

# Chocolate Bars and Law Firms

## Introduction

Increased competition and regulatory changes in the legal sector are causing law firms to take a serious look at their corporate branding. Lawyers tend to be wary of the notion of branding, perhaps as they are trained to be distrustful of anything which is emotional, superficial and unquantifiable. But they would do well to pay more attention to brand management, as brands are the encapsulation of 'a promise of what to expect' and the mismanagement of them can lead to a loss of control over what is being promised. How might we identify the relative strengths of law brands and what are the parallels to be drawn with brands in the confectionary market - especially those of chocolate bar brands? Law firm brands and chocolate brands are, in essence, not as different as we might imagine. They are, however, worlds apart in terms of management.



Intangible business conducted a competition and focus group to explore how law firms are perceived. They spoke to graduates, students and business executives from within and beyond the legal industry to explore the parallels between chocolate bar brands and law firm brands. The results were illuminating and highlight the challenges facing the legal industry in the light of increased competition from ABSs (alternative business structures). Branding is no longer something that law firms can ignore in the marketplace, and law firms need to step up to the challenge and think of their brands more like a chocolate bar.

## Law firm brands

Keith Lucas of LUCAS Brand Consulting argues that whilst lawyers are highly successful at managing their own 'personal' brands, they take a laissez-faire approach to the brand values of their company, which they allow to passively evolve around them, unaware of the ramifications that the company brand can have on their own. To demonstrate this point he asks how quickly you could tell the difference between three Intellectual Property lawyers from Slaughter and May, Farrers and Olswang. You will probably have some preconceptions about how you expect each to be dressed, which will be keenest to get down to business, which is most likely to offer the fastest turn-around and even which is likely to charge the most for their services. These assumptions may not be factually correct, but they are a reflection of the values we typically associate with their corporate personalities, or 'brands'. Despite this, lawyers have little knowledge or control of how their firm's brand is perceived. This simply would not happen in a consumer marketing firm, such as Nestle or Cadbury's, who carefully manage each individual brand, rather than allowing them to independently manage themselves.

Brand mismanagement means that Law firms often lose brand value when their top lawyers leave, taking their personal brand value out of the firms. A case in point is Farrers, solicitors to the Royal Family. Farrers gained a lot of PR exposure due to Fiona Shackleton's work advising high profile people, with the first of these being the divorce of the Duke and Duchess of Wales and later her work with Sir Paul McCartney. Farrers were reaping the benefits of Fiona's personal brand but when she jumped ship and moved to another firm this value was effectively lost. Although Farrers are still solicitors to the royal family it is Fiona who has sustained a reputation as a high-profile family lawyer, rather than the firm for which she worked at the time; Fiona has since acted as divorce lawyer to Madonna and several other celebrities. Fiona's reputation as a celebrity family lawyer should have been channelled into the Farrer's brand rather than allowing the value to reside with the individual. If they had done this it would have maintained the brand equity on Fiona's departure rather than it diminishing.

Lucas further asserts that firms are actively against constructing a distinctive corporate personality due to their tendency to work in a conservative and risk adverse world, relying on their personality in terms of self-branding. However a number of challenges are facing the law sector and there has never been a more important time for a law firm to build its own brand. The legal marketplace is becoming increasingly competitive and it is becoming increasingly difficult to stand-out and win business. With a notable increase in mergers and acquisitions it is vital that firms differentiate themselves; after all, law firms do, essentially, provide substantially similar services.

Aside from an increase in mergers and acquisitions, the case for the branding of law firms is growing stronger. Firstly, because so many legal databases can now be accessed electronically, many routine tasks have been simplified. These can then be offered at minimal cost by smaller firms. Secondly, the Legal Services Act means that well established household names in adjacent sectors, such as Sotheby's and Savills, are now able to offer legal services. This means that potential clients who know these brands may choose their legal services over those of a traditional law firm.

To combat this threat, Lucas advises Law practices to: 'develop a great brand for your firm. Great brands depend on three factors: distinctiveness, relevance and consistency'.

