

Between the Gibson Sheats: *a law firm rebrands*

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Law firms have increasingly realized the value of branding in a global, cross-media world. But few have taken the principles of branding as sincerely as Gibson Sheat, a small law firm in Lower Hutt and Wellington, New Zealand, that knew it had to make a real impact to differentiate itself in the market-place. In one of the most courageous branding revamps, it tries to make “just another” law firm distinctive and poised for the twenty-first century, stressing through its tagline, ‘Legal know-how’. What is distinctive is the substance that backs up the presentation: lawyers are enthusiastic about their brand, and the firm itself is aware of and constantly reinforces its unique culture. The Gibson Sheat story is more than one of a law firm rebrand, says the author, a well-known branding specialist who trained at one of New Zealand’s top law schools. The exercise points to how law firms may present themselves in the future as audiences become more sophisticated and makes many recent efforts suffer from me-tooism by comparison.

1. CEO, Jack Yan & Associates (<http://jyanet.com>), Wellington, New Zealand and New York, New York. Graduate of Victoria University of Wellington, New Zealand, LLB 1995, BCA (Hons.) 1997, MCA 2000. Copyright ©2001 by JY&A Consulting, a division of Jack Yan & Associates. All rights reserved.

1. Law firms and branding

1.1 Introduction

The legal profession has not always seen a need to brand. Some lawyers, just getting used to the idea of marketing, view the term with some scepticism.² Yet with strong evidence from the business world that branding is important,³ it is naïve for law firms to think they are immune from the forces that operate in the market. These forces are not restricted to economics, but include consumer behaviour. Branding exists as a tool for differentiation, and it follows that the greater the homogeneity of an industry, the greater its need.⁴ To the consumer, it can be argued that the legal industry is homogeneous. Outside the profession, it is difficult to tell one from another.

Increased competition, thanks to the internet and a wave of mergers and acquisitions in the legal profession, has seen law firms re-evaluate their marketing strategies. As an indication of this, Greenfield/Belser, a specialist in law firm branding, says that while 77 per cent of law firms are online, 58 per cent got there only in the last two years.⁵ Going online has forced many to re-examine how they market.

Yet the misunderstanding behind ‘branding’ prevails in law just as it does in any other industry—including marketing, where specialists ought to (but often do not) know better.⁶ As Rivkin found in her article for the *New York Law Journal*:⁷

Not only is there no consensus about what ‘branding’ means, but there is also no consensus about whether law firms and other professional service organizations should try to brand their wares.

It is no surprise that with such misunderstanding, David Maister, a former Harvard Business School professor and management consultant for professional service firms, calls it ‘largely irrelevant and impossible.’⁸ But then Maister goes on to suggest that law firms read what clients want and then read it themselves—something which this author believes comes within the scope of branding.

2. Rivkin: ‘Marketers promote “branding” as the next big thing for law firms’, *New York Law Journal*, February 13, 2001, <<http://www.law.com/ny/>>.

3. Corporate identity, the discipline behind branding (*v.i.*), is regarded by British businesses as more important than advertising. Research by Pingali Associates for The Hamiltons, February 1997. Over 17 per cent felt that identity was the best-value way to promote a business, while advertising was chosen by 15.6 per cent. Both figures were slightly lower for companies on the Alternative Investment Market (AIM).

4. Cf. Gottschall: *Typographic Communications Today*. Cambridge, Mass. 1989, p. 70.

5. Greenfield–Belser: *Finding and Working with Lawyers on the Web*. Washington, DC, 2001, p. 1.

6. Yan: ‘Online branding: an antipodean experience’, *Proceedings of the First Annual Human.Society@Internet Conference*. Berlin 2001 (to be published at time of writing); Yan: *Corporate Identity: Its Effects on Business Performance*. Wellington 1999, p. 1; Olins: *The New Guide to Identity*. Aldershot 1995, p. xvii; Rivkin, *op. cit.*; cf. Frankel (ed.): *I-Branding Digest*, issue 8, January 16, 2001, <<http://list.audettemedia.com/archives/archives.html>>; Yan: ‘The business of identity’, *CAP*, vol. 4, no. 3, autumn 2000, pp. 4–10, 22; Yan: ‘The identity business’, *Desktop*, April 1999, pp. 42–5.

7. Rivkin, *ibid.*

8. Quoted in *ibid.*

Some of the confusion arises because identity and branding are generally not taught as distinct subjects in business schools. Instead, it is the realm of graphic design courses.⁹ Some view it as limited to creating logos and stationery items when the entire organization's direction is in fact heralded by the brand.

