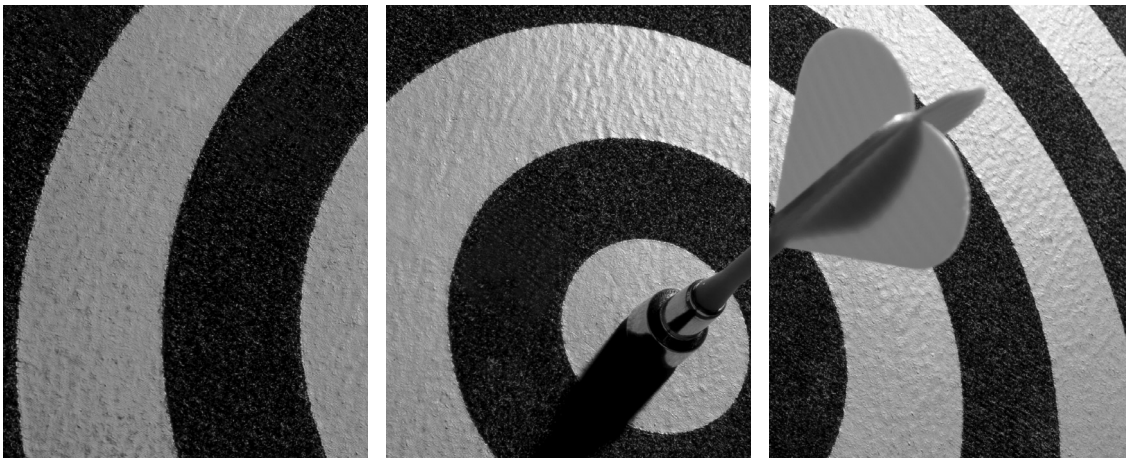


How to Make Direct Marketing Work for Your Law Firm

DRAYTON BIRD



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Contents

Executive summary.....	VII
About the author.....	XI
Acknowledgements	XIII
Chapter 1: Introduction to direct marketing for the legal profession	1
Marketing defined.....	1
Direct marketing defined	2
The rise of direct marketing	2
The two kinds of advertising.....	3
Why direct marketing makes sense for legal services.....	4
Knowing rather than estimating your results	4
The importance of testing	5
What results can you expect?.....	6
Twelve suggestions that can make your direct marketing successful.....	7
Chapter 2: The direct marketing process and your firm's positioning	9
Why should a client choose your law firm?	9
Positioning – your character.....	10
Can you finish this sentence?	10
The competitor	11
Questions, questions and questions... ..	11
The three elements of direct marketing – and one unique benefit	12
Sales letter for the PlaySafe Playground Management software	14
The importance of the relationship	17
Startling results from tests	17
Chapter 3: Conducting a successful direct marketing campaign.....	19
The factors which determine the success or failure of your marketing	20
Which messages work best?	20
Why targeting matters more than creativity.....	21
E-mail from Ken McCarthy on why long copy works better	22
Client acquisition – the two types of medium	22
Retaining clients.....	23

Example one: the energy company – what do clients want?	24
What should you say to clients?	24
Chapter 4: Constructing a successful marketing message	27
The brief and why messages fail.....	32
What a good brief should contain.....	32
The four questions that matter most.....	35
How to build selling power into your messages	35
Chapter 5: Accelerated direct marketing through the internet.....	39
Just retailing	39
The Grand Bazaar, Istanbul	40
What is unique to the internet.....	40
Learn from the wise bazaar shopkeeper.....	41
Don't waste your clients' time.....	42
The process of acquisition – an essential element of direct marketing	42
Don't give up until they give in.....	43
Guidelines to remember.....	44
Chapter 6: A practical example – direct marketing for Kain Knight	47
The report: a step by step analysis.....	47
Example of the direct marketing copy for Kain Knight	54
Chapter 7: The most valuable direct marketing asset – your database	57
The database – the source of new business.....	58
Universally true guidelines	58
Simple ideas that work	59
Great capabilities – but how are they used?	59
What to bear in mind when building a database	60
What might your clients or prospects appreciate?	60
Segmentation almost invariably pays	61
The value in a small change of information	61
How many groups can you profitably write to?.....	62
Chapter 8: Creative direct marketing	63
The idea conception process	63
The moment of truth	64
Step by step to a successful message.....	65
How e-mails differ – the spam filter effect	67
Incentives – what you give achieves more than what you say.....	68
An encouraging example.....	69
Why formulae work.....	69
How to test if copy is any good.....	69
Writing that works	70

Who should the letter be from?.....	70
How a message should be structured	71
Chapter 9: Managing the direct marketing process	77
The barriers to success	77
How to introduce direct marketing in your firm.....	78
What kind of people and what kind of culture?	79
Inside or outside – what makes more sense?.....	79
Where do you find likely partners?	80
Chapter 10: Case studies – Boyes Turner and Whitehead Monckton	85
Case study 1: Boyes Turner – outstanding value for money	85
Case study 2: Whitehead Monckton – a brief commentary by Drayton Bird on its direct marketing strategy	87
Sample of Whitehead Monckton’s direct marketing material.....	88
Afterword.....	95
Recommended reading	97
Index	99

Executive summary

WHEN I was young I dreamt of becoming a barrister. Unfortunately, my parents couldn't afford to support me during the long time one had to spend qualifying, so my dream never came true. I ended up in advertising as a copywriter, and I write copy to this day.

