
Of Counsel Interview ...

Marketing Whiz Shows Law Firms How to Get Noticed and Generate Clients

Picture this image: Two bare feet stick out from under a sheeted corpse that's lying on a gurney in a cold steely morgue. A nametag hangs from the right big toe of the deceased. Below the somber photo a four-word caption completes the powerful message: "Don't text and drive."

The same text captions another compelling image—one of a front end of a car wrapped around a light post, its engine mangled, its driver presumably crushed as well.

These are two of a series of public service advertisements created by law firm consultant Ross Fishman and his team. They are offered, at cost, to law firms who have advertising space to fill for event programs they sponsor, and other outlets, to remind people that texting-and-driving is a deadly combination. Ideally, viewers will spread the message of this worthy PSA campaign to all who need to get it, most notably, our nation's young drivers. Statistics show they're the

ones most likely to crash their vehicles while texting.

The PSAs are emblematic of Fishman's stellar sense of captivating visual and textual appeal. For decades, he's been delivering remarkably successful marketing campaigns on behalf of his law-firm clients and offering sage consultation to lawyers about ways to enhance their practices. Through his work, Fishman has gained a reputation as one of the best marketers in the business. He's also known as a dynamic speaker and proficient writer. As a result, he's prospered well, and the no-texting campaign is one way he's giving back to society.

Recently *Of Counsel* talked to the seemingly always optimistic and articulate Fishman about his career, the PSAs, some of his marketing efforts, his extensive archive of advertising campaigns, what advice he gives

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law firms, and other topics. The following is that excerpted interview.

Of Counsel: What motivated you to go to law school and enter the legal profession as a litigator?

Ross Fishman: I was one of those people who went to law school without a clear reason to. It was what most of my friends I've known since kindergarten did. At my grammar school's 30th reunion, the number one job was lawyer. It was what you did if you didn't know what else to do. It was interesting but the daily practice of litigating wasn't something I loved.

OC: And what prompted you to leave the practice to do law firm marketing?

RF: I was a litigator at a mid-sized firm, and in 1987, they brought in a marketing consultant to give us marketing training. It was the first such training I received; I didn't have a marketing class in college. Immediately, I was drawn to it. I just loved it. While the other lawyers resisted it, wouldn't do the homework, and clearly didn't enjoy it, it came very naturally to me. It was the first time I realized that all of the things I enjoyed, and that I'm good at, are really what you call "marketing." Although I could do law, I didn't love the practice. Now, this was at about the time that marketing was starting to become something that law firms could do.

OC: So you were disenchanted with your career and, low and behold, someone comes into the firm and wakes you up for a transformation.

RF: Exactly. But I tried one more law firm just to give litigation another chance, to make sure that it was the daily practice of litigation

that I didn't enjoy as opposed to that particular firm. Well, I had a similar experience at the next firm and I concluded that I was more drawn to marketing than litigation. I realized I needed to find a way to do something in the marketing field. Just about that time, I saw that [Chicago-based] Winston & Strawn was starting one of the first full, corporate-style law firm marketing departments, in 1990. I saw the ad in *The Wall Street Journal* and called the marketing partner at the firm and I was fortunate to get hired.

OC: How long were you at Winston & Strawn?

RF: I was there five years and then I left to become the marketing partner at Coffield, Ungaretti & Harris [now Ungaretti & Harris]. They were a very dynamic firm looking to become much more aggressive with their marketing. That's where we launched our "service guarantee" [U & H was the nation's first law firm to guarantee its service in writing], which was a big deal at the time. We won all sorts of awards for it and the marketing campaign around it. It worked really well—we grew 50 percent in the first year it ran, in a flat economy after five years of zero growth—and it proved that this kind of marketing can work.

Striking Out on His Own

OC: And then in 1997, you started Ross Fishman Marketing. Now let's jump ahead in time. This fall you launched a public service campaign that you created and are distributing to law firms for free or very cheap. It warns about the dangers of texting while driving with powerful images and words. [See above for descriptions of these public service ads.] Why did you decide to do it?