Christine Arden of Wellington, New Zealand's DNA Design said:¹⁰

Within the business environment, people often have a very narrow view. When they talk about "brand identity", they see it very much as just the visual identity, the logo, [and] the livery ... as opposed to being the broader expression of what the brand stands for. ... How you visually express it is one component of what the brand is.

Wally Olins, an authority on corporate identity and branding, states that the brand began as 'the emanation of the company's products as far as one audience was concerned ... the customer.'¹¹ With the development of branding in recent years, the emanation now extends to the entire organization. Olins gives examples such as Virgin and Caterpillar, brands which now represent an "attitude". The 'totality of the corporate whole' is represented by the brand.¹² The company's attitude, and perhaps more accurately, its vision and philosophy, are communicated through the brand toward not just the customer, but internal audiences as well. In other words, internal and external audiences get a consistent message about what the organization stands for. Today, with a demand for corporate transparency and increasing public interest in the largest organizations,¹³ this consistency is not only sensible, but imperative.

Branding, therefore, can be considered as:

the methods in which the organization communicates, symbolizes and differentiates itself to audiences.¹⁴

Arden feels that identity 'defines who you are and differentiates you within the marketplace. It gives you competitive advantage and is of real commercial value.'

Once the organization has figured out its vision, it can create a brand that represents it. This brand includes 'its trademark, its name, its reputation and the sensual and emotional buttons surrounding it.'¹⁵ This then is exposed internally and externally. Over time, through semiotics, images of the organization form. The organization is best advised to ensure that the images are controlled by its own branding efforts, but often the media and other sources have a part to play. This highlights the necessity of public relations to

9. Yan: *Corporate Identity*, op. cit., pp. 1–2.

10. Interview by the author with Christine Arden, DNA Design, June 13, 2001.

11. Interview by the author with Wally Olins, June 19, 2000, *q.v.* Yan: 'The attitude of identity', *Desktop*, October 2000, pp. 26–31. Also quoted in Yan: 'Online branding', op. cit.

12. *Ibid.*

13. Olins: *Trading Identities: Why Countries and Companies Are Taking on Each Other's Role*. London 1999.

14. Yan: 'Online branding', op. cit.

15. Cahalan, as quoted in Yan, 'The attitude of identity', op. cit., at p. 27.

also be in on the brand's meanings. When positive images are formed, audiences will become likely customers of the organization.¹⁶

It is not difficult to see, with these definitions, how law firms can benefit from branding. As Burkey Belser of Greenfield/Belser states, 'branding is the bedrock of marketing ... Just because law firms have just discovered it, does not make it any less effective nor does it make it a fad.'¹⁷

1.2 NZ law

New Zealand, steeped in a common-law tradition inherited from English law, is not that unfamiliar a market-place for legal services for most readers. There are a number of big law firms with nationwide names that are expanding, with *c.* 15 per cent of practising principals enjoying 40–5 per cent of the total legal market.¹⁸ The distribution here, as in many industries, is bimodal, with sole practitioners increasing in number.¹⁹ Mid-size and small practices occupy regional and city markets. Judging from appearances, there is little to distinguish them: most are named after founding or current partners, attempting to cover a wide spectrum of legal services.²⁰ While there are specialists, the officious bystander in this situation, one who is outside the industry, knows little about who specializes in what. There are exceptions, but generally it is hard within a small population to carve a niche.

The firms have a common threat: accounting firms. New Zealand has produced, recently, a number of conjoint degree graduates who are equipped in law and business. PricewaterhouseCoopers, KPMG and Accenture have accountants who perform legal services as well as bespoke legal divisions. The nationwide Public Trust offices, specializing in estates, benefit from an 0800 toll-free service, a comprehensive call centre that links its offices so that operators can schedule appointments for clients throughout the country, and extensive computerization including a program that generates draft wills, allowing them to claim free will preparation.

Yet there are some differences between New Zealand and the United States. The larger names have overseas affiliates and presences, usually in the markets where clients demand they be present. Most firms, including the largest, tend to focus on New Zealand issues. There are few conflicts-of-law issues because New Zealand has one legal system. It does not have to be concerned about Scots law as an English court might, for instance. Consequently, the scope for differentiation is even narrower.

16. This summary was the subject of a study by the author linking corporate identity and branding to the organization's bottom line in 1998–9. Yan: *Corporate Identity*, op. cit.; *q.v.* JY&A Consulting: *JY&A Consulting Profile*. Wellington 2000.

