

The Lawyer's Paradox: Marketing A Profession

"I can assure you ... in a few years, five, 10, or 15 years, unless something is done with respect to the way we as attorneys are presented to the public, the practice of law is going to be dramatically different than the way it is today."

*Rep. David Simmons, speaking to The Florida Bar's Advertising Task Force 2004
(The Florida Bar News, July 15, 2004, p.10).*

The comment by Mr. Simmons, quoted above, captures the essence of our problem with public relations. The actual conduct of lawyers in our society is, generally speaking, positive, and we contribute our time and money to the betterment of our communities in amounts disproportionate to our numbers. Hence, the source of our public relations problem is not related to the truth about lawyers; rather, the source of poor public perception is misconceptions, generated by negative influences in how "attorneys are presented to the public." By phrasing his statement in the passive tense, Mr. Simmons includes all forms of public exposure to the legal profession, including advertising, news reports and other media. The issue at hand before the Task Force is lawyer advertising, but direct lawyer advertising is only a part of how we are presented to the public. It is, however, the part we, as lawyers, can control the most.

My purpose in this message is not to advocate a position on whether lawyers should be able to advertise - that issue is decided. The Task Force 2004 is soliciting comment on the limits of lawyer advertising and the enforcement of those limits, particularly in the context of the Rules Regulating The Florida Bar. Discipline and regulation are also beyond the scope of this article; what I want to discuss is how the inevitable lawyer advertising can become a positive force in improving the image our profession.

Advertising by lawyers includes virtually all media, including road signs, radio, television, newspapers and magazines. Although many lawyers do not advertise, at least in the conventional sense, those who do must find that it works, i.e., they gain more clients and income than they would without the advertising. If this point (that lawyer advertising is effective) is true, then it would logically follow that the public must pay attention to lawyer advertising. Finally, if the public pays attention to lawyer advertising, then perhaps we are missing an opportunity to present ourselves in a positive light to the consuming public. As far as I know, no bar association

has ever explored coordinating lawyer advertising with any public relations initiative for the general betterment of the bar.

I have now appointed a small committee to begin the analysis of how we can improve our image as lawyers within the area covered by the St. Petersburg Bar Association. We will be exploring every avenue, including methods of obtaining press coverage of events which reflect positively on lawyers, expanding public awareness of our real role in society and getting the word out about who we are and what we do, both within and outside the practice of law. Whether traditional lawyer advertising might provide us with a previously unused vehicle will be added to the list of possible topics.

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As mentioned above, the purpose of conventional advertising (by lawyers or anyone else) is generally to increase business. Unlike the retail marketplace, however, lawyers can add to their clientele in many other ways, such as through social contacts, civic groups, and places of worship. While all these avenues for the growth of a practice are productive, however, lawyers looking to increase their clientele should never overlook the best place to market your talent: your own backyard. The practice of law becomes more and more specialized every day. Whether or not you are board certified in a particular field, chances are that, to some degree, you limit your practice to a few fields of law where

you are knowledgeable and comfortable. The result of this de facto specialization is, of course, that we refer clients to other lawyers when their problem or need is outside the scope of our particular practice. Client referral among lawyers is a one of the most dependable and lucrative sources of business for any practice - and, usually it's free (excluding fee sharing when permitted).

Older lawyers generally have a network of colleagues with whom they exchange clients when the need arises. Younger lawyers often lack the relationships required to benefit from these networks. Ironically, the lack of younger lawyers in professional networks often hurts the older lawyers as much as our younger colleagues. Not every referral is acceptable to experienced (and more expensive) lawyers. Younger lawyers, eager to build their practice, are often willing and anxious to accept business, so long as they are competent to meet the client's need, even where the referral would be declined by the more experienced lawyer. So the question becomes, how can we better integrate our younger lawyers into the referral networks that exist within our bar?

For their part, the younger lawyers must realize that not every referral is necessarily profitable. Every referral is, however, a new client who could look to you for future legal services, and refer others to you well. What the new client needs today may not be substantial, but who would not like to be the lawyer Bill Gates called to incorporate his little new company, Microsoft?

It is also very important that lawyers do the best job they can do for any client. This seems obvious, but when a quoted fee becomes grossly disproportionate to the work a project requires, the temptation is always there to avoid the extra uncompensated work. In sum, if experienced attorneys know a younger colleague to whom they can refer a client, and that the client will be well represented without regard to the amount involved, a golden opportunity arises for the exchange of business between lawyers.

