

The BLACK HOLE of

BRANDING

By Gerry Riskin • EDGE INTERNATIONAL

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When I began practicing law it was a profession. Those who argued that it might also be a business were treated with suspicion. Too many clients were lined up at the doors of too few lawyers – times were good. Then, the economic cycles combined with swelling enrolments in law schools changed the equation. The “M” word, previously unspeakable in most top drawer firms became essential – marketing had arrived in the practice of law. With the contemporaneous liberalization of the laws governing communications by the profession, the brochure was born. The first ones squealed like little piglets “we we we” all the way home – our pictures, our bios, our history, our practice areas, our philosophy our boring ourselves to death, let alone the poor souls who were supposed to read them (but never did).

Fast forwarding through fads from Steven Brill’s adaptation of Tom Peter’s “In Search of Excellence” for the legal profession, to TQM (Total Quality Management), to enormous marketing departments... now we arrive at the Branding phenomenon – a license to burn money.

Before someone burns me at the stake, let me tell you what I do believe in:

1. Standing for something – having values and living them; even enforcing them.
2. Communicating consistently with a common image.
3. Providing clients with great value.
4. Choosing what you want to be good at and focusing on that.
5. Informing clients about 1- 4.

In order to achieve these things, a firm needs to be managed well... I have already written on this subject extensively and see no need to repeat those thoughts.

The Branding hype will have you believe that the right tag line can transform a firm. Let’s get real. Let’s think of prestigious schools: Oxford and Cambridge. If you need a North American example then Stanford or Harvard or Cornell. Pick your own country’s preeminent school - the

point won't change. It is said that these schools are in their own league. That is why they are prestigious. There are thousands of schools on earth. Let's imagine you are retained to catapult a school into this coveted echelon.

I will give you some tools to choose from and you arrange them in order of importance:

- Logo.
- Tag Line (“The world’s greatest law school” or something...).
- Heavier paper stock.
- Recruitment of top notch talent.
- An obsession with training to ever improve individual and group capabilities.
- First rate management striving for peak performance.
- Standards of excellence that are enforced.
- A clear vision and direction.
- Imaginative ways of reducing costs without compromising quality.
- Skills training to increase consumer satisfaction and garner more referrals.

The challenge with most “branding consultants” is that they come from the wrong discipline. To them, it's about getting to know you well enough to ensure your logo communicates who you are. Well, who are you? Do you think for a nanosecond that a graphic artist or creative ad writer could figure that out before the 22nd century, if ever? I don't think so.

There is a very good chance that what you chose first from the list above has little to do with the stationery and brochures. That is because you inherently know that the top spots in the mind of the consumer are reserved for those whose execution is masterful... whose quality is astonishing... whose reputation is unbelievable...

So, I will argue, spend your money improving your firm, or if you like, making your firm more consistently excellent, so that you have an offering that you can communicate about with enthusiasm (and without puffery) that will

resonate with your desired audience. (If you would like an illustration, go to www.skadden.com).

Let's return to “tag lines”... please name three examples of tag lines of professional service firms that you remember and believe have been transformational... can't can you... because the tag line branding is typically an exercise in narcissism that appeals more to the internal egos than it does to clients or prospective clients. (Incidentally, that is why most bios on web sites are so pathetic – they appeal to some internal standard of humility instead of reaching to the clients' needs.)

Please don't use Howrey & Simon's now famous tag line: “In Court Every Day” as an illustration. While the phrase was extremely effective, it was part of a very focused, targeted advertising campaign which achieved great recognition among a pre-identified audience. It was a great success and they ought to be proud of it. It was not about branding – it was about advertising... if you want proof, please visit the Howrey web site (www.howrey.com) and find that tag line – it's there... but buried... you will have to use their search function to find it... why? ...because by itself it's of no consequence and they know it.

A firm needs to know what it stands for and live consistency with its values which means enforcing them. But this is not a job for the P.R. firm who wants to read Tarot cards in order to decide what the firm's colours should be. It is a job for management – day in and day out.

I enjoy the artistry of a nice logo as well as anyone – but have you ever bought professional services because of a logo. Heck, you probably don't remember a professional service firm logo unless you are associated in some capacity with the firm.

The logo is the tail of the dog – if you like the dog, and the logo reminds you which dog it is, then it connects you with a choice; a preference. That's why the soft drink companies spend zillions on their labels and logos. Note, the two leading soft drinks have logos that focus mainly on their name – why... because the name is the most important thing. Yes, they also have design that reminds you of the name, but a law firm's name is the most important identifier

for clients. What does Clifford Chance convey... how about Baker & McKenzie, Accenture, Cravath, Deacons, Shepstone & Wylie and more? Can you draw their logo from memory – any one of them? Is your impression of them based on their colour scheme? I don't think so. (While you are at it, please draw a likeness of Oxford's or Cambridge's logo – if you did not study there, you likely don't have a clue – nor do you care.)

