

DOES BRANDING MAKE CLIENTS?

What is Branding -- Really?

Because of my recent writing and speaking, I seem to find myself increasingly fighting the battle of branding – a concept I not only disagree with, but in many cases, disapprove of. Moreover, although many of the leaders in our field agree with my position on branding, many of my arguments seem to be with people I wholeheartedly respect, and cherish as friends and colleagues.

All this, despite my having written and spoken extensively about my position on it. Let me, then, try to make my case one more time.

While marketing professional services as we know it today began with the U.S. Supreme Court decision in *Bates v. State Bar of Arizona* in 1977 – 31 years ago – and while the concept of branding in professional services marketing came into vogue, oh, maybe a decade or so ago, and branding as a concept in product marketing is many decades old, I begin to wonder why it took about 20 years for law and accounting firm marketers decide to use it.

Branding, in product marketing, goes back to at least the beginning of the last century. It started out simply. People liked a product, used it or bought it often, remembered its name. They learned to trust it, and particularly its consistent promise of quality. Eventually, their loyalty to the product of that name – the brand – gave it distinctive marketing advantage, and then something called brand loyalty.

The term “brand” probably came from the distinctive mark that cattle owners burned onto the rump of their cattle, so they could identify a cow as their own. It was an identify mark of an owner.

Today, branding in product marketing has come to mean not just product identification and name recognition, but a loyalty to a particular branded product. It distinguishes Coca-Cola from equally good colas not so widely known, and no Coke aficionado is going to waste a buck on an unknown cola drink. More significantly, Coke lovers know that the next bottle of Coke is going to be exactly the same as the last – which gives heft to the branding concept for product marketers.

And so how did the branding concept find its way into professional services marketing? Is “branding” a law or accounting firm the same as branding a product? Can building name recognition and reputation for a professional firm be the same as branding a product?

My answer to these questions are...

- I believe that the concept of branding entered the legal and accounting professions as a marketing ploy – a device to both glamorize and exalt a marketing process, in the eyes of accountants and lawyers who are now, 30 years after *Bates*, just beginning to understand and accept frank marketing. There is also, I believe, the basic reality that the disconnect between marketers and professionals is often reinforced by the reality that when professionals don’t understand marketing as marketers do, they

are vulnerable to catch phrases, fad words, and jargon – all of which implies, but doesn't enlighten. It may seem crass to say this, but there's a touch of snake oil involved when marketers use misdirection to sell our services. I do not mean to imply that we are snake oil salespeople, but that there are those among us who sell more promise than reality – and too often more than we can deliver. That the branding concept is now becoming the currency of professional services marketing by honest and otherwise realistic marketers is a product of word evolution – of semantics -- not of reality. In other words, if you use the jargon, you don't have to deal with the reality. It's a form of flim-flam. This is a process I've seen in other contexts for many years.

- Is “branding” a law or accounting firm the same as branding a product? No, it is not, for the simple reason that if a brand assures consistency in a product, such a consistency in professional services rarely exists. It's true that you may expect more consistent quality of client service from some firms and not from others, and I believe that this is a quality that can be found in a very few firms and in some individual lawyers and accountants, but not often. Consistently brilliant litigators sometimes lose. Few accounting and audit regulations are without legitimate challenge. But there is far too much vulnerability and variety in professional practice to build a perfect and consistent reputation for service or quality in most cases.

A possible exception is an individual lawyer or accountant with a singular reputation for performance, integrity, or even wisdom. But is that a true brand, or simply reputation, high profile, or name recognition?

A firm may have superstars in one area of legal or accounting practice, but not in all. Today, knowledgeable clients will hire a superstar in a particular practice area from one firm, and a superstar from another practice area from another firm. We now deal, remember, with increasingly sophisticated clients.

