

Ad Infinitum

Law Firms Seek Effective Formulas for Getting Their Messages Across

By GEORGE O'BRIEN

Bacon & Wilson weighs in below.

In the nearly 30 years since the Supreme Court ruling paving the way for advertising in the legal profession, the strategies and methodologies for delivering messages have certainly evolved. But whether the vehicle is a billboard or a blog; whether the message is large-dollar settlements, community involvement, or grill safety (grill safety?), the broad goal remains the same: Results.

Mike Katz is one of the region's leading bankruptcy attorneys, and he also handles corporate work and some health care matters. But in one of Bacon & Wilson's recent television advertisements, he was focused on ... bicycle safety. There he is, with his bike, helmet in hand, revealing statistics and offering some advice. "Did you know that about 700 people die annually from bicycle injuries, and 85% of those were from blows to the head?" he starts. "Wear a helmet, and make sure your kids wear one, too."

The 15-second public service announcement is one of six that the firm has aired on the three local channels over the past several months, and another seven are planned. Other topics include grill safety, pool safety, and the need to support the American Red Cross.

These "soft messages," as Ken Albano, chair of the firm's marketing committee, described them, are intended to give the company some exposure, but in a way that wouldn't offend clients,



the public at large, and even some of the lawyers in the firm.

"This is not, 'if you've been injured in an accident, come see me ...'" Albano told *BusinessWest*, adding that the preponderance of such ads on television has left many constituencies with a bad taste in their mouths. Indeed, when Bacon & Wilson ran an earlier set of spots promoting several of its practice areas, some clients reacted negatively, he recalled, "and said they were surprised we would do something like that."

There were some similar sentiments expressed in the offices of the Springfield-based firm Robinson Donovan when discussions ensued about ending the company's long-standing (if unofficial) policy not to do TV ads, and use the small screen to promote the firm's medical malpractice work.

Two 60-second, documentary-style ads were eventually produced, and both have aired on cable programming, including ESPN's *Monday Night Football*, over the past few months. Reviews — and results — have been generally positive, said

Karen Markham, co-chair of the firm's marketing committee, noting that, while it is difficult to quantify the impact, one of the firm's leading medical malpractice attorneys has said he knows when the spots are running, and when they're not, by how often the phone rings.

Meanwhile, the firm has heard from many clients — and also from other attorneys who refer medical malpractice work to Robinson Donovan — that the ads provide an effective balance between the recognized need to market and the desire among most firms to avoid ads that make people roll their eyes.

This balance and the need to achieve it is part of the broad discussion and debate that is ongoing in the legal community concerning marketing and advertising. Those in the legal profession have been allowed to advertise their services for nearly 30 years now, and in some ways the jury is still out on how firms should go about this task and just how effective all this marketing is at generating business.

"Many of the older partners

here will always say, whenever we're talking about this, that your best marketing is simply doing good work," said Deborah Basile, current chair of the marketing committee at the Springfield firm Doherty, Wallace, Pillsbury, and Murphy. "They say, 'you don't need to be out there [advertising]; all you really need to do is good work, and people will talk about what a good job you did, and that's why the phone rings.'

"And we believe that, to a certain extent," she continued, emphasizing *certain extent*. "We also believe that we have to keep up with the times and that it's more competitive out there than ever, especially in Springfield. And that's why we need to advertise."

While that opinion is widespread, some firms don't share it.

Kevin Maynard, a partner with the Springfield firm Bulkley Richardson and Gelinias, said the company has traditionally shied away from print and electronic media, essentially because it doesn't see a need to use those mediums to reach its core audience of institutional clients.

"Advertising is part of the current reality for most, and if it's done well, it's an acceptable practice, but it's not something we've done," said Maynard, chair of the firm's client-relations committee, a name chosen to differentiate it from a marketing panel. He added that the firm relies more on newsletters and other direct marketing vehicles. "That's been our strategy, and thus far we believe that strategy has worked."

This issue, *BusinessWest* looks at the broad subject of marketing and advertising in the legal community, and how firms have made a variety of different strategies work for them.

Gathering Evidence

Don Holland started practicing intellectual property law just before the 1979 Supreme Court ruling that paved the way for advertising in the legal profession.

He was one of the first attorneys in the area to advertise when it became legal to do so — he actually jumped the gun a little, but that's another story — and found some early evidence that it could, and would, be very effective.

