



MARKETING SPOTLIGHT

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A LAWYER'S MARKETING LEXICON

By Sharon Berman

Today, everyone must be a marketer. Legions of professionals who went to school to learn how to whip their minds into shape as lawyers are using a vocabulary that wasn't tested on the bar exam: the lexicon of marketing. What creates confusion is that while you may need years of schooling to understand what a demurrer is and how to use it, we all think we know what "marketing" means, as well as advertising, public relations, etc. Too many marketing terms have become buzz words, often used to indicate that someone is "cool" but with very little thought given to whether the word is used in the right context. If you've been wondering exactly what "branding" or "positioning" really mean or want to know more about what marketing encompasses, this mini-marketing dictionary will help.

First, be aware that this is a real-world marketing dictionary with definitions based on experience, teaching marketing courses, and reviewing a range of texts. These are working definitions, not academic mumbo jumbo. Do not be surprised if other sources tend to contradict these here—even some professional marketing consultants confuse these terms.

Marketing: When we're talking about a professional service, marketing is all about getting the phone to ring with a call from or referral to a qualified prospective client, or additional work from a current or former client. When it comes to marketing legal services, your goal is to generate a qualified lead and to create an opportunity to be in front of a qualified prospective client. We can talk for hours about branding and image, but all of this has one goal: to consistently communicate what you do in a

memorable way so that when there's a need, prospects think of you first.

Marketing is the rubric for the tactics that are often used to describe marketing programs such as public relations, advertising and brochures. These activities are a subset of marketing, but they are not marketing—they are tactics and disciplines unto themselves.

Top-of-Mind Awareness: This is one of the most important objectives in any marketing program. You want your firm's name to be the first one mentioned when a potential client recognizes a need for legal services. If your specialty is employment law, you want to be known as the expert in this field.

Sales: This is a process that is conducted one-on-one with a prospect. If your marketing is effective, you'll create opportunities to be in front of someone to sell your services. There's nothing wrong with using this word in today's law firm; in fact, successful firms need to abolish the stigma that accompanies this word. It's how you sell that colors the word "sell." When a sales call is a service call, you're selling as a quality professional.

Business Development: This term is sometimes used to describe the combined process of marketing and sales. It is also used to refer to the sales process alone, with "business developer" being a more palatable word than "sales person."

Objectives: Your objectives describe specifically where you want to go and the results you want to achieve. The word "objective" is often used interchangeably with "goal," and some sources give each of them a different definition. The important thing is to set your objectives, not get

caught in semantics.

To increase your potential for achieving your objectives, be sure to quantify your objectives as much as possible using a timeframe. For example, your chances for getting where you want to go are increased if you decide you want 10 percent more business from the entertainment industry in 12 months than if you simply say you want more business.

Strategies: These activities are the broad-brush strokes you use to propel you toward your objectives. For example, strategies can include a visibility strategy to increase your visibility in the marketplace, a niche strategy to focus on a specific market, or a strategy to implement a consistent marketing plan. The latter may seem obvious, but given how infrequently it's done, there are many firms that can add it to their strategic arsenal.

Tactics: Specific actions you use to reach your objectives are your tactics. These can include media relations, direct mail/email, website development and advertising, to name a few. My favorite method of explaining how objectives, strategies and tactics fit together comes from a military perspective. Imagine you are a general commanding your army on top of a hill, while the enemy waits down below. Your objective is to defeat the



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enemy (e.g., the competition). Your strategies could include a frontal assault or an attack from the rear (e.g. visibility strategy). Your tactics are exactly what your army is doing when it is down on the ground in full combat with the enemy, e.g., hand-to-hand combat, bows and arrows, etc. (e.g., networking, seminars, etc.).

Public Relations: This often-used term is the relationship you cultivate with your various “publics” such as vendors, employees, referral sources, and of course, clients. Public relations typically encompasses a range of activities such as speaking engagements and sponsorships, but the term is often used interchangeable with “media relations” which refers to your relationship with the media, including reporters, editors, and now bloggers.

Public/media relations refers to using the power of third-party credibility to get your message across. For example, when you are quoted in the paper as an expert in your field, there is an implied endorsement by the media outlet. You are not directly saying you are an expert—the third party does that for you.

Public relations is often described as “free marketing” because you do not have

to pay for space, as you do when you place an ad. However, anyone who has ever implemented a PR program will tell you it is far from free. In fact, a strong public relations campaign is timeconsuming and labor-intensive. While there is tremendous power in third-party credibility, the drawback is that with PR, you lose control of your message after a certain point. You may get your message out to the media, but it is not up to you how that message is used or stated. Thus, the possibility of being quoted out of context.

Advertising: This is in direct contrast to PR because you pay for all placement while having full control over your message. However, in today’s world, we are all skeptics, and your advertising must overcome the barrier that we all know you are saying these nice words about your firm.

Target Markets: Law firms have a variety of target markets such as existing clients, prospective clients, referral sources, public sector officials and more. Your target markets are the people you need to influence.

Positioning: Positioning is the position you hold in the mind of your target market. Are you the lowest cost provider? Do you offer bet-the-company expertise? Your

positioning needs to be supportable. If you can’t deliver, don’t say it.

Branding: Branding has been around a long time, but is experiencing a strong renaissance in the marketing world. Branding is a promise that has three basic elements. First, branding refers to your relationship with your market. By branding yourself, you are making a promise that you must consistently keep. For example, if you claim responsive service, then you must be reliably responsive. Clients are willing to pay more for a brand name because there is a promise that has been kept repeatedly.

Next, branding is your graphic identity and corporate image or put simply, your logo. It is the visual identity of your brand. A logo alone is not your brand—the logo merely symbolizes the promise you are making to your clients. Finally, branding refers to equity, or the higher value your product or service is worth because it is a recognized brand.

There is confidence in knowing the definitions of marketing terms and using them in the right context. The power, however, comes from putting them into play.