

## I'm Bill Low. File With Me and Win, Win, Win!

*Lawrence Savell\**

The signs have become all too familiar. Lawyers shopping in Kmart. Lawyers eating hot dogs for lunch. Lawyers driving American cars. All evidence finally putting to rest the myth that lawyers and law firms somehow were immune from the effects of hard times.

But as the economy (and the practice of law) slowly begins to pull itself out of the recession, the question arises as to what lawyers and law firms can do to accelerate the process.

The answer is simple. If the practice of law is viewed as a business, then lawyers and law firms must adopt the marketing strategies of other businesses. Here are a few suggestions.

*Offer "Lite" Law:* If it worked for beer and luncheon meat, it can work for lawyers. The key is to project a trim, wasteless image to clients concerned about their own bottom line. Publicity could feature retired stars of the bench and bar, arguing over a catchy slogan such as "Stays Late, Less Billing."

Firms should be mindful, however, of increasing scrutiny by the Federal Trade Commission of other industries' use of such terms such as "fresh," "healthy," or "light"; the FTC just might go after lawyers' use of the equally misleading "reasonable" or "brief."

*Hop on the Patriotism Bandwagon:* Many businesses attempt to capitalize on the periodic surges in patriotism that

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## LAW OFFICE ECONOMICS AND MANAGEMENT

follow Olympic wins or conquests of nations the size of Rhode Island.

There is no reason law firms should not be as tacky. Borrowing from the slogan of the Atlanta Braves and Dallas Cowboys, an enterprising legal marketer could equally presumptuously label his or her organization "America's Firm." Of course, this might require such a firm to refuse to represent any company that is (or that is located in a building that is) owned in whole or in part by foreign interests.

The remaining six or seven companies around the country meeting that test could easily provide sufficient work to sustain the firm, however.

*Present a Distinctive Spokesperson:* What would Orville Redenbacher popcorn be without Orville Redenbacher? What would Perdue chickens be without Frank Perdue? Just a lot of burned corn and dead birds. Unfortunately, many law firms are not in a position to adopt this strategy, as their name partners are often uncharismatic and/or deceased.

In such event, the firm may consider calling in an appropriate celebrity. Thus, an admiralty firm might consider hiring Bob Denver of "Gilligan's Island" fame; similarly, "slip-and-fall" practitioners might want to sign Former President Ford. The firm should, however, make sure that its celebrity endorser bears some minimal relationship to the firm's practice, a lesson painfully learned from the disappointing "Bo Knows Patent Law" campaign.

*Initiate Promotions:* Consider offering clients incentives to give you their business. Following a popular supermarket technique, firms could extend a "Sue One, Sue One Free" offer to a prospective plaintiff in a multiple tort-feasor lawsuit. Following the airlines' lead, firms could offer a "Frequent Filer" program, granting free representation to habitual litigants.

Another popular promotional technique is the contest. A firm could place an ad in a major newspaper depicting a page from one of its recently filed briefs. The ad would invite readers to find typos in the document. Success would entitle them to valuable prizes (paid for with the savings resulting from the termination of the associate responsible for proofreading it).

*Use "Offshore" Labor:* Low prices attract customers. Thus, firms in high-billing-rate legal centers such as New York, Chi-

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Chicago and Los Angeles could reduce costs and overhead by farming out more mundane tasks to satellite offices in remote areas such as Omaha or Phoenix. Of course, quality control is a serious concern, as the work product of such remote facilities, staffed by attorneys who work more normal hours, live in comfortable homes, and actually have a life, may be of an embarrassingly higher quality than that of the assigning main offices.

*Start Direct-Mail Solicitation:* Industrious law firms could resort to solicitation of prospective clients through the mails. Firms would locate qualified candidates by purchasing the customer lists of products favored by those holding high corporate positions, such as Minoxidil, Maalox or any brand of extra-strength antiperspirant.

*Sponsor Television Shows and Events:* A matrimonial law firm could buy time on "The Newlywed Game," and a products liability firm could advertise on any of the do-it-yourself "home improvement" shows running on cable.

While some may view these suggestions as overly progressive, the point behind them is not. Having painfully learned that the legal business, like others, is susceptible to general economic hard times, lawyers must learn to sell their "product" in an increasingly competitive marketplace, trading their blue pin-stripes for grey flannel and Wall Street for Madison Avenue.