

How to get noticed - without "chasing ambulances"!

Jane Fenton, Melbourne



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To advertise or not to advertise. For many plaintiff lawyers that is indeed the question in 1999.

While legal practitioners in most areas of specialisation nowadays are having to consider the vexed question of advertising with more than a degree of trepidation, it is perhaps true that plaintiff lawyers are placed right at the most uncomfortable end of the scale.

On the one hand, the rationale for advertising is strong. The very nature of a plaintiff lawyer's work means that a firm needs prospective clients regularly beating a path to their door. These clients are not necessarily people who have a regular continuing relationship with a lawyer. In fact, they may only give thought to a lawyer at that precise moment when they happen to need one to pursue some type of injury or other compensation claim. And when they do, there are a large number of competing

lawyers out there ready to grab the work.

So plaintiff lawyers have compelling reasons to promote themselves and their firm.

But on the other hand, traditional notions of professional dignity and integrity continue to weigh heavily in the minds of most practitioners, particularly if they are dealing with people who are distressed and aggrieved. Call it conservatism, call it commitment to maintaining appropriate standards. Call it what you will, but there's no doubt that the idea of an advertising 'free-for-all' is still anathema to some plaintiff lawyers.

Already, one or two legal firms have been carving out a reputation for themselves with aggressive 'no win, no fee' advertising, including advertisements which are effectively a fishing expedition for potential class action suits. These have been highly successful, and warmly welcomed by many new clients happy to find

a law firm which speaks their language.

But while there is no doubt that this type of advertising has paid off handsomely for certain firms, there is also no doubt that it is not a road that every law firm wants to go down. In the words of one lawyer: "You don't want to look like an ambulance chaser."

So is there a middle path? Is there a way to ensure that prospective clients are aware of what you have to offer, while avoiding what many see as the excesses of commercialism?

According to some advertising experts, it is possible to navigate successfully through the advertising minefield - as long as you approach the task with care and sensitivity. Chris Kelly, former managing director of top advertising agency The Ball Partnership and now a marketing consultant, says advertising for lawyers is, at heart, a matter of high-

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lighting 'core competencies'.

"I don't see anything wrong with promoting your firm and its core competencies, and even doing it in fairly blatant terms - but I do think there is a line you can cross that will get you into the area of inappropriateness.

"When that line is crossed, the firm does more harm than good. People don't react too well to ambulance chasing. Any ads that smack of ambulance chasing can harm credibility."

Kelly says the legal profession deals with people in distress, in much the same way as the medical profession, so it is important that all of its activities on behalf of such people are pursued sensitively.

Those firms that are prepared to run the risk of being seen as 'ambulance chasers' are usually doing so, Kelly says, because they have made a conscious decision that they wish to pursue a particular niche in the legal market - and are prepared to wear the flak they will receive from their legal peers and others who are not part of that market.

In marketing terms, he says it's all a matter of deciding exactly which part of the market you wish to pursue, identifying what it is you have to offer that market, and then determining how best to get your message across to your 'target'. Once you

have been able to answer those questions about your firm, it should be possible to work out what kind of advertising, if any, will work for you.

But while Kelly cautions about the need for sensitivity in marketing, he has no doubt that some level of promotion is becoming essential for every law firm: "In a heavily over-communicated world, those firms which don't make others aware of their services and what they have to offer are going to fall behind. It is really a question of style and *how* you are going to communicate."

David Mackrell, a freelance advertising copywriter who has written law firm advertisements, endorses this view. "It's important (for law firms) to put themselves into the shoes of the person they are dealing with," he says.

Mackrell believes print advertising often works particularly well for lawyers because print media has more 'gravitas': "Many lawyers are more comfortable with print, and perhaps so are many of their clients."

On the other hand, there is nothing like radio and television for their instant attention-grabbing appeal.

But whether you are considering print, radio or television advertisements, Mackrell says the same approach applies.

"Always keep a single person in mind developing your message. Think of their situation, and their needs."

Mackrell says that humour can sometimes help in getting the message across: "But it must be appropriate - you must balance the need to cut through the other communication that is out there, and the need to maintain dignity."

Mackrell says most law firms have been very cautious in the style of their advertising to date. "It's been a return to the roots of advertising, (simply saying) here's what we can do." But he believes that to stand out from

the pack it will soon be important to "go to the next level of creativity".

Interestingly for a person in advertising, Mackrell believes that some of the most successful law firm marketing in recent times has been achieved through public relations rather than advertising techniques. Law firms have developed their public images through associating themselves with high-profile public interest matters before the courts, and being mentioned on the television news.

"Contamination issues have really highlighted the role of some law firms."

Liz Chandler, a lawyer now working with Fenton Communications, agrees that advertising is just one dimension of law firm marketing - not a panacea. In her view, the most important challenge is to build relationships with potential referrers of work.

"Seriously injured people are more likely to be talking to social workers in hospitals than reading ads. You should build relationships with the people who can refer clients, rather than expect to rely too much on advertising".

Chandler says it is worth investigating local referral networks, such as health care workers and physiotherapists, and be prepared to make home visits to injured people. She says it is also worth considering the "no win no fee" option, using prudent assessment of cases to minimise the risk of losses.

Chandler believes successful law firm marketing involves a range of activities, which are likely to include networking with sources of referral, brochures, and making your other clients aware of the full range of services you have to offer so that 'cross-selling' becomes possible between different areas of the practice.

When you have all of these 'tools' working together in harmony, advertising can become a useful part of the mix, she says.

It's all a matter of understanding who is your market, how the people in your market receive their information, and then how best to make yourself a positive part of the information they are receiving. The question of advertising must always be viewed within that context. ■

Jane Fenton is principal of Fenton Communications, a consultancy which specialises in marketing of professional services, **phone** 03 9600 0006, **fax** 03 9600 0404, **email** theteam@fenton.com.au

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