RF: I've got teenage children and we're very conscious of their using their phones and I-pods while they're driving. We're all aware of that as we drive down the expressway or downtown; we see people who are distracted by their devices. There are terrible

statistics about texting while driving, especially regarding young people.

We often get questions from law firms who have advertising space to fill for various sponsorships and they need an ad for the program or [other such needs]. They often need one-off ads, which are generally of little consequence and not very effective for the law firm and doesn't advance anyone's goals. They want to do something good; they just don't know what to do.

So I thought this is a cause that a lot of people support. It's growing in importance. Maybe we could make a little bit of a difference by offering it to them in a way that catches people's attention, brings a little more light to the subject and helps the law firm by allowing them to contribute in a more effective way. We created these public service ads and, as our way of giving back, we charge very little if anything for them.

If anyone wants to take a look at them, they can find them under "PSAs" in our "Case Studies" archive at our web site, <http://www.fishmanmarketing.com/>.

OC: Speaking of your "Case Studies" archive—it's very extensive and may be the largest of its kind, if there are even others out there. Could you explain what's in there and why you decided to create this huge electronic compendium of case studies in law firm marketing?

RF: We have approximately 120 fully detailed marketing campaigns, case studies, describing a wide variety of marketing challenges for firms of all sizes and types—litigation boutiques, industry-specific groups, full-service firms, and many others. The goal is to help lawyers and marketers teach their own marketing committees and lawyers about better-quality marketing. Lawyers often learn best by seeing the material. So they need somewhere to go to see tangible examples. There wasn't a library of complete marketing campaigns they can sort through—no significant resource that showed marketing

campaigns that were creative and visually interesting and proven to be effective for firms like theirs.

OC: So one of your lines of thinking, Ross, is that if there are a group of lawyers at a law firm who are tentative about taking a risk, they can go into the archive and see firms who have been bold and creative, while also being effective, in their campaigns. It helps them get over that anxiety about being creative in their marketing, rather than being their same old, staid selves.

RF: Exactly. Lawyers are generally risk-averse in their marketing. By seeing these campaigns in the archive, it takes some of their insecurity out of it, and it gives them comfort to see that other firms have run marketing campaigns like these successfully.

We're also proud of our clients and this is a way to help showcase their good work.

Compelling Campaigns

OC: Which two campaigns are you most proud of, or maybe generated the best results? This is likely going to be a tough question to answer because you've done so many.

RF: Yes, it's like asking which of your children is your favorite, because if we didn't like all of the campaigns, we never would have run them. [laughs] But I think that I really like the "Small but Mighty" campaign that we did for [Chicago's boutique] Novack and Macey. It's a high-quality firm with terrific lawyers, a really good attitude about themselves. This campaign was a very good way to create a metaphor for the dynamic lawyers they are. We used metaphors from nature that were similarly disproportionately powerful.

OC: Yes, like when you featured the powerful but very small, pea-sized Tepin pepper, which is the hottest pepper in the world. You also created an ad that had the line "Thinner than human hair, the microchip has changed the world" with an image of a microchip.

RF: Yes, those were two of the ads. It was a fully integrated campaign. We used every conceivable marketing tool available. It worked extremely well for the firm and was very well received by the marketplace and, many years later; it's still working very effectively for them.

OC: Conversely, you played on the size of Hawley Troxell, which is the biggest firm in its market. Could you talk about the "Big and Nimble" campaign for that Boise, Idaho-based partnership?

RF: I liked that one because the visuals are very strong. [The magazine ads are composed of two photos, combined, one on top of the other to make half-and-half creatures. One depicts the top of an elephant and the bottom half of a sprinting cheetah. Another shows the upper torso of a brawny football player who has the legs of a figure skater. In a nod to Idaho wildlife, there's also a diptych of top-half elk and bottom-half antelope. And, perhaps the one regarded as the most effective presents the face and beefy body of a sumo wrestler who has the legs of a ballerina.]

A particularly effective marketing campaign conveys the message in a picture. The audience is very busy and they don't have time to review your marketing at any length unless you grab them and shake them.

