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## When Does Advertising Lessen a Law Firm's Prestige?

The Legal Intelligencer

By Les Altenberg

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Of all the marketing tools at a law firm's disposal, the one that inevitably draws the greatest amount of skepticism is advertising. There are many reasons for this, but what most prevents attorneys from running ad campaigns is a fear that somehow such an effort will diminish the reputation of the firm.

There is some merit to this concern. Consumers are bombarded with print and broadcast messages that imply, quite strongly, that there is easy money to be made in suing over an accident, a product defect or a physician's mistake. Many of these messages are delivered in a shrill and/or unprofessional manner that damages the credibility of the entire industry.

Yet the truth is, as in any industry, there are good people and there are bad. There are lawyers who will literally do anything for a buck and those who commit themselves to seeking out the best solutions for their clients.

So how can an attorney or law firm utilize advertising in a manner that is not demeaning to either themselves or their profession? Part of the answer lies in how "advertising" is defined.

According to *Encarta World English Dictionary*, "advertising" can be defined as follows: "The promotion through public announcements in newspapers or on the radio, television or Internet of something such as a product, service, event or vacancy in order to attract or increase interest in it."

Is that necessarily bad? Not if it provides honest information about your firm and the services it provides. As advertising icon David Ogilvy states in his book, *Confessions of an Advertising Man*, "The more informative your advertising, the more persuasive it will be."

Providing the general public, or the legal and business communities, with information that educates them on resources available to handle a particular matter or allows them to understand what makes your firm unique are legitimate and helpful. This can be done without resorting to crass tactics, competition-blasting, implying positive future results, misrepresentation — in short, all the things most of the state bars have tried to minimize on the part of their constituencies.

It can also be done without being dull. To do that requires some firmwide soul searching. Understanding what makes your firm different from all others, being able to articulate why a potential client should hire you — these are questions that need to be honestly addressed. It is not an easy assignment.

In working on these matters with our clients, we are often amazed at the generic responses we get when asked these kinds of questions: "We're very service-oriented;" "We're nice people;" "We're very good at litigating;" "Our fees are less than the larger firms." These are all typical descriptions of what makes a specific practice unique.

It actually should go much deeper than that. What kind of a firm is it? What are the credentials of the attorneys? How accessible are lawyers on staff, and how much involvement is there on the part of the partners? Is this a very traditional law practice or does the firm approach its craft in a different, perhaps "out-of-the-box" manner?

For example, our agency worked with one law firm client that took great pride in their ability to solve individual and business challenges in a unique manner. The resulting advertising effort highlighted the firm's ability to see the world in a unique manner and thus, offer its own clients solutions that were different (and perhaps better) than they might receive elsewhere.

Law firms that seek to compete with larger, well-heeled competitors must convey a convincing argument why the very fact that they are not as large will work to the advantage of the client. Similarly, large firms may want to show that their very size is an advantage or that they still maintain a "personal approach."

All of these points can be made in an honest, forthright manner. They do not mislead their audience. To the contrary, communications such as these provide their audience with a better understanding of the kind of lawyering they would receive at the firm. And they need not be executed in a boring fashion. Personally, I never quite understood why law

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firms always feel compelled to clutter expensive advertisements with pictures of the attorneys. Unless your firm is blessed with the best-looking lawyers around, why not utilize some of that precious media real estate to articulate your message more thoroughly and underscore it with a visual that jumps out at the viewer?

But advertising need not be limited to content that expounds only upon the virtues of the firm. Sometimes, we may wish simply to establish or reinforce expertise in a specific area. One of the tactics we often recommend to our clients is implementation of what we've coined a "productization" effort. "Productization" is a recognition that most prospective clients (particularly among the general public) perceive there to be significant risk when purchasing an "intangible" (of which legal services qualify). As opposed to product consumption, prospects do not walk away with something they can touch, feel, hear or smell when they walk out of your legal "store" (your office).

Therefore, why not market (and that usually means advertise) something that allows the prospective client to get a good feel for what you and your firm are about, enhances your credibility as an "expert" (without saying so) and perhaps even provides a public service?

Examples of productization tactics include free seminars, expert brochures, guidebooks or even Web sites that go beyond information about the firm, perhaps offering some legal resources as well. One elder law firm with whom we worked advertised a manual they had developed which listed all of the senior living facilities in the area. The ads touted the manual. It proved a great way to establish credibility, provide an invaluable resource, create goodwill and generate leads — all without lessening the prestige in any manner whatsoever. Best of all, unlike image advertising, which usually requires a considerable financial investment in order to generate threshold levels of message exposure, "productization" tactics can be time sensitive, thereby limiting the need for a continuous advertising presence over a longer period of time.

It's been said that you are judged by the company you keep. The same can be said in terms of the media in which you select to advertise. We have seen situations in which a firm looking to raise its profile to that of much larger, more established big-city competitors decides to advertise in its local business journal versus *The Wall Street Journal* or *The New York Times*. Given cost considerations, that may be a valid decision to make. But the firm is misleading itself if it perceives an effort in the former to be of the same credibility "value" as either of the two latter publications. Similarly, ad placement in a major publication (which most realize does require considerable expense), does suggest financial strength and a certain kind of status.

An example of this, in the nonlegal world, can be seen in commercials on television. We have nationally branded television spots, shot on film and placed on shows like *Survivor*, *Desperate Housewives*, *American Idol*, etc. And then we have low budget video commercials that appear on overnight programs. Which approach carries greater credibility?

Cost considerations aside, when advertising is looked at for what it is — an opportunity to convey information — this kind of marketing tool should become more palatable. When an advertising effort provides a legitimate representation of the firm, honestly educates its audience, is interesting, is utilized in an appropriate manner (e.g., image-building, productizing) and placed in the most cost-effective (and qualitatively compatible) publications/programs, there is no reason to believe that it can do anything but enhance the perceptions of the firm.

**LES ALTENBERG** is the president of *A.L.T. Legal Professionals Marketing Group*. The Marlton, N.J.-based agency is dedicated to the business development efforts of law firms and those who serve the legal community.

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