

Play to Your Audience

Why today's legal marketing needs a touch of theater

By Norm Rubenstein



It's no secret that visibility and differentiation are the watchwords of modern legal marketing. But there's something else: a touch of theater.

Think of your target audience as theatergoers. When the curtain rises, the theatergoer sees a set, which is intended to communicate wordlessly the tone of the play. Ideally, that set preconditions the audience's response.

Similarly, a law firm's Web site or its print advertising is designed to precondition a potential client to believe certain things about the firm—to have certain expectations about the firm's practice mix or philosophy of practice or culture.

But just as an audience begins to relate to the characters only when they begin delivering their lines, so it takes chief marketing officers and real lawyers developing the respect and trust of their prospects before a law firm can convert a prospective relationship into a real one.

Credentialing

In other words, branding initiatives are not substitutes for the credentialing activities in which CMOs and lawyers must engage to develop their firms' reputations. Nor are they proxies for focused client or business development

initiatives. They are, instead, a backdrop against which a lawyer or team of lawyers can hope to find an audience ideally influenced in their favor.

But preconditioning is only part of what professional services marketing must accomplish on behalf of law firms. Achieving true memorability is equally, if not more, important.

Achieving memorability is obviously no easy task. Clients routinely complain that all law firms make the same claims—claims that clients often feel are unfounded and unprovable. Virtually all firms claim to be cost-effective, client-focused, service-oriented, high-quality, and, recently, global.

In the absence of firsthand experience, a prospect cannot evaluate whether a law firm making those claims is simply advertising its strengths or telling clients what it knows they want to hear. But repetition serves a purpose here. A client hearing often enough that a firm is a market leader because of some attribute or capability is more likely to investigate the validity of the claim when it becomes dissatisfied with its existing provider or needs help that its current law firms cannot provide.

Thus, a firm seeking to build or deepen relationships can increase its opportunities by launching frequent business development initiatives. As a backdrop to those activities, the firm must also make itself known to target audiences through institutional marketing on its Web site or advertising.

Larger, well-established firms, branded by the marketplace over time, have leveraged their reputation effectively. Mention M&A, and most people respond with “Skadden.” Mention venture capital, and the name “Wilson Sonsini” follows close behind. Mention litigation, and recent *American Lawyer* “Litigation Firms of the Year” like Paul Weiss and O’Melveny & Myers come immediately to mind. (*The American Lawyer* is an LFI sibling publication.)

The Focus Factor

But not all firms are lucky enough to

have been so characterized by the marketplace. Indeed, lack of differentiation is the common plight of the majority of The Am Law 200. The reason is that, despite all of their expansion, most law firms are not sufficiently focused—either geographically or in terms of their practice mixes—to market themselves as effectively as a local boutique firm. Even if they are unusually client service-oriented, it is unlikely that most firms could make a compelling case for being “the Nordstrom” of legal service. Even if they are unusually diligent about matter management and utilization, too much focus on price is likelier to drag a firm to the bottom of the commodity barrel. And these days, being international—that is, being

“
Mention M&A,
and most
people respond
with
“Skadden.”
”

“everywhere you want to be”—simply means you have arrived late at a fairly crowded party.

What’s a law firm to do? Over the last few years, a handful of firms with clearly defined, although not necessarily differentiated, positioning strategies have captured the marketplace’s attention through distinctive and memorable execution—that is, through Web sites, advertising, and electronic and printed communication materials like brochures, newsletters, and annual reports.

One obvious example is the Orrick “O.” [In the interest of full disclosure, I played a role in the development of Orrick’s branding initiative

between 2000 and 2002.] Saddled with a marketplace reputation as a California bond firm, Orrick in 2000 was a highly diversified firm with almost 700 lawyers around the world. Its practice mix and strengths were not unique: Other large multipractice, multioffice firms articulated a similar value proposition. What Orrick did, however, which its competitors did not, was to give the marketplace something memorable—a firm name shortened for marketing purposes, communicated by logotype capped with a large capital “O.”

The Story of O

While there is nothing unique about using a law firm’s initials as a trademark, Orrick leveraged that mark to brand name-level recognition by papering airports and legal and business publications with advertising, the images of which always formed a perfect “O.”

Following the lead of Absolut vodka ads, Orrick communication materials invited people to see the “O” in almost everything. For different audiences, the “O” conjured different associations: For some, it implied continuity. For others, the firm’s increasingly global scope. But more important than the specific take-away, audiences recognized the shape, associated it with the firm, and soon, in focus groups, Orrick’s ads inspired top-of-mind name recognition.

Another firm whose marketing has proven consistently effective with focus groups is Bingham McCutchen. The odd assortment of protagonists who inhabit Bingham’s print ads and resurface on the firm’s Web site—flying elephants, stacking dogs, or mature men playing with children’s toys—engage in unpredictable behaviors. So why do clients and prospects respond favorably? They like what the campaign says about the firm—that it understands the issues that in-house counsel face—and that Bingham lawyers don’t find professionalism and a sense of humor incompatible. For those who have no prior experience of the firm, the campaign is memorable and elicits a desire to know more about it.

Once again, neither Orrick nor Bingham advances a unique position in its external marketing. Both, however, present an intriguing face to their various audiences—an invitation that stands out in a sea of undifferentiated legal marketing. It is interesting to note that both firms have made their mark over time and as a result of aggressive media buys. Both firms clearly appreciate that advertising as a branding tool relies on repeated exposure—that is, the power of multiple impressions. Moreover, neither firm has abandoned its positioning, as many firms do, before it has achieved its goal of driving top-of-mind recognition among its clients and other firms. Orrick and Bingham should be a potent lesson to other firms to sustain the messaging and execution by which their positioning strategy is communicated to the marketplace if they want the long-term benefits that consistency can provide.

Halo Effect

A third positioning strategy rendered high-impact by the quality and nature of its execution is Perkins Coie's. All of its external communications, from advertising and annual reports to a Web site and marketing materials, support a single message: that Perkins Coie is "legal counsel to great companies." Branding a law firm through the halo effect of marquee clients is not a new approach. But Perkins's campaign is memorable for the quality of its original photography and design. The "case studies" by which Perkins demonstrates its value proposition feature personnel in the company's trenches, real people who contribute to their organization's successes, in powerful black-and-white images that grab the eye as one scrolls through the Web site or thumbs through a publication.

Perkins's ads drive home the point that the featured company's market lead-

ership is a product of the hard work and creativity of all of its employees—and, by extension, of its outside counsel. To see a Perkins ad extolling one of the great companies for which it works is to want to be one—or at least to want to know more about why those companies engage the firm. It's a campaign that deserves wider exposure.

Is It Memorable?

Is it challenging to communicate differentiation in law firm marketing? No question. But some law firms have learned that an undifferentiated position, communicated memorably and in ways that resonate with buyer preferences, trumps a distinctive position shrouded in forgettable rhetoric and imagery. ■

Norm Rubenstein is a partner in Zeughauser Group, a legal consulting firm. He is a former CMO at Orrick.