Hawley Troxell's a firm that had been conservatively marketed in a relatively conservative marketplace. But they're the biggest and best firm in their market and their smaller competitors were using their size against them, trying to convince the market, in competitions, that they were big but that meant they were slow, a big battleship, which isn't remotely true but that's what you say when you're competing against a larger firm. So the campaign offered a way to convey visually, in just a second, their story, which meant we didn't have to go into great lengths describing it because most people won't read your marketing material.

OC: In addition to creating advertising campaigns you also conduct marketing

training, often at firm retreats. What do you like best about this function of your job?

RF: I like the impact that it can have on the future on the entire firm all at once. It offers the unique opportunity to change the fate of an entire firm in a single hour. If you get everyone in the same room and teach them effectively about how to do great marketing, you can change everyone's minds in the same way at the same time. Historically, conservative firms can learn to accept or demand dynamic marketing almost immediately. Once they understand the difference between good and bad, they'll never accept another cliché, like the image of a city skyline or a granite column, in their marketing material ever again.

Lawyers are smart; they get it the first time so you have to move fast. Once you understand how lawyers learn, you can teach them a lot of information very quickly. So I structure my presentation the way they structure motions for summary judgment. They structure their arguments for the jury in a very organized logical way because that's what works for lawyers.

But few lawyers have ever had a marketing class, so they can't be expected to understand what works and what doesn't. No one's effectively taught them the difference between good and bad marketing. Once they understand what good marketing is, they'll choose it every time, which is how we get them on board with more powerful marketing than they'd ever had. No one ever took the time to teach them, or knew how. An uneducated lawyer will pick the safe, conservative, and ultimately ineffective marketing every time. And if we let them do this, then we haven't done our job as consultants or web developers. If we're right, that is, if our marketing campaign or website *is* the best choice and they still reject it, then it's because they don't understand it - which isn't their fault. We didn't effectively teach them the material.

So I like being able to advance the success of an entire organization in one sitting, at a

firm retreat, and get everyone working off the same playbook. I get a lot of satisfaction out of that.

Offering Advice

OC: I'd like to ask you to give away the milk for free, so to speak. If you had to offer lawyers one or two pieces of advice, what would it, or they, be?

RF: The silver bullet, to the extent that it exists, is more focus. The biggest mistake lawyers and firms make is that their target audience is too general. Find a smaller market segment. "Minneapolis businesses" is too general. You can't target your audience effectively, and you can't adequately measure any success you might achieve.

Also, don't seek better marketing; try to dominate something—a sub-specialty practice, or a little-known but specialized industry where you have some experience. Seek market leadership. If your goal is "get our name out there," you'll never be successful.

And sometimes firms shouldn't target an obvious industry; all of your competitors have figured that one out already, for example, real estate, health care, insurance, construction, financial services, etc. Find something small and focused, where there are no or few competitors.

Our first one, in this regard, was 15 years ago, when we helped designate some attorneys within the litigation firm of Crosslin Slaten & O'Connor, as The Bug Lawyers, targeting pest control. They wanted more

business but had a very small marketing budget. They didn't have a lot of experience in the bug-control industry but they had some. And, it was relatively easy to help them dominate that nationwide multi-billion-dollar industry in a matter of months because no other firm was even trying. We were the only ones advertising in *Pest Control Today* magazine and attending the pest control industry trade shows.

OC: As you and your team look in the near future in 2013, what's on the horizon for you guys?

RF: Things are moving aggressively online. We're doing a lot of web sites but most of those that we're doing are in concert with other online marketing-relating activities. Firms used to want branding but they want less of that now, although they still need that. We want them to have great online marketing. We're developing the web site and use that to build out entire marketing campaigns, which certainly start out as web sites but include other tools—micro-sites, search-engine optimizations, and social media. Firms are starting to understand all of this better. And so we expect to be even busier working to add these tools to the existing arsenal.

Having been a litigator, I know that lawyers have a very difficult job. If my team and I can make things easier for them and make them more successful in areas where they might be struggling, then there's nothing more rewarding for us. We like nothing better than to hear from a satisfied client who calls us to say thanks. ■

—Steven T. Taylor