The day I hear an Inside Counsel of a major corporation tell me she switched outside law firms because she preferred one logo over another, I will eat this article and the publication it appears in - no chance. In fact, I will extend the bet to the tag line. I will admit readily that the communications of a firm might make a client curious enough to consider your firm, but it will not, on its own, land one micro speck of work.

To add to your challenge, as a law firm you are in a highly fragmented industry (profession). If you put the largest law firm in the world on the eyeball of PriceWaterhouseCoopers it would not interfere with its vision. While there may be local dominance in some instances, there is clearly no global dominance. Then there is that shoe company that has a logo like a check mark... ever wonder how much was spent advertising to you so you would make the connection? Market fragmentation means no law firm could spend one thousandth of that amount. Without a huge and continuous investment, very few are going to know what the darn logo looks like or what your high priced tag line even says.

So, branding specialists out there, I am sorry. But I do not believe you can add value. Use of branding jargon is mere puffery. In fairness, some consultants provide solid basics under the title of branding but most don't. Have a look around the internet... here's what I found in 5 minutes:

I could not make this stuff up (I will give you the URL's so you can enjoy the originals and the context):

Branding is the topic of much discussion - from conferences to business schools to seminars - but pro-

fessional services branding is often overlooked. Because of this, many professional services marketing and branding programs under-perform in terms of helping the firm grow and generate revenue.

"How you brand an SUV, pair of jeans, or soft drink is different from how you brand a service firm," said John Doerr, WHG Principal and event co-presenter. "Understanding your firm's special qualities, your service promise, and your 'true north' are essential for building and communicating your service firm brand."¹

My comment: Perfect "True North" is very revealing... that is psychobabble for saying you should know who you are and what you want to convey. Of course you should – but advertising and PR types are the last people to understand what a law firm is and what it ought to convey. Ask them to explain Cravath or Skadden or Slaughter & May. These firms know precisely who they are and they don't need an advertising agency to convey it. Here's another one:

The value of a brand cannot be measured precisely, but it can be estimated roughly. Marketers use formulas to estimate the value of the brand by evaluating the earnings of a product market carrying the brand, divided into those attributable (1) to the brand, (2) to fixed assets like plants and equipment, and (3) to other intangibles like people, systems, processes or patents. The earnings attributable to the brand are capitalized.²

My comment: I wonder what percentage they attribute to #3... those "intangibles like people" – so please remove all the people from Cravath tomorrow – they retire en mass – sell the name to some other firm and tell me what value the brand will add to the acquirer firm – the answer is zero... simply because as soon as you disclose that the people retired, it would be like saying the world's soft drink formula is selling its assets except for the formula – zero!

1. http://www.whillsgroup.com/ppf/level1_id/1/level2_id/39/page_id/84/title/Wellesley%20Hills%20Group%20to%20Speak%20on%20Branding%20Professional%20Services/about_12.asp

2. <http://www.rainmaker-pro.com/articles/articlebrandinglessons.htm>

Think of a professional service firm as a winery rather than a soft drink company. Why do you taste the wine in a fine restaurant before the bottle is poured? Because even a good winery occasionally has bad bottles. Soft drinks are commodities – pure and simple. If you can find your favourite brand for a slightly lower price, you will jump on it. A professional firm needs to obsess over maintaining consistency of quality – the advertising agency can't touch that with a ten foot pole.

So the bottom line is that branding is bologna and what firms really need is to get very real - very real about getting continuously better... quantum leaps are extremely rare... know any mediocre firms that became excellent over night – of course not.

Should a firm have a good graphics person... you bet. Should all the firm's graphics be consistent... certainly. Might a cute tag line help convey a message in an appropriate context... why not.

The worst of branding is that it numbs some lawyers into the complacent self deception that the world will flock to the firm because of its irresistible image or message. Sorry... many buyers of legal services of firms of size have a great deal of sophistication. They may assume positive things because you are biggest in your city or state or country... they may assume that if you can afford some glossy materials and a nice address that you are reasonable successful... they may be charmed by your tag line and like the design of your logo but these buyers (clients) are still looking for quality and value and are not fooled easily. The market research I have done up and down the Fortune 1000 list of corporate clients suggests these clients know exactly what they are getting - they know what's behind the brand.

So, yes, before coming to work, wash, dress neatly and appropriately (you decide), have appropriately prestigious or practical or convenient offices (again you decide), keep your literature looking like it came from the same firm, give great value to your clients and keep the branding specialists as far away as you can. Invest your money on continuous improvement so that your clients will get ever greater value from you.

Invest a small percentage of your business development budget on the stage upon which you perform (name recognition... nature of offerings etc) then spend the majority on training your people to satisfy and attract clients.

It's not the brand – it's what's behind the brand. In the end, you win... and the branders go back to helping the muffler shops.



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