You might say I am a sort of commercial advocate; and although the law and marketing appear to be wildly different disciplines, they have much in common. A lot hinges on your ability to persuade people in one direction or another. They are also very different in another way. The law has been around for a long time. The five remaining articles that remain of Ur-Nammu's Code date back to 2050 BC. But when I went into advertising in the late 1950s, the word 'marketing' was never used – I certainly never heard it. Not surprisingly, a discipline little more than 50 years old is, by no means, as well understood as the law.

When I told my publisher I would start this report by defining the subject of direct marketing, she demurred: "Surely our readers all know what you are talking about?" I doubted this. For some years I used to include in my speeches a little interactive part where I would ask the audience (usually marketing professionals) to define marketing. The overwhelming majority could not. This is not that surprising. Some years ago a survey was conducted in the US to establish how much marketers knew. The conclusion was that if every respondent had answered 'I don't know' to every question,

they would have got better average marks than they did.

How well we define what we do determines how well we do it; and it follows that a discipline which is ill-understood – or not understood at all – does not always produce the best possible results. If you ever wonder why you see so many incomprehensible TV commercials or receive so many insignificant e-mails and ill-prepared letters – that is one reason. Many of those responsible don't fully understand why they are doing what they are doing. This is a frightening state of affairs in an industry upon which business success depends.

In parallel, when doing my research for this report, I was told that lawyers do not understand marketing, although they believe they understand it. It is difficult to convince lawyers of anything to the contrary, which brings me to focus my expertise, for the first time, on the legal profession and write this report.

Deregulation and the recession have placed law firms under unprecedented pressure: large firms have started competing with medium-sized firms and medium-sized firms are competing with small firms. The recession is driving some clients out of business. Most are looking to cut costs. In the UK, legislation is destroying the closed shop lawyers have always enjoyed.

Many law firms are cutting costs. This often starts with marketing, which is considered as an expense as it is,

understandably, often not easy to see what your investment produces. But direct marketing – in traditional media or on the internet – is quite different from traditional marketing. It is an investment, not an expense – you can see the returns on investment quite easily.

I can only convey the crucial importance of what you are about to read by asking you to picture the following: a client comes to see you on an important matter. After listening and taking notes, you say: “You are right to have consulted us. It is not too much to say that your future depends on whether you win or lose. I’m afraid a lot of work will be involved. We are not cheap, so will you please give me a cheque for £10,000 before we start. By the way, there is one small problem. When the case ends, we will have no idea whether we have won or lost.” That would be madness, would it not? How would that client feel?

Marketing is not a ‘nice to have’. As competition intensifies, your practice’s future may depend on it. Intelligent practices know this already as we see more and more money being invested in it. But in most cases, those who spend that money have no idea of what results they are getting.

This is not just my opinion. A recently completed survey by marketing consultant Ian Brodie (see: <http://www.ianbrodie.com>) reveals that the overwhelming majority of firms do not measure the results of their marketing messages.

But when you conduct direct marketing, you can measure your return on investment to the last penny. You code each message, watch your results, see what works and what doesn’t – and why. Then you can adjust and improve. That is the difference between direct marketing – either in print, other traditional media or on the internet – and the marketing most firms spend their money on.

Direct marketing can be extraordinarily powerful in helping your business survive and prosper. It can help you to:

- Acquire more clients;
- Develop business from existing clients; and
- Make clients stay with your firm longer.

This report aims to explain how to go about doing direct marketing for your firm. It is not encyclopaedic in nature. It will not turn you into a marketing genius. My aim is not to leave you thinking, ‘My goodness, that was clever’, but it is to make you realise, ‘My goodness, that’s really rather simple, why don’t we do it?’ It will reveal all you really need to understand about doing direct marketing, giving you ideas you can start to put into practice immediately. This is all conveyed in simple language, without the jargon, so that there is absolutely no confusion about what I’m writing about. It is based on what I have learned from 40 odd years of helping businesses and professions – large and small – in 45 countries succeed through direct marketing.

Chapter 1 introduces direct marketing and differentiates between marketing and direct marketing. I also explain why it is hard to establish whether most marketing efforts are really working, but with direct marketing, this is simple to do. What results can you expect? How do you measure them? What should you invest? How should you evaluate your return on investment? I intend to answer these questions in this chapter. Compared to advertising – the most commonly recognised marketing tool – direct marketing is well-suited for legal services, and I explain how it can help your law firm build and sustain its profits.