17. Quoted in Rivkin, op. cit.

18. DNA Design: *Gibson Sheat Brand Identity Development Blueprint*, May 3, 2000, p. 3.

19. Ibid.

20. Ibid., p. 4, *q.v.*

Further, the firms have not had to go online with as much aplomb as their American counterparts. The antipodean web did not suffer from the hype that took hold in North America and Europe in the late 1990s. A smaller population meant that web site development could not always be justified in related industries,²¹ and this may have influenced law firms to delay their own online entries. Only a handful use the web successfully as an integrated part of their marketing communications.

1.3 Gibson Sheat

Gibson Sheat is a mid-sized law firm with offices in Lower Hutt and Wellington, New Zealand. It is helmed by eight partners. It is the largest law firm in the Hutt Valley, a region around 20 minutes from the centre of Wellington. Its Wellington office opened in 1999.

In the late 1990s, it had begun a shift, making a ‘conscious effort to hire more young staff,’ according to partner Nigel Moody.²² This took place with internal restructuring, which included the abandoning of fee targets:

We wanted to try and encourage people to behave as a team and by giving everybody a fee target ... you create a competitive atmosphere within the firm. ... Some firms might argue the right kind of people flourish within that ... atmosphere. But we didn't think so. ... Teamwork within the structure of a law firm means people delegating to each other on an agreed set of criteria which might relate to who's got particular expertise, who's trying to develop expertise, or who is having work done at the right level so it's being done at a lower [or an] appropriate cost structure. ... If you've got fee targets, people tend to grab all the work they can and end up doing the wrong work ... and the whole thing becomes a very short-sighted, short-term approach to running a business.²³

Firm marketing with a view to positioning the Gibson Sheat brand began in 1999. A design brief from the company dated December 6, 1999 stated:²⁴

[The younger partners] have challenged many of the traditions of the firm and reinvented Gibson Sheat as a progressive commercial law firm, that, while small (50ish) compared with the Wellington giants, has people doing some genuinely very specialised and dynamic legal work.

You could (and we will!) sum up this unique position in the market as a ‘small mega-firm’.

The paradox doesn't end there. We're a team of strong individuals; have a strong history while being forward-looking; we're approachable yet professional.

The culture of the firm has also changed. GS has forged a strong team environment, one that actively encourages action, fun and daring to be different.

But on its face, it was no different: the old branding showed inconsistencies. There were efforts to incorporate a sub-brand, Lawlink, a national network of law firms. Cor-

21. Yan: ‘Online branding’, op. cit.

22. Interview with Nigel Moody by the author, May 18, 2001.

23. Ibid.

24. Gibson Sheat: *Firm Design Brief: Gibson Sheat, Lawyers*, December 6, 1999, p. 1.

porate colours were dull and conservative. Gibson Sheat may have felt energized on the inside, but that was not being reinforced through its marketing or the manifest elements of its identity. Brochures and stationery—the most evident example of branding—reflected what general manager Denise Kramer described as almost a half-century behind the times:²⁵

You keep saying, ‘This is us, we’re different,’ but you looked at our tools and you’re saying, ‘That’s a bit boring—1950s, 1960s and not up to date.’

Although designed in the 1980s, there were mismatches in typeface (a horizontally scaled Optima and Palatino) as the branding evolved. With a limited budget for branding, Gibson Sheat was not in a position to do a “clean sweep” and have all its stationery done at once. A lack of branding specifications did not help. The solution would have to remedy not only the design problems, but be the catalyst for continuing Gibson Sheat’s internal revolution. It would include new branding specifications and cross-media marketing (web and print), to be implemented in stages due to a limited budget. It would have to go another step further: the identity specialist that the company was to hire would have to find what differentiated the firm and help build its vision, allowing it to approach the twenty-first century. That task fell to DNA Design, which at the time was going through its own rebranding. The process, discussed in Section 2, began in earnest in March 2000.

2. The practice

2.1 The identity and branding model

The identity and branding model used in this paper was developed by the author after an extensive review of corporate identity and branding literature as well as earlier research into the best practice of organizations.²⁶ The model links vision, research, (brand) exposition and image with business performance. A qualitative analysis was adopted.

25. Interview with Denise Kramer by the author, May 18, 2001.

26. Yan: *Corporate Identity*, op. cit.

2.2 Vision

Vision incorporates the organization’s philosophy and *raison d’être*. It is by definition important, but earlier studies by the author and JY&A Consulting showed that its effect on later stages of the model was not as crucial.²⁷ Vision statements were also found to be less significant than once thought—and many of them suffer from being “run of the mill”, typically promising the greatest possible return to stakeholders while ensuring maximum customer satisfaction. Current thinking, as espoused by Olins and found to be true in the author’s examination of successful dot coms,²⁸ is that this can be distilled into an “attitude”.

