

LAW PRACTICE FrontLINES

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.

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

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

