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Celebrating difference in an evolving legal market

In the post-Clementi era, law firms will have to up their marketing game. Peter Shaw explains

An outsider looking in at the legal sector would be struck by the apparent wealth and stability of its participant businesses. A glance at the recruitment ads in the legal trade press reveals salaries not dreamt of in other sectors. And while the realities of working in partnership might belie the seductiveness of such eye-popping earnings, there are many who would like to get a share of those profits. Thanks to the recommendations of Sir David Clementi, the share taken by outsiders could become very significant indeed, not only in terms of non-lawyers getting in on the act, but in the new approaches to legal service provision that will inevitably result.

Many firms will think they have a strong enough grip on their client base to survive any predatory incursions from the outside, but history shows that deregulation changes markets beyond all recognition. A cursory look back at the effects of deregulation on telecommunications, utilities, broadcast media, rail transport and financial services reveals what's in store. The rules change: new players bring in better ways of doing things, customers get used to

choice and become more and more demanding, commercial realities outweigh long-term relationships, and prices for undifferentiated services plummet. If anything, this is more true of business-to-business markets than business-to-consumer, as commercial customers are professionally responsible for sourcing the best solution.

Importance of being distinctive

The key to success in a less regulated and more competitive world is to accentuate one's differences. This means understanding precisely why customers and employees choose your firm, identifying how those reasons can be strengthened, telling your customers about them, and keeping this process going – in essence developing a powerful and sustainable brand. Having a brand is not an option – there is already a perception of your firm in the market – but managing it to the best effect is.

And on that perennial issue of business, why bother to brand? Good business will always follow good people, but a strong brand will do more than anything else to anchor a client relationship because it puts the firm at its centre.

Current desire to be similar

The current approach to legal marketing appears to be more concerned with achieving conformity than standing out – covering all the bases rather than focusing on what sets the firm apart. Most legal firms' websites feel more like a collectively written legal document than a compelling reason to buy. One suspects that many of those charged with marketing are reigned in by the understandable, but misguided, desire of their colleagues to mention all that they can do. Talking in a focused and compelling way about a firm's strengths does not mean having to turn down broader business, but making bland statements about broad capabilities will do nothing to win it.

Describing a firm in terms of its size, geographic scope and areas of competence does position it against similar peers – the area of business it is in – but it does not describe what makes it a great choice. Once they know what the firm does, prospective customers and employees want to know what the firm is like to deal with,

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Firm A	Firm B	Firm C
One firm	Teamwork	Working together as one firm
Outstanding performance		Excellence in everyone and everything
Client development	Client centred	Dedication to our clients
Personal development	Continuous improvement	Helping our people to achieve their potential
Respect	Mutual respect	Respecting and including every individual
	Straightforward	
	Accountability	

what sets its people and processes apart, what its corporate attitude is. In short, why should they choose this one over another?

What value in communicating values?

Many firms list their values on their websites to show what they hold to be important, but what does this add to a client's understanding of whether one firm is more suitable than another? A good test of values is to ask whether you would ever do the opposite – if the opposite is unthinkable they are not helpful.

If you look at the box, left, you'll see a series of values copied from the websites of three highly successful firms. If you go by their stated values, these firms are virtually indistinguishable.

It is unthinkable that Firm B does not believe in outstanding performance and excellence. Equally, Firms A and C would protest that they are also straightforward and accountable. Broad values can be helpful to remind people within a firm of what is fundamentally important, but that is where they should stay. Setting them out as distinctive reasons to purchase merely irritates prospective customers. Lists of values can also flag up areas that a business is seeking to address, resulting in the inadvertent washing of dirty linen in public, although, of course, I am not suggesting this to be the case in these three examples.

Importance of personality

A much more useful exercise than communicating values is to describe the personality of the firm – what it is like to deal with. This will be readily discernible from existing clients and employees, and should be developed as a central part of why prospective customers and employees should consider the firm. The personality can be strengthened through internal training and support programmes, ensuring that colleagues deliver the desired experience to clients and other colleagues.

An exercise in branding

Looking for evidence of strong brands in the legal sector, I found three firms that stood out, each for very different reasons (see box, right). They are not perfect in the way they present themselves, but they have the potential to create powerful and distinct brands in the market. I looked for tangible differences in approach and stance as communicated through their websites, discussions with industry observers and the trade media. I have attempted to describe each firm from a brand perspective, covering key facts, market positioning, core thought and personality. (This was undertaken as an exercise for this article; it does not represent the stated views of, or discussions with, any of these firms.)

Brand development process

A typical brand-development process would entail interviewing a range of colleagues, customers and outside observers. It would also involve exploratory sessions with a representative cross-section of the firm, to balance the opinions of well-intentioned, but

SHOOSMITHS: 'SMART OPERATORS'

Key facts

- Its business is a combination of high-turnover consumer and specialist corporate.
- It has developed streamlined processes that have been adopted across its business – building its value proposition.
- Its management team are all non-lawyers and specialists in their fields.
- It has a strong internal culture programme.

Perceived market positioning

- A national firm whose unique processes deliver better service and greater value.

Suggested core thought

- 'Smart operators'.

Suggested personality profile

- Savvy, open to change, cohesive.

LAWYERS DIRECT: 'NEW-WAVE BLUE CHIP'

Key facts

- A law firm with minimal overheads – its lawyers work at home, its offices are in Mayfair.
- All lawyers have 12+ years' experience in top-20 firms and blue chip companies.
- The lawyers have a better work-life balance – a critical issue for the legal sector.

Perceived market positioning

- The blue chip firm that offers extraordinary value and lifestyle.

Suggested core thought

- 'New-wave blue chip'.

Suggested personality profile

- Grown-ups, one-to-one, fresh.

OLSWANG: 'CREATIVE FIRE POWER'

Key facts

- It has a strong reputation in media, entertainment and IT.
- It has expanded its entrepreneurial approach into new sectors – real estate, corporate and biosciences.
- It has a strong internal culture, and was voted 18th best UK employer in *The Times* 100, 2006.
- Its website and offices communicate corporate style, creativity and imagination.

Perceived market positioning

- A fast-growing firm with imagination at its heart.

Suggested core thought

- 'Creative fire power'.

Suggested personality profile

- Adrenalin, imagination, commitment.

The particularities of sector focus, approach and firm structure help to make these three examples stand out. However, the principle of creating a strong brand is even more pertinent for businesses with less tangible differences.

rose-tinted, management. Although a more potent brand has to be focused on the future vision for a business, it must also be rooted in reality. Once a true picture has been drawn, the skill of the brand adviser comes into play. They will create a compelling evocation of the brand that will genuinely motivate customers and employees, and set the firm apart.

In conclusion

Without a clear idea of what separates your firm from the herd, the marketing and selling process is vague. The brand need not be radical – the best can be quite subtle – but it needs to be clearly understood and compellingly told. As markets change and competition increases, firms without a strong brand will struggle.

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