

What REALLY

Branding a Start-up Boutique with a “We-Get-It-Done” Strategy

For many litigators, one mantra seems to come by instinct: “Judge, we would like another six-month continuance.” So if you’re primed to go with a fast, aggressive strategy the moment you accept a case, you really stand out from the crowd. The question is how to convey that uniqueness to the market in under five words.



BY ROSS
FISHMAN

**Ready?
We are.**

At Murphy & Hourihane, we are ready to go to trial or we don't file. By keeping the case tight and focused, we avoid filing marginal counts simply to raise the ante. We know exactly how we intend to win before we file our complaint or answer, and are ready for battle on Day One.

"Ready for Trial™" is a client-service attitude and litigation philosophy that makes Murphy & Hourihane unique. We welcome the opportunity to prove that to you.

Ready for Trial™

MURPHY
HOURIHANE

Attorneys at Law

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WHO Murphy & Hourihane, a civil and commercial litigation boutique in Chicago.

BACKGROUND Big firm litigators are useful, especially in large cases where it's necessary to have an army of associates and paralegals to research arcane issues, dig through warehouses of documents and Bates-stamp mountains of paper. But most cases don't require that level of effort or the consequent expenses for clients—something Gene Murphy and John Hourihane knew well when they left a large international firm to form their own partner-level litigation boutique.

Their spin-off firm, Murphy & Hourihane, specializes in business litigation,

white-collar criminal defense and internal investigations. And based on their large firm experience, as well as

Gene Murphy's former role as a government prosecutor, they have a distinct philosophy: They feel too many cases are filed without a strategy. Big firms file kitchen-sink complaints, alleging every possible count and claim. Then discovery meanders around every conceivable issue, turning over every imaginable rock—even those unlikely to result in a real advantage for the client. At Murphy & Hourihane, the perspective is very different. These lawyers strive to get all their ducks in a row *before* filing anything.

And there's something else importantly distinctive about them: With the number of business disputes that go to trial declining and ever more disputes being resolved through motion practice and negotiated settlement, fewer and fewer commercial litigators have real hands-on, hard-nosed trial experience. Gene Murphy and John Hourihane, on the other hand, have hundreds of actual trial verdicts under their belts. In combination with their client-focused approach to filings, they had a real differentiator for the launch of their firm.

Works

LAW FIRM MARKETING COMMUNICATIONS

But having a differentiator isn't useful if no one *knows* about it. They needed to develop a dynamic marketing campaign to launch their tough-minded litigation boutique, something with a simple, powerful theme that would tell the marketplace who they are and what their code of conduct is.

MARKETING GOALS Murphy & Hourihane's primary market consists of senior in-house lawyers, midlevel and senior-level executives of large Chicago-area companies, and Chicago-area big firm lawyers who often refer cases. A significant percentage of the work for high-level litigation boutiques comes from conflict or co-defendant referrals from larger firms.

So what about Murphy & Hourihane would grab this audience's attention and make them want to give their cases to the partners? Here's what we needed the campaign to convey.

Murphy & Hourihane frontloads its investigations and drafts the complaint or defense based on a single winning issue. Their interrogatories and requests to produce are shorter and tighter, requiring fewer depositions. With clients filing more legal malpractice claims, big firms find this strategy risky. But Murphy & Hourihane believes that throwing *everything* into your case damages your credibility with the judge, suggesting that you'll say *anything* given the least bit of supporting evidence.

Murphy & Hourihane lawyers prefer to narrow the cases before filing. At the first status hearing, when most lawyers request a lengthy discovery and deposition schedule, Murphy & Hourihane lawyers typically request

a trial date. This will often panic the opposing firm's second-year associate, who knows nothing about the file and is just there to cover an early status call and request a six-month status hearing while a three- or four-year discovery process begins.

If you keep it tight and legitimate, they believe, you can gain major points with the judge and you won't waste the client's money by filing on pointless tangential issues. They separate the wheat from the chaff first, and *then* they file the case on the very *best* wheat. They lock in their opponents and make it impossible for them to squeeze out. And once an opponent sees that he's caught in a vise, a faster resolution is more likely. The client resolves the case more cheaply and can get back to making money.

We saw a clear message in all of this—three simple but powerful words to serve as the firm's tag line and brand strategy: Murphy & Hourihane lawyers are, in a nutshell, "Ready for Trial."

IMPLEMENTATION AND RESULTS The tag line "Ready for Trial" tells clients that Murphy & Hourihane lawyers are always ready to come out swinging. These lawyers don't fear trial—on the contrary, they look forward to the battle, because they know they're armed to the teeth. And few opponents can say that, because they don't have Gene and John's years of courtroom experience, acquired in the course of handling more than 250 trials to final verdict. The tag line gives them a way to succinctly sell their skills in contrast to others.

The problem with the slogan,

though, was how to illustrate it in a visually interesting way. The literal approach, using courthouses, courtrooms, columns and gavels, would be too conventional and not come close to capturing this firm's energy.

We opted to use action-oriented, strategically cropped photos of motorcycle racers, bicyclists and in-progress sprinters to convey the concept with a sense of movement and urgency. These images, highlighting a single individual in a crowd of competitors, effectively ask, "Are they as ready as we are?"

We built the campaign around this theme, starting with an attention-grabbing new-firm announcement for clients, contacts, prospects and the local legal community to immediately connect the firm to its core strengths. The sports images also rotate through the pages of the firm's Web site, headed by the caption "Ready to Go. Now."

Plus, the Web pages include a simple, clear message to the market that these lawyers are "primed to go without the usual years of useless discovery and research for issues that don't matter to your ultimate objective—winning your case."

And it's a message that seems to resonate very well in the market. After 18 months in existence, the firm is winning a disproportionate amount of new business competitions and representing big companies in big trials—and it has added two more lawyers to support the partners. **LP**

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