

## MESSAGE FROM THE EDITORS

# Thinking Outside the Box



By Steve Conley & Melissa Hoff

## He Said

Not long ago, I pitched a story to a reporter by dangling an email subject line something like, “Written about lawyers and elephants lately?”

The reporter opened the message, noted—accurately—that there was more lawyer than elephant involved, then set up an interview. The story ran in a regional legal paper.

But I digress. The question here is this: Is it possible that legal marketing, healthcare law and Justin Bieber’s hair all share a common thread? Marketing risk, perhaps?

I often advocate for the risk side of marketing risk-reward. Take chances, develop rewards. Dangle offbeat subjects. Consider emergency room signage, as contributors to LMA Connect recently did. Design a high-profile ad around a butterfly instead of a lawyer.

But, is it too risky to make Justin Bieber’s hair the lead paragraph of a healthcare legal analysis? Only if you believe a “straight lead” at the top of yet another legal review of a dry, complicated topic like healthcare reform is likely to draw more readers, including lawyers, than Bieber’s hairstyle.

A late-April Google search suggests more risk with “lex” than locks. The query yielded 48.2 million results for “Justin Bieber hair” and a combined 19.5 million for “health-care reform” and “healthcare reform.”

Is mine a scientific analysis? No. Legal analysis? No. Valuable marketing analysis? You decide.

I think clients and prospects are more likely teased into reading “Justin Bieber and Hair Denial” than “Health-care Styles in the U.S., Canada and The Netherlands,” a straightforward, faux title I crafted after reading a synopsis from The Daily Journal, where the “hair” piece from two Snell & Wilmer L.L.P. attorneys first appeared.

Sure, some may see the piece, which I found on the firm’s website, as folly. But I wager the unusual title attracted readers, rewarding the writers’ risk. More importantly, I bet readers strike up conversations with the authors or others at the firm about their “Bieber” piece or an earlier one that mentioned Lady Gaga.

And those conversations, give lawyers and their clients the chance to talk about any and all elephants in the room.

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## She Said

One of the key components of marketing any business is differentiation. What is unique about the company? Why should customers pick this product or service provider over that one? In a sea of choices, many of which look very much alike, how do people decide where to put their money?

Law firms are particularly vulnerable here, and by that I mean fungible. All (okay, most) lawyers are smart and capable. Most are (or think they are) attentive and understand their clients’ needs. But as we all know, most firms offer “breadth and depth” and service clients “in a range of industries, from newly created ventures to Fortune 500 businesses.” When it comes to marketing, law firms are afraid to take risks.

But I want to talk about the *marketer’s* fear of risk in the law firm environment. Too often, we know that a lawyer’s proposed idea isn’t going to work or we see a better way to do it, but absent hard proof we have a hard time convincing the attorneys with whom we are working. We want them to take a public risk, but we have trouble taking an internal risk. We might get wary of fighting a culture that simply doesn’t embrace risk taking, or worse, one that doesn’t support the department in the face of competing demands. When a marketer feels hesitant to take risks, it’s often because of a direct or indirect message that the firm’s culture is stuck in a rut or simply not ready for the next step.

When it comes to bringing about cultural change, marketing plays a role, but change starts at the top. When attorneys are proprietary or possessive of their clients and contacts, cross-selling and differentiation isn’t a marketing problem, it’s a cultural one. When attorneys aren’t incentivized to collaborate and work together or when the compensation system doesn’t reward the right behavior, that’s not something marketing can single-handedly change.

Change happens incrementally, in small steps. But even turning the ship one degree in another direction can result in taking that ship miles off its original course. Certainly, we can bring things to the attention of those in a position to really create change, but most often, I think it starts with a practice or industry group and you turn the wheel just a little. You make progress where you can.

And while you hold on to idealism, you bring a healthy dose of realism to work every day. ■

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