

# Marketing

SALLY J. SCHMIDT ■ SOLUTIONS YOU CAN USE

## Costly Marketing Mistakes: Don't Be the Poster Child

I can just imagine the discussion the partners will have a year or so after their direct-mail effort. They will ponder all the money spent on printing and mailing their slick, color capabilities brochure and conclude, "That didn't work." And they will be right.

Since receiving the mailing in question, I have felt an urge to educate law firms about how to develop marketing efforts that work—or at least to avoid those that don't. This particular campaign could have served as a poster child for ineffectual marketing.

### A Case Study in Futility

From what I can gather, the personal injury law firm from another state sent its capabilities brochure via mail to the members of an association to which I belong. The objective, I surmise, was to generate referrals from other law firms that do not handle personal injury matters, or perhaps in the case of client conflict. So what went wrong? Several things.

**Target audience.** My first question was why a marketing consultant (me)



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half a country away would be a target for this mailing. And further, why the other members of the association would be appropriate recipients.

For one thing, given the composition of the group, it is unlikely the members would have business to refer. For another, most of them, like me, are in other states. Even if they had an opportunity, what percentage of personal injury matters are referred to lawyers in other states?

**Medium and message.** Let's pretend for a moment that the firm had found an appropriate list of targets. What would be the best way to communicate the firm's message? The mailing consisted of the brochure in an envelope with a computer-generated mailing label. The brochure was firm-centric. There was no "call to action." And it came without the benefit of a cover letter to explain why I was receiving it or what the firm was hoping to accomplish.

Referring business is a very personal matter. If I have a friend who has been injured, or a conflict matter to refer, I want to be sure I put the client in the best possible hands. An impersonal mailing does nothing to give me that comfort.

**Follow-up.** Quite simply, there hasn't been any. The odds of the firm generating business from this mailing were, at best, scant to begin with. Without follow-up, the odds probably dropped to zero.

The personal injury practice (as with all litigation) relies on timing—

you never know when someone will need your help. Any successful marketing effort requires reinforcement of the message.

### Developing a Successful Strategy: Core Questions

The steps to an effective strategy may be obvious from the preceding discussion. To make it easy, however, I outline below five questions that should be addressed before launching any particular marketing tactic, whether it's an advertising campaign, a newsletter, a seminar series or a Web site.

**1. What is your objective?** Before embarking on a marketing initiative, you need to articulate your objective. What is it that you hope to accomplish? Having a good objective will allow you to design an effective approach and measure the initiative's success.

For example, if your firm's labor and employment practice group wants to do a written publication of some type, what is the purpose? It could be to keep clients informed of developments in the law, to position the firm as leading edge in labor and employment issues, to keep the firm "top of mind" in front of good targets or even to generate calls.

**2. Who is the target?** You must define, as specifically as possible, the ideal contact for your marketing initiative. You can do this by title, industry, size or geography. But do it. If you don't know whom you're targeting, how will you know the best way to reach them or what information to provide?



In the labor and employment example, the target group could be HR managers, in-house counsel or business executives and owners. Obviously, each will have a different view of, and role with respect to, the HR function.

**3. What is the message?** In some cases, a firm's message is promotional; in others, it is substantive. Of most importance is to step into the shoes of the target market's members and determine what is of interest to them.

HR managers are on the "front line" and would be most interested in application of specific legal points. How do changes in the law or recent rulings affect what they do on a day-to-day basis (for example, how long to retain files)? Business executives or general counsel, on the other hand, may view the HR function from the "40,000-foot" level. They are more interested in key issues of which they should be aware (such as how potential changes to immigration procedures may affect their ability to hire technical employees).

**4. What is the most effective medium?** If you understand your objective, who your targets are and the kind of information in which they will be interested, it becomes easier to determine the most effective way to accomplish your goals.

Depending on these factors, the labor and employment group's publishing idea could take any number of forms: a series of timely e-mail alerts to advise recipients of changes in the law or interesting rulings; a regular column in a newsletter produced by a third-party organization (like the Society for Human Resource Managers); a white paper, book or treatise on a particular issue (such as immigration); a quarterly firm-produced newsletter; or a direct-mail letter.

**5. How will you follow up?** No marketing effort will be effective without proper follow-up. Success in business development requires both time and timing.

Some marketing initiatives have built-in follow-up (like a quarterly newsletter). Others require creativity. For example, if you send a direct-mail piece, such as a letter, you should develop a plan to touch the same recipients two or three times a year. You could do so by sending seminar invitations, announcements of achievements, additional articles of interest and the like.

#### **Tailoring to Suit**

It makes me sad to see law firms waste their resources on poorly designed or

executed marketing activities. I fear that they will conclude that it wasn't just this one particular marketing initiative that failed but, instead, that marketing as a function "doesn't work."

Despite what some clothing manufacturers may tell you, one size rarely fits all. As you develop your marketing ideas, keep in mind that the most effective strategies and tactics are the most customized, and they usually require the biggest investment of time. For example, if you send holiday cards, you are better off mailing them to 100 people and including personal notes than sending to 1,000 people and including your business card. Generally, you get out of an effort what you put into it. LP