

Marketing

When Is a Credential Really a Credential? Assessing Lawyer-Ranking Directories

SALLY J. SCHMIDT | *Martindale-Hubbell. Chambers. Super Lawyers. Best Lawyers.* The mere mention of these directories or listings can send shivers down the spine of a law firm marketing professional or marketing partner. Does it help or hinder a firm's reputation to have its lawyers included in such publications? It depends.

Over the past decade, the number of publications professing to rank or distinguish lawyers has grown considerably. At one time, aside from some industry-specific publications, *Martindale-Hubbell* was the gold standard. Lawyers sought an AV rating and firms purchased extensive biographical descriptions for their lawyers with no questions asked.

Today, however, there are other ranking services that some firms and clients consider even more valuable. *Chambers and Partners*, for example, is a highly regarded ranking company that entered the U.S. market less than five years ago after operating successfully in the United Kingdom. It distinguishes its listings by gathering information from clients—not from other lawyers.



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We also have *Super Lawyers* and *Best Lawyers in America*, which are based on ratings by peers. Both publications have operated for some time, *Best Lawyers* nationally for more than 20 years and *Super Lawyers* in specific markets (the number of which continues to grow). Both survey lawyers in a market area to solicit nominations. *Best Lawyers* then invites previously included lawyers to vote on the nominees, while *Super Lawyers* selects its final roster directly from those nominated, referring also to other professional accomplishments.

And it appears the rating and ranking publications continue to proliferate. New entrants, like *Lawdragon* and the *Legal 500*, are eagerly approaching lawyers and their clients to carve out a niche in what must be the lucrative area of lawyer listings. But is there actually any payoff to being included in these publications—and if so, in which ones?

The Good, the Bad and the Ugly
Deciding how to approach these publications presents a quandary to law

firms because there are many issues and considerations involved. Savvy firms will be cognizant of all the following concerns.

■ **Competition.** Although many firms would probably like to ignore the listings altogether, the inclusion of key competitors in these publications—and in some cases their willingness to actively market their status—makes participation a defensive strategy for many.

■ **Cost.** In some instances, selection and inclusion comes without a price tag. In most, however, there are various levels of participation. A lawyer may pay a little extra for boldface, a little more for an expanded bio, or a lot more for an ad. Also, sometimes these services sell their lists to other publications, resulting in even more calls for ads and expanded listings. Some firms are reducing or even eliminating their participation in directories because the overall cost has gotten so high.

■ **Effectiveness.** Do clients consult these publications when seeking lawyers? Or does having a certain credential make a difference when a prospective client reads a lawyer's bio? On the first question, research indicates that sophisticated clients will generally seek new counsel through referrals from others; a much smaller percentage use directories and listings. On the second question, however, there is a lot of anecdotal feedback from lawyers about a new

client calling because of a ranking or, as some will say, "It can't hurt."

And several of the publications distribute their lists widely to companies and other law firms. Certainly it can't hurt to appear on *Fortune's* list of "Go-to Law Firms" for litigation. In addition, certain mentions may be more important to some practices than others. For example, it is a very good thing for a firm's corporate practice to be acknowledged by *Corporate Board Member*.

■ **Firm politics.** The more selective the firm is in seeking rankings or listings for its lawyers, the more likely its chances of increasing the number of lawyers in a particular directory. So who does the firm nominate? Saying "All of our litigators deserve to be listed" will not garner much success; saying "These two litigators are stars" will. However, that approach obviously leads to other internal issues. Aside from how to select the lawyers to promote, how much can a firm advertise the honors? Many firms are reluctant to acknowledge the selections, fearing it may suggest that some of its lawyers are superior to others.

■ **Credibility.** There is much confusion about the credibility or integrity of certain lists. For example, "Who's Who" lists are generally denigrated by lawyers. However, in certain specialty fields, such as immigration, inclusion in "Who's Who in Immigration Law" is considered highly desirable.

■ **Ethics.** Added to this puzzle is the current ethical climate regarding ranking publications. In a widely noted response, the New Jersey Supreme Court's Committee on Attorney Advertising issued Opinion 39 in July

2006, which bars lawyers from advertising that they are in the "Best Lawyers" or "Super Lawyers" rankings, owing to concern that they can create an unjustified expectation of results.

Best Lawyers and *Super Lawyers* are challenging the opinion, claiming, among other things, that opinion is based on a misunderstanding of their process and is a violation of First Amendment rights.

■ **Ego.** Lastly, there is a matter of simple human nature. While many lawyers quickly acknowledge these to be "vanity" publications, everyone likes a little recognition. Thus, lawyers who receive the distinction of being the "Best" often pressure their firms to support the ads or listings, which can raise additional headaches.

Approaching the Credentials Issue

So when you consider all the bits and pieces, where do things shake out? I offer the following advice and observations to help in making your choices.

■ If you have a credential that others don't, then use it (appropriately, of course). Anything that positively differentiates a lawyer is a good thing. For example, make sure your lawyer Web site bios reference any of the rankings or ratings the individual has received.

■ Evaluate the opportunities and develop some institutional policies in response. If, for instance, you perceive a publication to be a "pay to play" listing, others will probably, too, so you might make that listing less of a focus for the firm. In writing your policy, you should end up with a list of publications and services along with the firm's approach for each—for example:

Ranking Publication A: Will encourage participation in nomination process, but will not pay for individual ads.

Ranking Publication B: Will actively seek to increase the number of firm lawyers in the ranking and will purchase reprints of the directory.

By developing the policy in the abstract, it will help the firm make better decisions when specific lawyers come calling for support.

■ Recognize the importance of personal visibility. Because the process for several of these publications is based on peer nominations or votes, it underscores the need for a lawyer's visibility within the market.

■ If you're going to do it, do it right. You might, for example, develop a strategy to improve the likelihood of inclusion in *Chambers* by submitting more client names (and alerting clients they may be phoned about it) as well as building relationships with the researchers (by being responsive to their calls, providing information on a timely basis, facilitating interviews of lawyers and the like). As another example, you could set up procedures to collect information on deals and transactions to improve the odds of being included in corporate league tables.

■ Last but not least, track results. For example, if the firm pays extra for a link to the selected lawyers' bios, check to see how many people used that link to access the Web page over the course of a year. As with all things marketing, you need to determine whether your investment is paying a return before you continue to make the same investment going forward. LP