

Marketing Lawyers

Most lawyers don't like the idea that they need to engage in marketing. They see their services as essential and somehow view marketing as an admission that their services don't sell themselves. Yet, like all businesses, law firms that are good at marketing are better at drawing and retaining clients, and those that are less good....well, they're viewed as less good. Tudog has excellent relationships with many law firms, most of them large and extremely successful. These firms all have excellent in-house or outsourced marketing departments. We rest our case.

The state of legal marketing, like most marketing, runs the gamut from excellent to really bad. The larger firms typically have excellent marketing, primarily because they invest in an internal marketing department or outsource to a professional marketing company. While Tudog believes the larger firms could benefit from a more varied marketing mix and some stronger differentiating elements, all and all, the marketing gets high grades.

Conversely, small and mid-sized firms are struggling to identify and execute marketing strategies and tactics that work for them without conjuring up images of the old time ambulance chasers. Some firms still give in to the temptation to market through fear, anger or revenge...all of which are not particularly positive marketing messages. Typically negative marketing eventually backfires as the market tends to associate the marketer with the negative messages projected. Therefore, while these sort of marketing tactics may make the phones buzz with people who feel cheated by their broker or fearful of illness from a particular pharmaceutical, they rarely have a long term positive effect on the status and reputation of the law firm that deployed them.

It is true that lawyers generally don't like marketing. The fundamental practice of marketing goes against the training lawyers receive, the image they have of themselves, and the instincts they have (that make them good lawyers). For example, lawyers don't like risk. A lawyer's instinct is to cover all scenarios and be protected from unknown elements. Marketing, conversely, is by nature trial and error and riddled with the unexpected. Lawyers like guarantees and don't easily accept the risks inherent in marketing. In addition, lawyers like to see the practice of law as separate from the demands of the business of operating a law firm. They are uncomfortable with the overt commercial nature of marketing. Add to this the skepticism lawyers rely on to safeguard against unanticipated developments, and you have a general inclination against marketing.

Certainly the practice of law cannot be driven solely by commercial considerations. It is for this reason, and others, that the promotion of law firms is guided by professional association restrictions (and in some states regulated by law). Nonetheless, a law firm is indeed a business entity whose stated objective is the generation of profit through the provision of legal services. With this in mind, the promotion of the law firm and its attorneys is a business imperative.

With this in mind Tudog has assembled four basic suggestions for the marketing of lawyers. These principles take into account the need, indeed the desire, for the firm to preserve its respectable reputation, as well as the hesitancy many attorneys feel about marketing. They are:

1. Understand the Buying Process

Lawyers tend to misunderstand the buying decision a client makes when he or she retains an attorney. True enough that most people seek out legal assistance because they have a challenge in their lives that requires the attention of a lawyer. This underlying fact often leads the attorney they selected to visit (often through referral) to assume that they can land the client merely by demonstrating sufficient legal skills. This would be true if the buying process was rational, but in many instances, perhaps because the potential client arrives distressed, the buying decision is not rational. It is emotional. If you do not have the appropriate client development skills you will lose the client to an attorney who better understands the process.

2. Your Claims of Expertise are Not Relevant

A nearly blasphemous statement no doubt, but the expertise of a particular attorney is only relevant to other attorneys. Clients rarely have the capacity to measure a lawyer's skills and might view claims of great skill as self-promotion. What matters is the comfort level you provide the prospective client through the advice you offer (a function of your expertise), the plan of action you propose (more expertise), and the understanding and sensitivity you demonstrate. You need to combine your professional know-how with your sense of compassion so that the prospective client feels that you are on his or her side.

3. Don't Rush to Close

When a prospective client comes to your office for an initial consultation don't immediately whip out the retainer agreement. In many cases the attorney listens to the details provided by the prospective client, informs the individual of the legal services the firm can provide, and then go straight to the formal presentation of a binding agreement. The goal of the initial consultation should be to instill confidence (not only in your legal prowess, but your compassion). The goal is to create a relationship. Trying to close a deal too soon places it in jeopardy. Allow the prospect to gain comfort and then present the term sheet.

4. Mix Your Marketing

Even the good marketing of legal services has failed to produce a firm with a distinctive voice, or one that stands out above the crowd for having a particular set of values or virtues. The claims all seem to be the same, which makes for little distinction in a crowded field. Moreover, most firms that are marketing are relying almost exclusively on advertising and public relations and are not fully exploiting other marketing channels that can serve equally as effective in raising awareness and creating the perception of expertise (like direct mail, prospecting, and web based marketing). Often when alternatives, like seminars, newsletters, and sponsorships are used they are applied too narrowly and fail to deliver added value on issues pertaining to, but not solely focused on, law. Law firms are relying too heavily on referrals, which, while providing 3rd party validation, comprise a marketing channel that is too constricted. The application of a greater mix of marketing tactics will allow some firms to rise above the crowd and establish for itself a distinctive reputation that represents a set of characteristics that will serve to attract clients and drive revenues.

The opportunity exists for law firms to become broader business service firms that meet the legal and business needs of their clients by providing genuine expertise and value. The firms who rise to the challenge will be rewarded with a positive response from the market. Those that continue to resist the need to market will continue to get by on referrals. The pursuit of growth, while never overtly confirmed by the legal profession and its practitioners, is the engine that drives most firms. Now all they need to do is adopt the business practices (marketing programs) that match their actions to their ambitions.