Chapter 2 explains how you set about doing good direct marketing. All marketing aims to influence choice. How do you decide why clients should choose your firm rather than a competitor? This is a question many marketers, even sophisticated ones, often ignore. Everything starts with how you wish to be perceived, and what you are trying to do – help clients and prospects choose. This leads to defining your positioning – and I explain what this is and how you define your firm against competitors. I also analyse the three elements that, together, make up the direct marketing process and lead to its benefits. Also in this chapter is featured a real-life example of a company selling a new service to councils through successful direct marketing. I explain the thinking behind its direct marketing success and I provide some test results, which show just how much difference simple changes to your marketing copy can make to your profits.

Chapter 3 discusses priorities for direct marketing success – the relative importance of the various factors in direct marketing. Do you start with creating a brilliant message or building a list or database? What weapons should you choose and for what tasks? I focus on which messages tend to work best and why, with advice from some of the world's greatest experts.

Chapter 4 is concerned with the five questions you must answer if you wish to solve any marketing problem. They are all simple – but ignore any of them and your marketing is guaranteed to fail. The answers to these questions determine how you brief whoever is going to execute the marketing. Bad briefing in marketing, as in law, leads to disastrous results. I examine where things go wrong and give two simple checklists to use in any situation – one for briefing and a second for evaluating creative work.

Chapter 5 examines how you can effectively use the internet – the most powerful of all direct media – for your direct marketing. You will see that it is far simpler than you may imagine, as I compare it with how retailing has worked for hundreds of years. I also reveal the techniques needed to attract clients, gain knowledge about them and make them use your law firm – and keep using your firm. You discover how it is possible to measure everything and test amazingly quickly on this medium – which is simply accelerated direct marketing. Also included is a 20-point checklist for internet success.

Chapter 6 is a practical example of some work my team and I did for a client – a sales letter, preceded by a step-by-step analysis of what might work for one firm. This serves the purpose of showing you the thinking behind successful direct marketing, which you could apply to your own direct marketing strategy.

Chapter 7 focuses on the greatest marketing asset – your database. Much jargon-packed nonsense is talked about on this. I clarify the subject and explain why it is important and what your database should hold, as well as how you build a database and how you can use the information to segment and multiply – literally – the effectiveness of your messages.

Chapter 8 analyses the most visible part of your marketing – the message. Why do some succeed and others fail? What is the process of persuasion? How do you create good ideas? There is a proven method – but few are aware of it. I explain the formula for success, with examples of how I would approach two particular messages. I advise on writing that works, with examples of how to ask for a response.

Chapter 9 answers a critically important question – if you have decided direct

marketing makes sense, how do you introduce it into your law firm and make it work? Marketing is a relative newcomer in legal circles. How do you successfully make others committed to direct marketing – often associated with the word junk? What obstacles will you face? How can you overcome them? Who should you entrust with the direct marketing function? Should you seek external help – consultants, experts, agencies, freelance designers and writers – or do the work in-house? What are the pros and cons of each approach?

Chapter 10 is made up of two case studies:

- Boyes Turner; and
- Whitehead Monckton.

These examples show what legal practices have achieved through direct marketing and how it has helped market other professional products and services.

Some other examples included in this report are of work I did myself, which has enabled me to explain the thinking behind them.

I hope you have decided you should understand not just marketing, but the only kind that brings results you can measure. But just in case, here's a little anecdotal evidence from Marvin Winthrop who helps lawyers with their marketing:

"Some years ago I did some telemarketing to generate leads for several law firms. Months later, I went back to get more work. I was told, 'Sorry, we've done nothing with the leads you've generated. Not had time, so we don't want to pay for any more'. Thankfully, another firm contacted me to say although they spoke a lot about marketing, they did not get a lot done

on this. They asked if I would work from their offices and help implement various marketing initiatives. This I did and have replicated that for other law firms around the country.

"I have found that most lawyers are not good business people. They don't think they have to market themselves. Many think marketing is Yellow Pages or advertising. They think it's unprofessional. They feel that if they do a good job, and many think they do, they will get all the referrals and recommendations they need.

"Interestingly enough, when I ask partners why certain law firms in their town or city are doing well, they mumble, 'I suppose they're good at marketing'."

If you want to become good at marketing, then I suggest you read this report.

About the author



DRAYTON BIRD has long been one of direct marketing's best known teachers and authorities. He has spoken and trained in 43 countries and worked with a remarkable number of the world's best known brands.

Advertising legend David Ogilvy said: "His speeches are highly informative and hilariously funny", whilst marketing communications company WPP founder, Sir Martin Sorrell added: "People all over the world are lucky enough to have learned from him."

His book, *Commonsense Direct and Interactive Marketing* (published by Kogan Page) has been the bestseller on the subject for 27 years.

The Chartered Institute of Marketing named him, with others such as Tom Peters, Ted Levitt and Philip Kotler, as one of the 50 individuals who has shaped modern marketing.

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