- **Distinctiveness** is important because the brand needs to stand-out in a saturated marketplace. This is particularly difficult when the service your firm offers is essentially the same as those of your competitors. We can compare the distinctiveness of law firms, despite their similar service offerings, with the established brands Lindt and Mars. The companies offer a similar product but have contrasting corporate personalities, and their products therefore appeal to different clientele or usage occasions. Lindt has positioned itself as a premium brand, offering a high-end chocolate meant for special occasions, whereas Mars has taken a mass-market approach making its chocolates an everyday product. Managing and understanding a company's positioning is vital as the messages you communicate to your customers need to be effective in reaching them.
- **Relevance** is also important when creating a successful brand. Lucas suggests that 'being relevant means reflecting the changing needs of clients.' This can mean utilising the latest technology (VoIP conferencing), having a global perspective (international affiliates, familiarity with global legal practices) and fair remuneration options (fixed project fees etc). For chocolate

companies, this has meant embracing social media as a way of interacting with customers. Cadburys, as official treat provider for the London 2012 Olympics, ran its 'Spots V Stripes' campaign in the run up to the Olympics as a way of encouraging customers to get involved in sporting activities whilst simultaneously placing their brands in the minds of consumers.



- **Consistency** is another vital component in the creation of a good brand. Lucas asks 'Could you trust someone who kept contradicting themselves or regularly behaved out of character in certain environments?' Consistency builds essential trust between the customer and the brand. When you buy a bar of Cadbury's Dairy Milk, you trust that the product will be exactly the same every time. If the Cadbury's brand messages were inconsistent, customers would be wary that what they were receiving would also be inconsistent.

A successful brand stands for something memorable, and offers consumers a clear reason to choose your firm. Every law firm, like every chocolate bar, has a brand, but too many are not being managed properly. When the 'rules' in a certain marketplace change as they have in the Law Industry, market leaders can be seen as outdated (iPod vs. Sony Walkman 2001 is one example of this). To stay competitive law firms need to build a distinctive brand.

## Suggestions

To gain a better understanding of how people perceive law firm brands, we ran a competition to encourage our clients and customers to draw comparisons between law firms and chocolate bar brands. We have collated some of the best suggestions, which highlight how far law firms have come in terms of differentiating their brands from one another. However, as we will discuss, there is still some way to go.



*'New packaging for a product that's definitely smaller than it used to be!'*



*'Perfectly shaped, top quality, handily packaged for sports.'*

Harbottle & Lewis



*'Experts in  
Entertainment'*

**OLSWANG**



*'They crunch through  
things and they're  
bigger than they  
look!'*

**SLAUGHTER AND MAY**



*'Not too demanding,  
but big enough to  
have fun.'*

**INCE  
& CO**  
INTERNATIONAL  
LAW FIRM



*'Classical, refined,  
and civilised with  
port.'*

**FARRER & Co**



*'Global recognition,  
universal appeal,  
premium positioning  
but accessibly  
priced.'*

**C/M'S' Cameron McKenna**



*'Birmingham's finest.'*

Anthony Collins  
solicitors



*'Gets involved with great music'*

Clintons ©



*'Strong, brave and dependable'*

DAC beachcroft



*'An American Favourite'*

BAKER & MCKENZIE

GREEN  
& BLACK'S  
ORGANIC

*'Consistently top quality across a variety of flavours'*

holman fenwick willan hfw



***'Top of the range;  
twist on the  
traditional; creative;  
all about the visual'***



***'Exclusive;  
independent; quite  
quirky; self owned.'***



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This light-hearted way of comparing chocolate bar brands with law firms does have a serious underlying message: law firms have brands that can be as diverse and differentiated within their marketplace as chocolate bars are within theirs. C'M'S Cameron McKenna were fully on board with this sentiment and offered their comments on the comparison of their firm to a Toblerone: 'global recognition, universal appeal, premium positioning but accessibly priced.' Judith Prime, Managing Director of Business Development at CMS Cameron McKenna stated "we rather liked this and think it's a good reflection of us as a firm. We are rooted in Europe, made up of distinctive pieces which all share the same form in terms of client values, service and quality." Judith was able to see the link between the brand personalities of her firm with a chocolate bar, showing that the two are not as far removed in brand personality traits as you might first imagine!

In many instances confectionary firms may be more effective at identifying and communicating their brand strengths, partly due to the larger budgets invested in marketing and advertising, but they reap the rewards when it comes to customer preference and loyalty. Law firm brands would be just as capable of exercising the same competitive advantages if they chose to make brand management a priority – as some are beginning to do.

