



A roundtable discussion on brand identity.

MINDING YOUR FIRM BRAND

BY JOHN HELLERMAN



“ONE THING YOU HEAR IN BRANDING IS, ‘PROVE IT.’ CONTENT MARKETING IS PROVING IT.”

– MARY K. YOUNG

Few topics have as much sustained relevance to law firm management as branding. For decades now law firms have been developing branding strategies—some very successful, and others, like Howrey’s, now serving as cautionary tales in Law 360. In contrast to other management topics that come and go, branding is one of a handful of issues that we can be certain firms will continue to grapple with decades into the future. Indeed, the only issue as durable as branding may be the death of the billable hour, which gets announced and chewed over on an annual basis.

But branding is far more interesting, in part because everyone has their own idea of what the term means, and no two definitions are exactly alike. That was the starting point for the roundtable discussion that appears below, moderated by John Hellerman, co-founder of Hellerman Baretz Communications, on behalf of *Law Practice*’s editorial board. Our blue ribbon panel includes Jason Bovis, chief marketing and client development officer at Akerman LLP; Peter Darling, founder of the Repechage Group; and Mary K. Young, a consultant with the Zeughauser Group.

Law Practice (LP): Let’s start with the basic question. What is a brand? How do you define it?

YOUNG: That’s an important threshold issue. Everyone has a brand, and it is the set of associations people have when they hear the name of your firm or see your logo. What we call branding is the practice of trying to affect those associations.

DARLING: I would also say that a brand is a promise—a set of explicit or implicit

statements about what your firm stands for, what it values and, maybe most importantly, what it will be like to work with you.

YOUNG: I agree. If a brand is well done, it is a promise, and in the context of legal services that promise is a specific value proposition. Unfortunately, for many law firms the associations that their clients have often don’t go beyond vague perceptions like they are dealing with a really big firm.

LP: The perception of a firm truly defines its brand. Firms are either trying to live up to a positive brand or trying to move away from a negative one. The key point is that they can’t control it; they can only try to influence it. But if that is the definition of a brand, what is the purpose? Are firms simply hoping to achieve differentiation, or does it go beyond that?

BOVIS: Most law firms are really developing brands for awareness purposes. They haven’t moved to differentiation yet. They’re principally focused on being known by as many people as possible, often in a very untargeted manner. Only after they achieve that awareness do you start to see concerns about differentiation.

YOUNG: A small number of firms have the status of being leaders in their fields. This firm is the one everybody would mention. When you think of Skadden, you think of mergers and acquisition work. There are only a handful of firms with brands that strong. For the rest, I agree, the goal is to get to that holy grail of differentiation.



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LP: It’s interesting that Skadden has never really declared itself the mergers and acquisition shop. They just leave it to the marketplace to keep reinforcing that.

YOUNG: They did have the advantage of being the first in a market. That’s a difficult strategy for others to repeat.

DARLING: Skadden was unique because Joe Flom literally invented the hostile takeover. In *Outliers*, Malcolm Gladwell writes about Flom being locked out of all the traditional white shoe firms in New York City as a Jewish attorney. So he just went out and did it on his own. That kind of narrative doesn’t speak directly to what we do because it is almost nonbranding.

LP: Let’s move to the issue of brand value. How do you know if a brand is working, and how do you measure its value?

YOUNG: Financial success is certainly one measure. The ultimate objective behind branding, after all, is making money, both revenue and profit.

BOVIS: You have to commit to an open and constant dialogue with your clients and other stakeholders. Maintaining an external point of view is important for any organization, and particularly for law firms, which can have a tendency to be internally focused. External feedback really is one of the most important measurements of your success.

YOUNG: Market share is another measure. Are you growing your work for existing clients? Are you getting invited to the beauty contests? Are you winning? Some of that depends on the quality of your pitch, but your pitch needs to be authentic and consistent with your identity. You can’t tell the market you’re the best Philly cheesesteak if you’re not the best Philly cheesesteak. You need to figure out a way to express who you really are. And if you’re doing that, then the work reinforces the brand.

DARLING: Firms often fall into the trap of expressing their brands in terms of things that matter to them, as opposed to things that matter to their clients. It doesn’t matter how old you are. It doesn’t

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matter how many lawyers you have. It doesn't matter whether you're cost effective because every single firm claims that. I reviewed the home pages of a dozen Am Law 50 firms and literally every one of them makes those claims. The key to branding a law firm is to communicate the attributes clients care about, not what the firm cares about.

