

Don't fall prey to the "fad marketer" The multiple weaknesses of "Fad Marketing"



by Kevin W. Brown, M.B.A.

If you have been involved with marketing your law firm for a while, you are more than aware of the tell-tale signs: A PR firm, advertising agency or marketing consultant meets with your partner group and tries to persuade your firm that he/she has "THE answer" to your marketing needs. If you pay them many thousands of dollars, they purport that you will achieve amazing results. You have just met a "fad marketer."

How can you tell if someone is a fad marketer?

The tell-tale sign of a fad marketer is that they push one product or service, generally one that seems to have burst upon the legal marketing scene. Various marketing consultants around the U.S. are known for this approach. You might see an article that they wrote, discussing the unlimited merits of this "new" marketing tool, which they make appear as though it is newly discovered. Typically the company only promotes this one product, although it may have sold other fad products in the past.

Eventually the fad is seen for what it is – an ineffective "one-size-fits-all" solution – and the fad marketers go on to the next fad. Fad marketers recognize when a fad is wearing thin, so they will work with other fad marketers (calling themselves "consultants") to promote and push a new fad.

What are the Fad Marketer's Typical Credentials?

Not surprisingly, many fad marketers lack a formal education in marketing. They generally are persuasive salespeople, and may in fact have a background in sales. Others do not have a college degree, or if they do it is not in marketing. They will tell you that they've acquired their "vast" knowledge through "many years of experience in the field" or some similar story to cover up the lack of a formal education. (Hint: A quick evaluation technique is to ask the person to define marketing.)

Ask yourself the question: Would you hire someone to help with your accounting who had never earned a degree, much less taken formal accounting classes? The same consideration applies to hiring an effective marketing consultant, PR firm or advertising agency.

Why Fad Marketing Doesn't Work for All Firms

Could there possibly be one answer (i.e., marketing technique) that can be effective in any market? Of course not: A single technique could not possibly be appropriate for all markets because each market segment has different needs.

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Remember Brown's Basic Marketing Premise: "*Marketing is Based upon the Market.*" Your marketing activities should not be based upon the latest marketing trends, internal motivations (e.g., a partner who wants to "see his name in lights"), or other wayward notions that detract from meeting your firm's stated marketing goals and objectives. Instead, an effective marketer makes certain that the techniques utilized are the most effective approach to achieve your goals and meet the needs of the targeted market. Since marketing is defined as "everything your organization does to identify and satisfy the needs and wants of your market," and each market segment has varying needs, no one marketing tool could possibly successfully address these needs.

Fad marketing, therefore, goes against the basic premise of marketing. Each market segment is unique (otherwise we would all be one mass market), and marketing tools used to address these unique needs must be tailored to that specific market. Furthermore, the proper marketing tool will be selected based on the particular characteristics of your firm and its services.

Fad marketers don't care because either they (a) don't have a degree in marketing, or (b) don't think their clients have enough business sense to understand. You might ask yourself, "How could anyone believe that there is one answer for all markets?", yet fad marketers manage to convince buyers through persuasive sales techniques.

The reality is that most of these techniques/products have been around for quite some time. Fad marketers often take advantage of lawyers' lack of marketing knowledge to (a) convince the buyer that it is a "new" technique, and (b) sell them the product as an immediate solution to their marketing needs.

What Are Some Examples?

All of the following marketing programs can be very useful when done appropriately. But NONE of them is the answer for ALL firms in ALL situations, as is the common approach of fad marketers.

Branding: For many fad marketers, this is an incredible get-rich-quick scheme. Law firms can spend thousands of dollars on this marketing tool with very little return.

An extensive level of branding, when compared with other marketing options, is definitely inappropriate for some firms in certain situations. True marketing professionals are pointing out the fallacy of the branding fad marketing scheme.

Attorney Training in Business Development: This is another tool that can be very useful in the appropriate situation. In fact, at Kevin Brown Marketing & Consulting, we have been training attorneys in business development techniques since the founding of our firm in 1991. However, fad marketers who promote this "product" will sell it and it only as the key tool that the firm can use to bring in substantially increased revenue, when the actual situation may not warrant such a program.

Client Feedback programs: Wouldn't you like to know what your clients require in order to send you a huge amount of additional business? That is the promise of some fad marketers in their client feedback programs. It is true for many firms that clients should be their greatest source of revenue. But is this answer for all firms at all times? After serving hundreds of firms over the last 15 years, I can give you an equivocal "no" answer.