With the “attitude” theme, and the merging of internal and external communication strategies to encourage every audience to hold the same image of the organization, there is a stronger case for taglines that summarize the way the organization conducts itself.

Gibson Sheat had a new attitude thanks to a late-1990s’ injection of young blood. It had been evolving from a traditional law firm that had not been overly active in marketing. The decision to rebrand came after a realization that the firm had shifted its focus, but as Nigel Moody explained there was no one “Eureka” moment: ‘You don’t come into work one day and the alarm goes off and say, “Oh, it’s time to rebrand.”’.

There was no clearly defined vision statement, yet Gibson Sheat was confident enough about its future to open a new office in Wellington. It knew it had to grow, hence a focused expansion at the end of the decade. It knew it had specialist areas, such as in commercial law, litigation, conveyancing and estates.²⁹ Culturally, it was different. Its December 1999 brief is descriptive:³⁰

Gibson Sheat does not fit the ‘law firm’ mould. They’re professional, but certainly not corporate. In fact, for a law firm they seem incredibly fresh and energetic. They’re worth a closer look.

NB. We want to be seen (eventually) as a city firm with a Lower Hutt office acting for clients nationwide.

What’s the one thing we’d most like them to say?

Gibson Sheat are powerful commercial lawyers, but they sure don’t act like it.

How can we make this believable?

In our specialist areas we have some of the country’s top lawyers ... We’re small enough to be fast-acting, friendly and reasonable.

Moody places this into perspective:

27. Ibid., at pp. 101–2; Yan: ‘Online branding’, op. cit.

28. Dot coms, operating in a less certain environment, could not afford to have narrowly defined vision statements that restricted their business activities. This has worked to some organizations’ disadvantage, e.g. Amazon.com, which has had to rebrand frequently; but generally in the author’s online branding study, firms that managed to define their attitude succeeded with looser visions. Yan: ‘Online branding’, ibid.

29. *Gibson Sheat Brand Values and Information*, memorandum from Gibson Sheat to BNA Design, March 31, 2000.

30. Gibson Sheat: *Firm Design Brief*, op. cit., p. 2. Here, italics replace the original’s underlined text.

There is a certain ... life cycle that organizations go through. ... Looking back, I can see various stages of development ... in terms of internal structure, the culture, the kind of work we're doing, both internal and ... external. We had had, in the last two to three years, quite a lot of structural changes. We had had growth and ... a maturing of the management. We were getting a little bit more consensual focus. Partnerships are not the most necessarily efficient structure.

... We'd been doing a lot of work on the internal culture of the firm as we had been growing to try and organize ourselves in a way in which we could deliver our services more efficiently and also develop aspects of the culture ... [and] the behaviour of the firm internally. ... [We had to] support the number of young people that we'd been taking on board. We've been growing, taking [on] a lot of professional staff: we are now eight partners ... [and] close to 26–7 authors. So we have improved our leverage from a business perspective and worked very hard on the things that were necessary. ... You don't just hire people up and ignore them.

Opening the Wellington office in 1999 forced the company to reflect.

... We've got lots of great, very switched-on young people. They're enthusiastic about their own careers and the firm and we had to create an environment at that Wellington office which is a bit different: open plan and quite ... funky. ... We suddenly realized, 'We're in Wellington. We want to grow in Wellington from a strategic perspective. We want to grow our commercial client base particularly and we need to start marketing ourselves more externally. ... We need to create and think about how we look and how people perceive us.'

... At that point there was a clear recognition of the way that we did look wasn't really a true reflection of what we were and what we wanted to be.

... Looking back on it, there was some awareness that [the rebranding] is what we needed ... to create good, solid foundations for us to continue to pursue this growth. ... We were aware ... [that] we needed to differentiate ourselves. We were very aware that we didn't look different from any other traditional law firm in terms of our brand. ... We needed to help the direction both internally as well as [externally] ... We needed to try to create a brand which largely is a reflection of us but also, importantly, a reflection of where we want to go to.

Both Moody and Kramer recognized the two offices were different in appearance. A challenge would be to find a brand that could encompass both. Again, the commonality would be the corporate attitude.

DNA Design, selected from three companies in part because it asked the right questions ('they were asking the questions that we want[ed] to be asked,' said Kramer), would be responsible for helping Gibson Sheat distil its attitude and play a part in determining its positioning for the years ahead.