At the same time, there is vulnerability in branding professional services. A batch of a favorite brand of your favorite toothpaste may go bad, but not likely or often. But the multifarious nature of law and accounting increase the probability of inconsistency. There is the fact, as well, that there may be a thousand people behind the manufacture of your favorite brand of toothpaste, but the interface between those people and the consumer is a tube of toothpaste. The interface between a law or accounting firm and the client is the individual lawyer or accountant in charge of the account. Thus, you have a firm that came as close to brand as did Arthur Anderson go under, with its client, on the weakness of a few partners. Thus you have famous lawyers lose cases for failure of somebody in the firm to file papers on a timely basis. In true branding, there is little room for vulnerability.

- Can building name recognition and reputation for a professional firm be the same as branding a product? In one major context, no. Through an effective marketing campaign, people can be persuaded to buy a product they hadn't tried before. That's why branding for a product is so successful. But if I have a matrimonial practice, and do a brilliant job of marketing, can I persuade you, as a happily married person, to get a divorce? I doubt it.

The role of product marketing is to sell a product. If you advertise your lollipops for sale, you can almost immediately measure success by the number of lollipops you sell. But ultimately, and with very rare exceptions that have more to do with the nature of the professional services than with any concept of branding, the best professional services marketing can do is to lead to you choose one firm over another *when you need a lawyer or an accountant*.

True, at that point name recognition and reputation help, but to a lesser degree than many marketers would lead us to believe. Witness, for example, the puerile and often ridiculous advertising done by many law firms. But when does anybody hire a lawyer or an accountant from an ad, or even a direct mail letter, without interviewing the lawyer or accountant – *no matter the size of the firm*? Does branding sell in professional services? No. Does the marketing process that travels under the name of branding sell? No. But what does?

When a professional services marketer tries to sell his or her service, and uses the term branding, what's actually being offered? Under the best of circumstances, all the tools of marketing put together may enhance the reputation and name recognition that *serve as a context for selling*. But ultimately, the client is brought on board by a process of practice development that uses that name recognition and reputation as a *context* for practice development – which includes selling. Selling, remember, has been anathema to professionals for decades, and is now just coming into its own, as competition heats up.

I ask again – what were the practices offered before the term branding came into vogue? Actually, a great many processes – too many, in fact, to be reduced to a single term like branding. Certainly, processes that more helpfully described the marketing process.

The reality is that marketing professional services is not simple. It's a complex process that draws from traditional marketing, tempered by the disparate points of view and traditions of both marketing and professional practice, and fettered by unique ethical considerations. Add to this the multifarious aspects of both accounting and law, thus relegating a marketing practice to jargon or flashy semantics is at best simplistic, at least deceptive, in that it can try to fool people who might not know better into thinking that it's more than it is.

And this is the basis of my argument against the use of not only branding, but any other jargon that may come into vogue as a shortcut for traditional, well-tried and proven marketing methods.

This is not, to me, simply a semantic issue. *Branding* is a word. Why object to using a word? Because when that word is misleading, simplistic, a misdirection that implies more than it can deliver, I find it counterproductive in pursuit of an important goal that's often enough difficult to achieve.

In the final analysis, then, I'm more suspicious of the need for a concept like branding than I am for branding itself. In the many years of doing this stuff, I've seen marketing when it works and marketing when it fails. I've seen a growth in marketing sophistication by both the marketers and the professionals, and I've seen ignorance on both sides. But even without the jargon and the fad words and the clichés, marketing works best when it's done well, carefully, enthusiastically, and imaginatively. I've seen it, and I've done it, without ever using the fad words.

The tools and mechanics of marketing – including those under the rubric of branding – create a climate that supports practice development. They rarely, of themselves, produce clients. If any marketing effort, of itself and without the aid of a professional to close the deal, does produce a client,

it's serendipity – and you can't build a practice on serendipity.

It is important to remember, then, that the objective of any aspect of any marketing program is to build a practice – to paraphrase Peter Drucker – to create a client. With jargon and buzz words and clichés masquerading as the mechanics of marketing, you get distraction from marketing's real purpose. But you don't get clients. The prospect still has to be sold.

The question, then, is can anyone point to a client that branding alone has produced?

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