William H. Walker



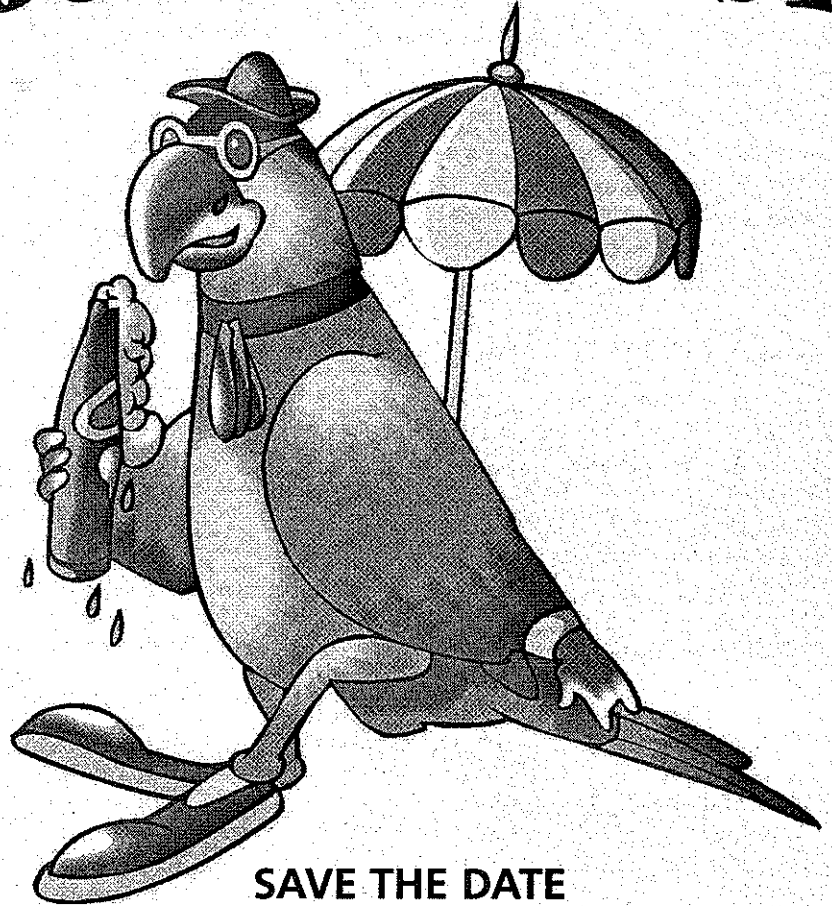
For this to work, however, we also need the involvement of older lawyers. Actually, what is really needed is the opportunity for all our members to get together more, become better acquainted (particularly across professional generations) and develop the relationships needed for the exchanges to occur. To this end, we are going to try a different format for our next membership luncheon. In response to our membership survey, our luncheon meeting September 10, 2004 will be casual, with a decidedly tropical theme. We will have no speaker, speeches or anything else to impede all the conversation desired by our members.

In addition, on October 1, 2004, we are presenting with the Clearwater Bar our annual Bench Bar Conference. The Bench & Bar-B-Que will include a bar-b-que luncheon, break-out sessions for civil, criminal, probate, family law, workers' compensation and a session for staff. The conference will also provide adequate time for simply meeting with your colleagues, on and off the bench.

Lastly (for now), on October 23, 2004, we are joining with Stetson University College of Law to host the first St. Pete Bar Oktoberfest. The Oktoberfest will be a truly relaxed evening with food, beverages, music and lots of time for enjoying old friends and making new ones, both personal and professional.

Marketing and advertising by lawyers is a subject that will be debated for some months to come, with articles appearing in the media, especially the Florida Bar News and the Florida Bar Journal. Whatever the outcome of the formal review may be, I encourage all our members to participate in the opportunities your local bar association is providing to market your practice to your professional neighbors here in our community. Your St. Petersburg Bar Association will make every effort to help the St. Petersburg community of lawyers be successful and productive members of our society.

St. Pete Bar OKTOBERFEST



SAVE THE DATE
October 23 • 5:30 - 10:00 p.m.

Are you ready for a party?
How about an Oktoberfest – Florida Style!

On October 23, the St. Pete Bar will host its first Oktoberfest on the beautiful campus of Stetson University College of Law. Our Oktoberfest will have a distinctly Floridian flair, including island music, food and drink. Make plans now to party for a good cause! The evening will benefit the St. Petersburg Bar Foundation including the Judge Frank H. White Diversity Scholarship and the Judge Thomas E. Penick, Jr. Award for Community Service, two awards presented to Stetson students, and the Community Law Program.

Sponsors Include

Stetson University College of Law
The Law Offices of Anderson & Tucker
Carlton Fields, P.A.
InTouch Business Consultants

Camille J. Iurillo • Karen B. Lopez • Eric E. Ludin • Thomas M. Masterson

Would your firm like to sponsor the event or provide a food or drink station? We already have number of sponsors, but we need more! Watch your fax & email for details on how you can get involved!