LP: Are there other big mistakes that you see firms making?

DARLING: One observation I've made is that firms think about their brands the same way they would think about Apple or IBM or Kraft Macaroni & Cheese, and they are just in a different position.

LP: The analogy between law firms and consumer product manufacturers is revealing and critical to the discussion about the purpose of brands. For me, it is one of the major lessons that came out of the blowup of Howrey. The way I see it, law firms are not the brands their customers are buying. They are not Cheerios. They are much more like General Mills. If more firms saw themselves that way and put their marketing efforts into their Cheerios—their

individual partners —there'd be a lot more success generally.

BOVIS: The purpose of law firm brands is still evolving. Historically, many firms have subscribed to the idea that law firm brands are nothing more than a mosaic of the individuals who comprise the firm. There is merit to this approach, but I see us moving into a new era in which the brand strategy of the law firm becomes essential. It certainly plays a role in lateral recruiting, and I see an increasing need to have enterprise-level branding as corporate law departments continue to consolidate legal work among fewer providers. Technology also plays an important role. More and more, law firms will deliver services through technology platforms that lessen the dependence on individual lawyers and put more emphasis on the law firm brand.

YOUNG: There are definitely firms that are using technology to better deliver legal services, and they are building brands around it. But I wonder if there's a way to resolve the tension John is articulating between branding the law firm and the lawyers. I see lawyers as the ones who are actually living the law firm brand. They are the ones who deliver the promises made by the law firm brand.

DARLING: Content marketing can really come into play there. Content marketing is a way for individual lawyers to not only manifest the brand but deliver examples of their work. It bridges the gap between the promise of the brand and the delivery of the promise by the lawyer.

BOVIS: Content marketing can also provide a degree of transparency. It is one of the ways to unveil the brand or enterprise that we talk about in the abstract. It can make lawyers more accessible to consumers. Opening that black box can make a big difference for prospective clients.

YOUNG: One thing you hear in branding is: “Prove it.” Content marketing is proving it.

LP: Have firms moved fast enough on content marketing? They should be leaders there—they are natural content machines. But it almost feels as if we’re getting lapped.

DARLING: One more lesson to learn from consumer branding is that law firms can do more to inject emotion and even sex appeal in their messaging. I was watching the U.S. Open, which is sponsored by IBM. IBM makes boring products, but through the creativity of their advertising they make themselves look enticing and impressive and different. I think we can learn a great deal from that.

LP: On the Sunday shows, where GE and other conglomerates have always advertised, they used to focus on products. A couple of years ago everything shifted to relationships and the human element.

Instead of talking about the MRI machine, their ads show the people who built the MRI at GE going to meet the cancer patients who use the MRI.

YOUNG: To bring this full circle, someone shared an insight with me years ago about Accenture’s advertising back in the Tiger Woods days. They said it is all aimed at recruiting. It is about attracting talent and inspiring pride in their firm. That gets back to one of the purposes that your brand is about and who is its target.

LP: What about bringing emotion into your branding? Is that a smart move for law firms?

DARLING: I have developed a niche of doing ghostwriting for big firms, and one thing I do is take content that’s extremely dry and technical and give it some personality and energy. People just connect to material that is more emotionally evocative and compelling.

YOUNG: I think there’s an opportunity there for a firm that can do it right. The kind of work that most law firms aspire to do has a huge emotional component. Think about high-end, bet-the-company matters. Those are big stakes, with people’s careers on the line.

DARLING: One of the most fascinating things that I’ve seen in my career is the emotional connection that a lawyer in Las Vegas has forged with his audience. He’s a cancer survivor. He almost died. He created a LinkedIn page around cancer survivors, which now has something like 10,000 members. Without meaning to, he’s created something that became a tremendous business development engine for him because people connect around that kind of experience in a way that they don’t connect around anything created or positioned. It’s a brutally powerful, genuinely authentic experience that everybody in the group shares. And this guy has built relationships and gotten a tsunami of business through connecting and engaging with people on a topic that has nothing to do with law at all.

YOUNG: It’s still is a relationship business, and that’s a great example of it.

Cheerios, Tiger Woods and Philly cheesesteaks — such is the stuff that law firm branding is made of. It’s truly an endlessly fascinating topic, especially as illuminated by our roundtable members. We thank them for sharing their insights and look forward to seeing how the branding conversation evolves in the months, years and decades to come. **LP**



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