In her interview, DNA Design's Christine Arden stated, 'Gibson Sheat were ... unique as a company and they were different to all their competitors.' She saw her view as being facilitative, bringing out what her client knew but had not realized.

Internally, Gibson Sheat formed a confidential committee to work on the rebranding. Interestingly, the activities of the committee were kept largely under wraps—atypical for a small firm which, in best-case scenarios encountered in earlier JY&A Consulting research, would keep colleagues closely informed.

Arden admits there was some concern with this confidentiality initially.

By the time we got [readying the] ... definitive brand and we'd [have taken] them along and [grown] their vision of where they could go. If they weren't exposing that to their colleagues, who had the power of veto, then we would get into dire straits, ending up having done all this work [for them to

say], ‘No, there are three key people who are partners who are not prepared to buy in.’ We spent a lot of time getting assurances ... from the working party that they had the buy-in and they were happy to get their colleagues to sanction it.

However, Gibson Sheat would remedy this by having a high-impact (though cost-effective) rebranding launch, something that would normally be reserved for firms with larger budgets.

The committee would have Moody, Kramer and partners Nigel Stirling and Martin Montague as its main members. Arden was one of the drivers of the identity project at DNA Design. She and her colleagues were given considerable cooperation, effectively becoming Gibson Sheat members as they divined the essence of the organization. This close cooperation is usually seen in the most successful rebranding situations.³¹ In Arden’s words:

You sometimes do [find this], but what ... they’ll commit to—in terms of what they speak about and say, ‘Yes, this is what we want to be,’ ... gets absolutely watered down—or they just won’t have enough clout in the organization to really sell it in.³²

Hence, the top-driven committee had a true power base and, according to Arden, trust.

The absence of a formal strategy was not problematic for her.

They were at a watershed situation in their company and they had progressed quite considerably in the last year or two. They were in a situation where they probably had to be a bit fluid. I think it’s really difficult for any organization to say now where they are going to be in five years. You can only do the mid-term. You can provide direction in terms of good foundations for the long term. ... The commercial reality and the speed of market change [mean] that you have to be flexible. What they were trying to was trying to “catch up” in terms of the whole branding side. They had so much moved from where their image was, it was so outdated, not at all contemporary and gave totally the wrong signals. [Their branding] had to give them enough flexibility to where they were going to go.

She felt that the core proposition must capture where Gibson Sheat would most likely go.

2.3 Research

Earlier findings by the author highlighted the importance of research.³³ Additionally, the Narver and Slater dimensions of management commitment, facilitative management and

31. Yan: *Corporate Identity*, op. cit. Cf. Yan: ‘Online branding’, op. cit., where marketing experts often drove the successful dot com brands in that study.

32. Arden revealed in her interview with the author, op. cit., that DNA Design had worked on another law firm’s rebranding over 10 years ago where this very thing happened: ‘[The exercise] was so protracted and [the firm was] so conservative. They were always talking about branding and wanting to differentiate and making an impact in the market, and never prepared to do anything that could achieve that.’

33. Yan: *Corporate Identity*, ibid.

interdepartmental connectedness impacted on subsequent branding stages.³⁴ In terms of research, the dimensions were important in allowing the rebranding committee full access to strategic information (e.g. strengths, weaknesses, what creates value in the firm, history, long-term strategy).³⁵ As three partners who had an interest in marketing as well as the firm's long-term welfare and the general manager formed the committee, the access to this information was obviously forthcoming, fully satisfying the requirement of a power base (and signalling management commitment). Yet the vision that would result from the exercise would not necessarily reflect the desired direction of all the partners, but would be a 'compromise,' according to Moody:

You've got partners who are at different stages of their lives: ... they have different needs, [and] different desires. ... To the extent [that] "the firm" has a long-term vision: it's a bit hard to have a *long* long-term vision ... without having eight people all having exactly the same perspective on it. It's just not going to happen.

This point is addressed in more detail below.³⁶

DNA Design's research was professional and complete, quickly narrowing down the target markets and understanding the market as a whole. Gibson Sheat cooperated by securing communications' materials, including brochures, from competitors to understand, in Denise Kramer's words, 'what *don't* we want to be.' The joint research effort—Kramer felt that DNA Design was the brand champion, rather than any one member of Gibson Sheat's staff—allowed both firms to become familiar with the forces in the industry.

In order to get to the differentiating factors of Gibson Sheat, DNA Design began with the 'givens' in the industry. Kramer recalled, '[DNA Design] took us through a workshop and said, "These are your values and that's fine, but some of these are givens." And, "How are you going to make yourselves different? People expect you to know your stuff, to be professional, to be honest ..."'