"I was coming out of a Young Lawyers meeting," he recalled, referring to a professional group for those under 35, and to some unexpected feedback he received on an informational booklet he had sent out to other attorneys weeks before on specific aspects of patents, copyrights, and other IP work. "A young woman was leaving at the same time; I introduced myself, and she said, 'Holland ... Holland ... is your father the patent attorney?'"

"That booklet made me seem to be an authority on the subject, and I picked up a different, higher level of cases because of it," he recalled. "I never would have been able to do that in the time I was able to do it in, or acquire the type of work we did, without that exposure."

Advertising has worked in similar, if less dramatic, ways for countless other firms and sole practitioners over the years, said Holland, whose light bulb imagery has graced print ads in a variety of publications for nearly two decades. But it has also created some controversy while, he believes, actually hurting some firms.

"Some corporations won't want to do business with you if they see you're advertising on television," he explained, expressing a somewhat popular opinion. "They'll think you're going for a lower-level client and that you're not right for them."

Thus, advertising only works in the legal profession — as with any other business sector — when the right message is delivered to the right audience, using the right mediums, he said.

Albano agreed, and said that this explains why the latest

Springfield edition of the Verizon Yellow Pages looks the way it does. There are ads for law firms on the front and back covers, and the 'Lawyers' section of the book has no less than 35 full-page advertisements (some of them two-page spreads) for area firms and national companies with a local presence.

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The tag lines in those ads include everything from 'The Law Firm for Injured People' to 'Injured? Keep More of Your Settlement Money' to 'Let Us Take the Insurance Company Head On.' One firm uses yellow Mini Coopers in its ad and says, 'We'll Race to Help You.' Another touts itself as the 'Baron of Bankruptcy.'

Such ads rankle traditionalists, said Albano, but they obviously work, and are effective by and large because they send the right messages to the right audiences — primarily people who have been injured or are in financial trouble and, in many cases, would start (and sometimes end) their search for legal representation with the phone book.

But the Yellow Pages and loud headlines are usually not the right place and approach for firms reaching out to institutional, or more sophisticated, clients, said Basile, adding that Doherty Wallace has traditionally searched for a softer, more professional approach that creates exposure, conveys professionalism, and brings in business.

The result is something called the *Proud to ...* campaign.

This is a series of print ads, now numbering more than a dozen, said Basile, noting that the firm has finished the tag line with everything from 'Serve the Agawam Community' (partner

Gary Shannon sat on the town's library building committee) to 'Represent the Next Great Idea,' which touts Basile's and Karen Chadwell's work to help clients bring new concepts to the marketplace, to 'WGBY Channel 57' — partner W. Garth Janes recently served as chairman of its board. The latest ad says simply, *Proud to*

a rule against it," he said, noting that advertising has in many ways taken what was a level playing field and made it anything but.

The need to make it more level explains why want has been supplanted by *need* in the minds of many lawyers, said Abbott, joining the majority in the legal community who believe that some form of advertising is now necessary given the sheer volume of competition.

Still, it must be done tastefully, he continued, noting his ads, placed in business journals, simply list the firm's lawyers and their areas of expertise. "We don't get clients out of the Yellow Pages and we won't ever get them from there; we know our audience and how to reach it."

Business Cycles

A desire to reach a broader audience took Bacon & Wilson down a road not taken often in the legal community — toward backyard pool safety tips and Mike Katz' advice on bike helmets.

This is a campaign that has the full support of every attorney in the firm, many of whom volunteered time and subject material for the spots, said Christine Pilch, co-owner of Your Brand Partnership and a long-time consultant to Bacon & Wilson who helped conceptualize the series.

"Last winter, one of our partners, Gary Fialky, was sick with the flu in Florida, so he was watching a lot of TV. He noticed some public service ads and thought that would be a nice angle for firm advertising," she explained. "He discussed it with me, and working together, we developed the concept that sparked the current campaign. We decided to use the lawyers speaking on camera about issues that are close to their hearts."

She told BusinessWest the campaign has several goals, including exposure for the firm and the individual attorney (although there is little mention of either), depiction of lawyers in a way most don't see (community service), and the airing of messages that promote better, safer

Serve Western Massachusetts, with those words printed over a skyline of Springfield dominated by Monarch Place, where the firm has its offices.

The simple, understated messages are still more than many of the older partners at the firm are completely comfortable with, she said, noting that the ads tout the community activism, professional honors, and sometimes the in-court track record of attorneys; one highlighted attorney Robert Levin's triumph in a reverse discrimination case that awarded \$1.65 million to a Western Mass. coach who sued the local school that fired him.