RFPs/Proposals: Over fifteen years ago, when I worked at a Big 8 CPA firm, proposals were already a typical part of the process to obtain a new client. Now fad marketers have "discovered" them! Proposals are nothing new, nor is the RFP ("request for proposal") process. However, many corporate clients are becoming more sophisticated in their understanding of legal services and are sending out RFPs or requesting proposals from existing or new law firms. Legal marketers and attorneys, who have never seen a proposal, are now asked to prepare them – thus enters the fad marketer. Is this an inappropriate tool? Of course not. But is the fad marketer qualified at all to help you in this process?

Total Quality Management: Do you remember the "TQM" push of the early '90s? TQM has been around for decades in American industry — we taught it to the Japanese after WWII — but many law firms "discovered" it in the 1990s. Fad marketers promoted it as an incredible tool, which coincidentally cost thousands of dollars in consulting fees. Eventually the fad wore out, fad marketers moved on – and TQM is still useful for many firms, just as it was before the fad marketers came along.

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How Can a Law Firm Avoid Fad Marketers?

Without question, fad marketers are the problems, not the marketing tools they use, because the fad marketers recommend their tool for all situations. For example, should direct mail be used extensively by all law firms? No. Is it a useful tool? Yes, very useful when it is done appropriately for certain firms in particular situations.

Be on the lookout for a "consultant" without a marketing degree, trying to push a product or two. Instead, use criteria in selecting a consultant (see sidebar, "How to Select a Marketing Consultant"). True marketing professionals will be looking for your best interests, not trying to persuade you that their product/service is exactly what you've been seeking.

So next time you are approached by a fad marketer, realize that they probably don't have your best interests at heart. Send them on their way and talk to someone who can properly advise you on the right course of action.

Kevin W. Brown, M.B.A. is president of Kevin Brown Marketing & Consulting in Huntington Beach, California, a firm known as "The Specialists in Law Firm Marketing"™, founded in 1991. He has over 20 years of experience in professional services marketing. Mr. Brown is author of dozens of articles published nationwide and locally and is a frequent speaker to Bar Associations, CPA organizations, and other groups. He specializes in strategic planning and implementation of marketing programs for small to mid-size firms. He can be contacted at (714) 965-1556 or kb@kevinbrownmarketing.com.

How to Select a Marketing Consultant

For any profession, perceived competence is due to a combination of elements, which typically include education, breadth of experience, technical capabilities, work habits, client service skills, business and administrative structure. The bottom-line is whether they were able to complete the job satisfactorily.

To help screen out consultants who may not be the best match for your firm's marketing needs, here are five tips:

(1) Ask them to define marketing.

Many people call themselves marketing consultants but cannot even properly explain the term. Marketing, in its simplest form, is actually everything your organization does in order to identify and satisfy the needs and wants of your "market" (actual and potential buyers of your product or service). Subsets of marketing include strategic planning, marketing research, public relations, advertising, and sales. If you need help in more than one area of marketing, especially in strategy development, you should consider hiring a true marketing consultant.

(2) Ask about their credentials and experience.

Are they truly marketing consultants or are they no more than a public relations firm or advertising agency? Most qualified marketing consultants have degrees in marketing, not communications, and many have graduate degrees such as an M.B.A.. They should also have experience in all areas of marketing, which enables them to select and integrate those marketing components that will work best for your needs.

(3) Choose a specialist in law firm or professional services marketing.

Why pay for a generalist when you can have someone who truly understands your market and how to motivate buyers? Ask them what they have done for similar law firms, including strategies and results. Then check with these clients and ask for their impressions.

(4) Seek someone with a business background.

Business professionals understand the need for cost-effectiveness and return on investment. They also understand the dynamics of business and market forces. Many of the best marketing consultants have a base education and experience in business, supplementing it with an excellent understanding of marketing management and how to generate name recognition and sales.

(5) Ask whether they create strategies, implement them, or both.

Singular marketing activities are most effective when they are part of an overall strategic plan. Yet a great plan is less useful unless a knowledgeable person actively implements it. The most valuable consultants are able to properly analyze your business and market, develop an appropriate plan with objectives and strategies, and work with you to its successful completion.