Arden confirmed this incident. 'Once we worked with them, they quickly saw that what they thought their brand values were actually didn't reflect who they were. [Their] brand values were the givens within that industry. ... They were important ... but that was not going to differentiate them within their market.'

In its workshop, DNA Design said that law firms generally focused on 'Size, location and heritage'. They had a directory of services. Their claimed differentiating factors were not so different: 'high quality, expert advice; specialist industry knowledge; service quality; relationships built on trust, integrity, etc.; proactive, strategic, pragmatic, value-

34. Narver and Slater: 'The effect of a market orientation on business profitability', *Journal of Marketing*, vol. 54, October 1990, pp. 20–35.

35. See *ibid.*, at pp. A.2–3.

36. *Infra*, §2.3.1.

added solutions; commitment to technology and process'. In short: 'They all look the same. They all say the same things.'³⁷

DNA Design's possible brand values for Gibson Sheat were: open, brave, fun, like-minded, pragmatic. But at the core, Gibson Sheat was 'refreshing'.

A gap analysis had been performed by DNA Design to see whether Gibson Sheat's clients would realistically buy in to its aim.³⁸ They found that the firm did demonstrate, continually, its brand values.

If this was the attitude, or the brand essence, then the next step would be to find a balance between a continuum between 'credible' and 'ground-breaking'. Various branding elements would fit on different parts of the continuum. In DNA Design's judgement, the visual support could survive being ground-breaking, so it steered clear of the usual serif types and traditional design solutions. It arrived at a tagline to summarize the positioning of the firm: 'Legal know-how.' As discussed below, this resulting positioning has encouraged Gibson Sheat staff to find ways to be refreshing and different, continually feeding back and strengthening the firm's brand values. It was robust enough to survive dramatic shifts in strategy—a wise proposition considering that Gibson Sheat itself was not wholly certain of how its future would unfold.

2.3.1 *Almost perfect*

There was another departure from the recommended practice. Although a vision was developing, and then expressed by DNA Design, Gibson Sheat had not conceived a five- or ten-year plan. This is perhaps not unusual for smaller firms. Gibson Sheat found itself evolving: it had not lost all the trappings of being a provincial law firm in the Hutt Valley with a secure clientèle. But as a larger organization with two offices, the rebrand had awakened a need within to examine a longer-term plan. In Moody's words:

It's a bit hard for a firm like us ... because I think we would all like to see Gibson Sheat thrive in 15 years. The strategy was not for the existing partners to bleed the thing dry and let it die when they retire. ... Everyone thinks of the firm as something greater than just the individuals in it.

This paper becomes more interesting as a result. In the past, the author's research had looked at companies that had essentially decided on which stratum of the market-place it would occupy, e.g. whether it would be a large or a small firm. Gibson Sheat is in the unusual though highly instructive position of being an expanding firm, and using its rebranding as a catalyst for change. It is *prima facie* a sensible move, given the bimodal distribution of firms in size terms. It illustrates that in this respect the legal industry is no different to others, subject to the same market forces that have forced this bimodality in areas as distinct as breweries, automobiles and funeral homes.

37. DNA Design: *Brand Identity Development: Gibson Sheat*, June 2000.

38. Interview with Christine Arden, *op. cit.*

With the realization that the firm would take on a different personality to its partners, the committee was more open to DNA Design’s influence. Moody felt that Gibson Sheat did, as a consequence, develop a brand personality that was sufficiently separate. The author notes that this move is also wise, given that an earlier study by Columbus, Ohio-based Fekete & Company showed that 79 per cent of CEOs selected a different personality type for their companies than did their executive team.³⁹ By allowing DNA Design this freedom, Gibson Sheat avoided the difficulty.

DNA Design’s Christine Arden was doubly delighted at a client more open to her firm’s advice in understanding the phenomena of identity and branding: “They were wonderful to work with and that rare client—prepared to “walk the talk” with regard [to] their brand.”⁴⁰ It was, she felt, very open to pushing the boundaries.⁴¹

Therefore, Gibson Sheat’s facilitative management allowed DNA Design to prepare branding propositions that were more accurate, reflecting its client’s needs.

2.3.2 *Interdepartmental connectedness*

One Narver and Slater factor was, however, missing. The committee did not feature people from across the organization, as is customarily required in best-practice situations. Gibson Sheat appears to have got around this by having partners directly involved, something that rarely occurs in a commercial setting. The general manager is becoming increasingly active in the firm’s marketing. The firm encourages those with an interest in marketing, including its own solicitors, to present seminars on the subject. The small size of the firm meant that there were no real “divisions” between practice areas.