The ads, like those used by most firms, walk a fine line, said Basile, noting they are intended to promote the firm while not crossing the often-hard-to-define boundary line marking professionalism and good taste.

Ralph Abbott, a partner with the Springfield firm Skoler, Abbott & Presser Inc., has always been careful never to cross that line. A veteran with more than 30 years of work as an employment law specialist, he remembers the days when all lawyers could do when it came to marketing was put a sign over the door and join the local Rotary club.

"Advertising was anathema to most lawyers back then; most didn't do it because they simply didn't want to, not because there was

cities and towns. They are part of a broad marketing and branding effort — one that includes a comprehensive Web site, articles written by the firm's attorneys for several area publications, and even two blogs, on estate planning and employment law.

Collectively, these marketing vehicles “let the world know we've got something special,” said Pilch, who firmly believes that effective marketing has played a key role in Bacon & Wilson's growth — from 20 to 36 lawyers — over the past four years.

That growth has come largely through territorial expansion, said Albano, noting that the firm's current marketing, or branding, strategy is to promote itself as a truly regional law firm. Many other firms tout themselves as regional, he explained, but their offices in Northampton, Westfield, or elsewhere are usually shared spaces in use only when there is a real estate closing or other business to conduct. Bacon & Wilson has staffed offices in Westfield, Amherst, and Northampton, and is active in those communities and the counties' bar associations.

In fact, the firm's latest print ad brings attention to the fact that two partners from the firm, Mark Tanner and Paul Rothschild, have been elected as presidents of the Hampshire County and

Hampden County Bar Associations, respectively, he said.

Branding, or image, is one of the motivations beyond an overall change in strategy at Robinson Donovan, said Darby O'Brien, president of the marketing agency that bears his name, who was brought in by the firm in 2002.

The first priority, said O'Brien, was to shake things up a little and hopefully change the perception of the firm — that it was staffed with mostly older attorneys and was rather stiff, or conservative, in its approach and ways of doing business. Ads using humor and photographs of many of the firm's younger lawyers were used to help convey a different image.

Meanwhile, the phrase ‘Firm Commitment’ was incorporated into ads, including one highlighting the firm's medical malpractice team and its track record. The decision to take that same message to television was born from a desire to reach a wider audience, said Markham.

“Often, the decision-maker in whether to pursue a medical malpractice case is not the person who was injured,” she explained. “It's usually a family member, and often a woman. That's not an audience you can easily reach through just print advertising.”

This realization prompted serious discussions about whether to use television, said Keith Minoff,

a partner and co-chair of the marketing committee. He told *BusinessWest* that everyone understood the need to use that medium, but some openly questioned how they could without netting the generally negative reactions that accompany most TV spots for lawyers.

The answer came in the form of two lengthy spots meant to deliver a message but not hit the viewer over the head while doing so; one spot doesn't even mention the name Robinson Donovan until 30 seconds into the ad.

Minoff acknowledged that those at the firm would probably not hear many negative comments about the spots from family members, friends, or others in the profession. That said, he noted a high volume of positive feedback on the content and some surprise at the shows it's been on, including a prime time Notre Dame football game, *Rescue Me*, *House Hunters*, and *The Daily Show*.

“People say it's an ad unlike anyone else's,” said Markham. And the number of phone calls has gone way up since we started running it. So I'd say it's working.”

Spot On

When asked to gauge the effectiveness of her firm's ads, Basile that would be a hard assignment.

“When you ask people how they found you, they hardly ever say, ‘I saw your ad,’ she explained. “It doesn't really happen that way. But that doesn't mean people don't see them or that we don't need them.”

Paul Robbins, president of an advertising and marketing firm that takes his name and counts Doherty Wallace among its clients, agreed.

“Most advertising today winds up in the category of word-of-mouth ... if you ask 10 patrons of McDonalds why they went there, none of them would say ‘advertising,’” he explained, adding that while it might be difficult if not impossible to quantify the effectiveness of a law firm's marketing efforts, one can easily qualify what happens when a firm doesn't market itself.

“People would say, ‘where are you?’ or ‘they're on the air, why aren't you?’ *Not* being there is a problem.”

Another problem, or challenge, is defining just what ‘there’ is and *how* one wants to be there. For some, it's Mini Coopers or ‘the Baron of Bankruptcy,’ while for others it's ‘wear a helmet.’

In other words, the debate on advertising in the legal community is far from over.❖

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