## **A branding shake-up**

As mentioned earlier, the introduction of the Legal Services Act is beginning to shake-up branding in the legal sector. This Act allows outside investors to enter the market, subject to approval from the Law Society. These new ABSs (alternative business structures) are entering the market and competition is fiercer than ever. These changes will have ramifications for law brands, especially when we consider that some prominent and well-respected brands, such as Tesco and Eddie Stobart, have expressed interest in offering legal services under their brand names. Such brands are familiar

household names, known and trusted by many. While corporate lawyers may not see them as an immediate threat to their own business, they will certainly raise the bar in terms of brand management and corporate communications, making traditional firms look increasingly outmoded if they do not respond to the competitive challenge.



In a 2009 YouGov survey 60% of the public were unable to name a law firm, despite 78% of those asked having used a solicitor. Whilst this may have improved slightly

in the last 3 years, there is no denying that law firm branding and marketing remains poor, especially to the public. On the other hand one could expect almost everyone to name a chocolate bar and with ABSs making the legal market increasingly saturated, firms need to seriously consider their brand awareness and penetration. Joe Public is likely to opt for a brand he knows and trusts instead of one they have never come across before.

This also has implications for the wider legal sector as a whole, including firms that target businesses instead of individuals. With external investors from non-legal backgrounds entering the competitive space, branding in the legal marketplace is likely to be transformed; external investors will often have a portfolio of brands, and managing the firm's brand will be seen as a priority and not an afterthought in line with the rest of the brands they manage. This shows how the abstract concept of branding becomes a tangible reality for legal firms that need to step up their brand management to keep up with a changing competitive space.

## Marketing to students

There are two key audience groups with which any law firm must engage: clients and recruits. Marketing the firm to the most talented students has always been considered to be something of a challenge because, to the uninitiated undergraduate, with a few exceptions, the proposition offered by one firm is practically indistinguishable from that of another (perhaps that is why firms are, somewhat flippantly, judged by the quality of their biscuits or lavatories on some websites?). Yet, these recruits will become the future lifeblood of the firm, the ones responsible for maintaining the firm's corporate reputation. This raises an interesting question: how effective are law firms at marketing themselves to students? To explore this, we consulted a number of law and non-law graduates as well as final-year university students. Perhaps not surprisingly, although a career in law was considered to be an attractive option, very few could differentiate between or engage with the different law firm brands. This, clearly, presents a challenge for any firm wanting to stand-out and secure the best graduates – yet their future prosperity depends upon it!

On the other hand, all were readily able to distinguish between different chocolate brands, with most able to cite their brand personality, targeting and competitive advantage. When asked to compare chocolate bar brands to law firm brands, students were perplexed. They might as well all have been indistinct blocks of identical chocolate in brown paper wrappers! (perhaps the way chocolate might have been marketed 100 years ago?). While this may not be a cause for concern to law firms in a dampened economic climate, where competition between students for training

contracts is fierce, losing out on the best students to another firm could affect their future ranking. Similarly, when the economy picks up, they will find themselves competing for the best talent without a differentiated message or readily understood reason for preference. Law firms need, therefore, to communicate their distinctive qualities to students to assert their competitive advantage.

## A male dominated industry

The legal sector has an historic legacy of being male-dominated. Even today, an analysis of the top 50 Law firms shows how few females partners there are. Comparisons might be drawn here with the Yorkie bar, famously 'not for girls'. The brand's, somewhat controversial, marketing campaigns played on the products chunky, masculine 'trucker' appeal whilst simultaneously appealing to females, looking to rebel against the cheeky 'not for girls' slogan.



Yorkie even released a neon pink chocolate wrapper, bearing the same slogan, despite being clearly marketed at girls. While it would hardly be appropriate a law firm to adopt such a strategy, parallels between the Yorkie bar and the law industry as a whole, are there to be drawn. Perhaps law firms could get creative and employ a marketing strategy that attracts both sexes to their brand in equal measure, which would have ramifications for how the legal industry is viewed. The stigma of its being such a male dominated industry is, potentially, damaging for the future of the industry and its ability to attract the brightest talent (around half of which is female).

## Conclusion

Law firm brands are, potentially, stronger and more individualised than they might, at first, appear. Look more closely and they do, often, have established corporate personalities, but these often vaguely defined to those on the outside and rarely articulated among those on the inside of the firm. Firms need to harness their unique strengths and communicate these to their audiences, both clients and prospective recruits, if they want to stand-out in an already crowded market. It is a market that is about to become a lot more competitive when a plethora of new entrants arrives, attracted to a market where, in brand communications terms at least, the current players look distinctly unfocused – like generic chocolate bars sold in brown paper bags! Perhaps the time has come for law firms to think of themselves a little more like branded chocolate bars?