This is a phenomenon that emerged in the author’s earlier study of dot coms, where again, separate departments did not exist.⁴²

This is not to say that Gibson Sheat’s rebranding committee was completely cut off from the rest of the company. Biographies were written for every staff member, based on their own submissions. Personal profiles, including detailing hobbies such as skydiving or music, are part of the new publicity materials. While including bios is nothing new, Gibson Sheat’s were particularly distinctive, with a humorous tone of voice reflecting the firm’s ‘brave’ and ‘out there’⁴³ attitude.

39. Fekete & Co.: *Companies Are People, Too*. Columbus, Ohio 1997.

40. Email from Christine Arden to the author, June 1, 2001. In her interview with the author on June 13, 2001, she mentions: ‘They were an ideal client. What I’ve tended to find is that there is a real paradox in that ... often entrepreneurs, and smaller companies innately, or intuitively, have a better grasp of branding. They actually follow it in terms of understanding that it’s often the driver of everything they do. It’s because they often have quite charismatic or visionary people leading the company. Once you get into a large organization, then it tends to get into communications [departments]. ... There’s a really big gap between their talking about what their brand values are and their brand and actually living it; whereas smaller organizations can actually have the potential to achieve [their values] a lot more effectively.’

41. Interview with Christine Arden, *op. cit.*

42. Although it will take a larger study to conclude this point, interdepartmental connectedness might not be as important in smaller organizations. See Yan: ‘Online branding’, *op. cit.*

43. Interview with Christine Arden, *op. cit.*

One example, for solicitor Sam Dawson, goes through his qualifications and expertise, but has at its end:

The person
Sam went to Otago, is a social butterfly and a sometime cruiser of the Caribbean (on boats we hope).

Notably, industry experience was mentioned, a factor that Greenfield/Belser found was most important for law firm biographies.⁴⁴ However, one solicitor reported some hesitancy to handing out the personal profiles.⁴⁵ But generally, reaction was favourable, another solicitor saying that they were ‘totally worth it and good value for money.’⁴⁶

2.3.3 *Structure*

Even the structure might change thanks to DNA Design forcing Gibson Sheat to perform its soul-searching. Kramer said:

It has made us look at ourselves and ... the way we are structured. You can't go through a branding process and say, 'Here's the branding process and everything else functions around it; now that we've done the branding, ... let's carry on.' We actually look at ourselves and say, 'Are we working the way we should be to our brand? Should we have teams? Can we do this?' So it has opened up a big new world and we are now questioning ourselves as well. So it's more than just a branding exercise.

Or perhaps it is exactly a branding exercise. Both Olins and the author advocate an ongoing process with feedback loops, identity and branding becoming an information system in the organization just like management information and finances. Kramer believes the overhaul of the way Gibson Sheat does business will ‘continue for a long, long time. We've only just started.’

2.3.4 *Future markets*

The rebranding was done with future markets in mind. Although the strategy was unclear, there was a general awareness that a more sophisticated audience accepted strong branding. Kramer also acknowledged that there would be a future market of people disinterested in the impersonal nature of the “mega” law firms.⁴⁷

2.3.5 *Tweaking*

Minor adjustments were made to typefaces and accompanying images. Typographically, the sans serif typeface (FF Scala Sans Small Caps) used as body type and the Gibson Sheat logotype separate the firm from competitors that generally adopted serif typefaces. DNA Design proposed radical images in line with its proposition that the graphics could

44. Greenfield–Belser, op. cit., at p. 20.

45. Interview with Samantha Naidoo by the author, May 23, 2001. Note that the viewpoint is not from Ms Naidoo.

46. Interview with Jo-anne Biggam by the author, May 23, 2001.

47. Cf. Yan: ‘Online branding’, op. cit.

push the envelope: black-and-white photographs of hoops, a rope with a knot, a nut and a baby. A unique yellow was mixed for Gibson Sheat,⁴⁸ maximizing differentiation in an industry that tends to favour navy blue.

2.4 Branding exposition

On the point of the internal launch, the author wrote in an earlier work:⁴⁹

It allows a chance to address scepticism, create a sense of unity, answer issues raised by staff which can then be used for fine-tuning, and goes some way to guaranteeing consistency with usage. It could also help limit misbehaviour.

