

Strong trends energize law firm market research

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Most lawyers believe that they know what their clients want. Shockingly often, these lawyers are mistaken. As a result, they make poor business and business development decisions.

Should we open a new office in a new region? Should we add a new practice area? Should we expand (or eliminate) an existing practice? Should we target a particular kind of work in a particular industry? What sets us apart from our competitors?

The only way to truly understand what clients and potential clients want from a lawyer or a law firm is to do market research that uncovers the truth in clients' hearts and minds. Client research is used to support law firm strategy and tactics that lead to better results and an improved bottom line.

“We know that to create, execute and maintain strong brands and client communications, law firms must understand how clients and potential clients are making decisions related to their service offerings,” said Brian Elkins.

Elkins discussed the use of market research by law firms at the monthly program of the [Rocky Mountain Chapter of the Legal Marketing Association](#), which took place Feb. 11 at Ocean Prime in LoDo, Denver.

Elkins is senior brand strategist at [Heart+Mind Strategies](#), a national consulting group that helps Fortune 500 corporations, associations and interest groups with cutting-edge brand strategy, audience research and product/service innovation. The firm's research is behind such well-known campaigns as “Plastics Make It Possible” for The American Plastics Council, “got milk” for the National Milk Processors and “Together We Can Save a Life” for The American Red Cross.

Elkins focused his presentation on new trends in market research.

The best brands today motivate using emotion

Market research can be quantitative or qualitative. Quantitative research is rational and delves into the minds of clients and potential clients. It focuses on *what*, *where* and *when*. It measures the incidence of views and opinions in a chosen sample. It uses structured techniques such as online questionnaires, on-

street interviews or telephone interviews. It assumes a fixed and measurable reality that can be analyzed using and reported through statistics.

Qualitative research, on the other hand, delves into the value systems (hearts) of clients and potential clients. It focuses on the *why* and *how* of customer decision-making. Its purpose is to gain an understanding of underlying reasons and motivations, and uncover trends. It uses unstructured or semi-structured techniques such as face-to-face interviews or group discussions. It assumed a dynamic and negotiated reality. Data are analyzed by themes and reported in everyday language.

“To persuade and motivate, you need to understand both minds and hearts,” said Elkins. “Marketing IQ must be combined with marketing EQ. Qualitative research yields valuable data. At the same time, quantitative or ‘values-based’ research is proving itself essential to understanding today’s dynamic and increasingly interactive marketplace.”

The best brands today are interactive

In the past century, branding was a one-way process – delivered from the provider of the product or the service to the consumer of the product or service. The brand was tightly controlled and conveyed to audiences using traditional mass media buys, placements and speaking engagements.

“Today, thanks to the Internet, branding is now much more interactive and collaborative,” said Elkins. “It is created and controlled not by its owner, but by what clients and consumers say about the brand in the course of uncontrolled social media conversations.

“The consumer landscape is dynamic,” said Elkins. “Brands must complement traditional methods of market research and message delivery with non-traditional, innovative research approaches that successfully reveal clients’ wants, wishes, desires and unmet needs. Brands must be nimble enough to adapt quickly and engage across multiple touch points.”

The best brands today solve problems

Today’s compelling law firm brand is not about the features of a product or service. Instead, it is about meeting clients’ needs and solving clients’ problems. The brand is about solutions.

“For example, retail customers rarely want to buy a drill just to have a drill,” said Elkins. “They want to solve the problem of mounting a new shelf in the kitchen on which to place their cookbooks. Ownership of a drill must be branded as leading to that result.”

Traditional branding efforts followed a linear pattern, with a beginning and an end. This is the pattern most law firms are used to.

1. Conduct market/brand research

2. Understand the market perceptions of an entity's brand, products or services
3. Define (or redefine) the desired value proposition and brand promise
4. Build a brand platform
5. Deliver the brand through outbound communications

Today, effective branding efforts are circular and continuous:

1. Conduct market/brand research to determine perception and value
2. Engage in client intelligence via "client listening"
3. Look to and prepare for the future using "trend spotting"
4. Measure success, using benchmark campaigns, initiatives and monitoring
5. Integrate marketing research in ways that meet the needs and match the comfort zones of attorneys
6. Lather, rinse, repeat

Listening posts in an interactive environment

The best way to find out what is in the hearts and minds of your clients is to ask them – using both quantitative and (increasingly) qualitative methods. These tools work not only for market research, but can also be used when creating persuasive and effective strategies for juries in the courtroom.

"To know what your clients are thinking and feeling, law firms must create a way for them to interact with you," said Elkins. "We call these methods 'listening posts.'"

Listening posts can provide real-time monitoring on a set schedule of public opinion and trends, using surveys (online or phone), interviews and discussions. Surveys can be general, to take the pulse of opinions and emerging trends, or specific, to track specific issues or activities. Group discussions (online or in person) involving 6-24 people from a targeted group can delve deeply into member values.

"Static quantitative data gained by this process can be used to create attitudinal and demographic *profiles*," said Elkins. "Dynamic quantitative information such as attitudes, behaviors, emotions and personal values) can be used along with demographics to create *segments*. The audiences in targeted profiles and segments can be presented with specific test messages or arguments.

When your target audience is a jury, arguments and trial strategy can be tested on segments in simulated settings, such as mock juries, shadow juries and communications workshops.

"There is a definite movement away from strictly demographic profiles and towards segments based on psychographic behavioral information," said Elkins.

Another way to "listen" to how clients are branding your services is to create your own online client advisory panels and communities, such as bulletin boards (online, moderated discussion with individuals reacting to information you post), strategy labs (in-person or online group interactive sessions among

you, your clients and your influencers) and online communities (live, real-time, dynamic online communities to use as a sounding board on emerging issues and activities). These are tools that you create, manage and maintain.

“Finally,” said Elkins, “ law firms can ‘listen’ to clients by using software that ‘scrapes’ and reports on websites and social media sites (that you do not create or maintain) to monitor online discussion of cases and legal issues -- sites like Facebook, Twitter, LinkedIn, blogs, public message boards, and relevant online media coverage.

“Scraping tools can be fine-tuned to measure and weigh the ‘volume’ of a discussion, the sentiment (pro and con) of a discussion, and the prominence of those participating in the discussion,” said Elkins.

“Whether you like it or not, what these people are saying is shaping your brand. You must respond.”

In the past, law firms have based their business development decisions on demographic data generated by market research. Today, in order to achieve the best results, they must factor behavioral data into that equation. In addition, they must recognize that their clients now own their brands. They must listen carefully, especially online and in real time, to understand what their clients are saying.