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Self-Analysis and a Client-Focused Brochure

By Steven A. Meyerowitz

You are about to read the best column ever written about law firm brochures. This column will tell you everything you need to know or could imagine wondering about brochures. And it will deliver this information to you promptly and efficiently and cost effectively and . . .

Please do not stop reading, even if the first paragraph of this column is enough to make you want to turn the page.

All too many law firm brochures are written like the first paragraph, and all too many readers of law firm brochures -- potential clients! -- react negatively.

A law firm brochure that makes broad general statements that are easily applicable to other firms, that uses platitudes, that talks more about the law firm than how the firm can help clients or that fails to include backup information to prove the brochure's conclusions is of little real benefit.

While there are many facets to preparing a firm or departmental brochure, practice-area capability piece or new business proposal, the most important is the content. Brochures should provide spe-

cific, supportable information that readers need or want.

Before a law firm can determine what to write in a brochure, however, it has to analyze itself. The firm's partners, or one or two partners in each practice area, should think about the questions that follow and put their answers down on paper or provide them to the person drafting the brochure. The writer can then evaluate the information, understand the firm and incorporate that knowledge into the brochure.

Describe The Practice

Lawyers usually have a shorthand way of telling other people what it is they do. "I'm an environmental lawyer." "I handle personal injury cases." "I am a litigator." While such descriptions may be fine to use in certain conversations, they are inadequate for a brochure.

A brochure must describe a law firm's practice in more detail. What different kinds of matters are handled? An environmental lawyer may represent clients

with respect to state and federal regulatory proceedings, general environmental compliance issues, environmental cleanup lawsuits, real estate transactions and financings and also conduct environmental audits. All aspects of the practice should be listed so readers can learn the kind of work the firm does and can retain the firm for any of the wide variety of services it provides.

The "nuts and bolts" part of a practice may not be very exciting, but it helps to pay the bills and should not be forgotten.

The brochure should categorize the kinds of clients that the firm generally represents. Do they have any particularly significant characteristics? Are they large companies or public companies or are they located in any particular geographic area? Are they always defendants in criminal matters or plaintiffs in negligence actions? This is important because it will help to focus the brochure and ensure that it is targeted to the appropriate audience.

Also to be considered is the extent to which the firm's lawyers work with each

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other. The ability to rely on partners' experience and knowledge is one of the benefits of larger firms and should be explained.

Analyze Trends

Laws and regulations that are particularly applicable to a firm's practice should be considered. If the firm has played a role in having them favorably interpreted for its clients or if it has influenced regulatory or legislative policy, these points should be emphasized.

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Also to be considered is where the law is heading. Are there developing trends in which the firm is involved, that it is helping to create or that are happening independent of the firm's efforts that could affect its practice and thus what is written in the brochure? Do antitrust lawyers at the firm anticipate developments in the field now that the Democrats have regained the White House? If so, that should be reflected in one way or another in the brochure.

The brochure writer should have a list of cases or matters that the firm has handled. Can an aggregate dollar amount be stated for deals closed, judgments obtained or claims defended against in the past year or five years? Are there any other statistics about the firm's practice that might reflect its scope?

This is not to suggest that a firm brochure will mention client names or that it

can or should report on the results of court cases in which the firm has been involved.

But, keeping in mind client confidentiality issues and the professional responsibility rules, the brochure certainly should be able to include actual examples of the firm's work and some statistical evidence of it. Thus, it can state that the firm has represented more than a dozen financial institutions in lender liability suits in courts across the country, that it has represented equity investors in seven \$100 million leveraged lease transactions or that it counsels senior-level corporate executives on compensation-related matters.

There should also be a list describing actual examples of creative problem-solving work that the firm has done. Did it come up with a way to avoid a tax problem for a client? Was the decision to use a bankruptcy-remote subsidiary in a particular transaction the firm's idea? Creative lawyers should be able, and willing, to highlight their creativity in a brochure.

All lawyers have something about them that makes them different from other lawyers. There should be no hesitation to include that personal information when appropriate.

Lawyers should think about their backgrounds. What law school did they go to? Did they clerk? Is someone also an accountant or nurse or scientist? Did anyone work for the government or for a large firm at some point in his or her career?

How long have lawyers been involved in each particular aspect of their practice? Is someone an environmental law pioneer? Active in bar associations? Active in his or her community? Perhaps someone in the firm is a village justice or a member of the school board.

Describe Differences

One issue that is frequently neglected in brochures is an explanation of why a law firm is different from other “similar” law firms. When embarking on a brochure, it is crucial to be able to answer what makes one firm's practice different from another's. Is the firm larger or are the partners more experienced? Are fees lower? What makes the firm “better”?

In other words, why should a potential client come to this firm rather than another firm? How would this question be answered if a potential client asked it?

The Future

While a brochure is backward-looking in the sense that it describes a law firm's capabilities and experience and the background of its lawyers, it also must be forward-looking in one very important way: It must be written for the kinds of clients that the firm wants to represent.

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Who are those clients? What kinds of clients does the firm seek? Perhaps most important, where does the firm want and expect its practice to be in five years?

Lawyers who truly think about and answer these questions should be well on their way to a high quality, well-written and effective brochure. Indeed, this kind of self-analysis should be helpful to a firm's other marketing activities as well.
