greatest chance for rejection) that are the most effective in bringing new work into a law firm.



Branding initiatives tend to put an emphasis on the less painful side of the scale – on brochures, advertisements, public relations, and the like. That is enormously appealing to the psyche of attorneys – it promises results without pain. And firms and attorneys are and have been willing to pay for pain-free results. Unfortunately, putting those less painful activities under the branding umbrella does not make them any more effective.

However, it is not enough to commit yourself to “*doing painful things*.” The branding advocates are right when they say law firm marketing initiatives must be closely aligned with a firm’s strategy. That means allocating market resources to the practices and activities that are expected to drive the growth of the firm (and not allocating marketing resources to service practices). It means planning and budgeting – at the firm, practice group, and client service group level – for marketing and business development.

WHAT THOUGHTFUL MANAGING PARTNERS SAY

Smock•Sterling recently hosted a managing partners roundtable at Seabrook Island, South Carolina. Among the topics of discussion was “*what is really working in marketing and business development?*”

Focus Branding Activities on Strong Practice Groups

Managing partners agreed that branding and/or advertising campaigns that highlight areas of genuine practice strength, extraordinary individuals, and/or uniquely positive client relationships have the greatest chance of success.

- Ads that highlight genuine practice strengths are more productive than firm image ads – but, they do have a political cost within the firm (i.e., “*why wasn’t my practice featured in those ads?*”).
- Ads that break from the mainstream focus on the breadth, depth, and history of the firm – whether they focus on individual attorneys, unique client relationships, or other novel insights on the firm – are also considered more valuable than general image advertising.
- Branding efforts that lead to consistent application of design standards across all firm marketing materials (e.g., brochures, letterhead, web site, invitations, etc.) do have value in ensuring the firm maintains a high level of marketing professionalism and quality.

Good Marketing Directors/Departments Are Major Contributors to Marketing Success

The stated keys to having a good in-house marketing department were:

- A clear preference for high energy professionals, positive thinkers, and self-starters – people who generate ideas, but do not become too attached to any single one – and widespread agreement that a firm is better served by spending more on fewer, really effective marketing professionals.

- A realization that a firm’s first marketing director (and often the second and third) is likely to fail – which is more a reflection on the firm’s inability to understand what it needs/wants than it is on the marketing directors themselves.
- A recognition that professional marketing people can only help lawyers who want and can use the help – some lawyers simply do not want it or cannot use it effectively.
- A recognition that firms need a “*conciierge for marketing*,”– organizing parties, seminars, and social events – is necessary, but not integral to marketing (i.e., it is a junior level function).
- Finally, a realization that experience in classical product marketing organizations is often a barrier to success for a law firm marketing director.

Client Visits and Client Service Planning

There was widespread enthusiasm among the managing partners for client visits (by the managing partner and/or others not handling the relationship day-to-day) and for client service planning. Clients generally appreciate the investment of time and effort in improving the relationship and the long-term outcome is almost always growth of quality work for good clients.

Take Advantage of Practice Groups with Industry Expertise and Focus

Managing partners agreed that involvement in industry trade groups and industry meetings and shows are highly valuable investments of marketing resources and efforts. Sponsorships at industry conferences, booths at trade shows, and speaking at industry meetings all yield positive results for practice groups that have genuine expertise and experience.

Targeting and “Warm” Contacting

Targeting specific companies for direct marketing is an effective tactic particularly at the practice group level. Cold calling prospective clients generally has a low success rate. Further, waiting for an RFP opportunity is too passive. However, one can usually find a path that is “*two degrees of separation*” (or less) from the decision makers at most target companies. It is through this “*warm*” contacting that lawyers can get an opportunity to present their qualifications to targets.

Recognize that this requires taking the most “*painful*” steps along the continuum discussed earlier. And, the sales cycle is long – rarely will you meet someone with an immediate need and desire to hire you. But, having met the target it becomes easy to remain top of mind. Eventually, good things will happen.

Delivery of Timely, Valuable Information

Surveys of CEOs and General Counsel demonstrate over and over that those decision makers like getting newsletters and other information from their professional service vendors – provided that information is timely and useful. They will attend seminars and even entertain in-house workshops if a firm/practice group demonstrates that it can deliver valuable content.

To sum up, effective marketing and business development is critical to the profitable growth of a law firm. But, focusing time, effort, and scarce resources on law firm “*branding*” campaigns – relying on image advertising at the firm level – is both ineffective and wasteful of scarce resources. Rather, the focus must be on a mix of activities that result in a firm’s qualified attorneys getting in front of true decision makers and referral sources.

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Smock•Sterling Strategic Management Consultants focuses on four aspects of law firm management – strategic planning (at the firm, practice and office level), practice group management and organization, firm mergers and combinations, and strategic issue resolution. Please contact John Sterling (jsterling@smocksterling.com) or John Smock (jsmock@smocksterling.com) to offer feedback or to discuss needs and issues specific to your firm.

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