... Olins recommends that the salient issues are explained clearly and backed up, and the course of action introduced in a step-by-step fashion ...⁵⁰

The Gibson Sheat brand launch was a textbook example. It had to be more powerful because of the secrecy surrounding the branding committee. Kramer explained:

It was totally confidential. Even the partners themselves: ... other than the three that were on the committee, none of them got to know what it was until it got to the stage where we could show them something. We wanted to keep everyone under suspense.

The reason we did this was because we didn't want to go out to the people and say, 'This is what we're doing.' We had to get it right. ... We had to present it in such a way the staff thought, 'Hey, this is great. They know what they're talking about.' ...

If we had gone out there and just presented it [before a full launch] and said, 'Here guys, here's the new brochure,' they wouldn't understand that [immediately].

The launch was done on the morning of Friday, October 6, 2000, with DNA Design presenting the new brand and running through its rationale. It even included why a brand was important, 'so that all their staff could understand the value of branding,' said Arden.

DNA Design drove the launch's concepts because of how spirited the process had been. According to Arden:

I felt so invigorated by the client and felt they were ... unique. ... They had identified to them[selves] that their most important stakeholders were their staff. Most clients would have looked very externally and are very profit-driven ... They saw that [their objective was] staff retention. ... A lot of the initiatives that we did were heavily driven by ourselves and were subsidized [by us] because it was something we wanted to do very much. It would have been a lost opportunity [otherwise]. We felt so passionate about it.

48. According to Christine Arden, the colour's emergence was serendipitous. 'At the time, our colour laser ... [had] problems with the yellow. All our visuals kept coming out at [a] specific colour and it wasn't a PMS colour. We kept explaining to them that the actual colour [would differ]. But when we got closer to printing, they said, "We just love this [printer output] colour now and we don't want the other colour."' The laser printer has since been replaced. Interview with Christine Arden, op. cit.

49. Ibid., at p. 108.

50. Olins: *The New Guide*, op. cit., at p. 51.

In other words, the closeness between DNA Design and Gibson Sheat drove the consultancy to take the job a step further—another case for providing full access to external parties working on the brand.

DNA Design felt that it might have ‘done something even more extreme,’ and held firmly to the belief that the launch had to be a ‘fun activity’, said Arden.

On launch day, staff members found a padlocked box on their desks. They had to find the correct key. The activity was meant to underscore the ‘Legal know-how’ tagline. When they turned on their computers, they found the new-brand screensaver operating. Each staff member then received an email saying, ‘It’s not about knowing stuff, it’s about knowing how to use it,’ together with a personalized clue as to where their key could be found.⁵¹ False clues were developed for selected partners, who had some foreknowledge of the event, such as a key marked ‘R. Herring’ (for ‘red herring’), strategically placed in the partner’s fish tank.

Jo-anne Bigham, a solicitor with Gibson Sheat, said the launch was ‘so much fun. ... The instructions on opening the box was in a riddle.’ Each staff member had a unique riddle to solve.

Inside the box was a brand booklet and a T-shirt with the four icons DNA Design had selected to complement the brand. The specially die-cut booklet, introducing the new brand, had on its cover: ‘Forget know what. What’s important is *know how*.’ On one spread, the branding proposition was outlined:

We’re not just another law firm. We are refreshingly ... different!

Gibson Sheat isn’t just another law firm. It can’t be. That’s not why we’re here, and there’s no appeal in that for our clients. We know that we don’t think or work like other firms. We know we build quite different relationships with the people and the companies we work for. So let’s celebrate that. *Let’s be different, refreshingly different.* And let’s build our reputation on that.

DNA Design ran a presentation to introduce the rebranding. The exercises finished that afternoon. Bigham stated that staff opted to wear their T-shirts all day, proud of the new brand.

The branding materials, including brochures and cards, were all distinctively designed and featured unusual die-cutting. DNA Design’s designers lived up to their promises of creating a unique brand. Contemporary and exciting, Gibson Sheat is in a position to win hearts and minds with its daring style. Even more importantly, any other law firm following the same route will be accused of follow-the-leader.

The author found that an internal understanding of the organization links to business performance, whether that be defined strategically or financially.⁵² Facilitative manage-

51. Christine Arden explained that DNA Design had to develop a database which ensured that each staff member would receive a personalized clue. Interview with Christine Arden, op. cit.

52. Yan: *Corporate Identity*, op. cit., at pp. 93–4.

ment is also important in creating buy-in to the vision when the brand is launched.⁵³ Gibson Sheat succeeded on both counts, ensuring a full understanding of the rebrand across its staff and providing the necessary ‘tools’. The tools went beyond stationery, but included the development of brochures that ‘were driven from the people involved in [the relevant practice area],’ said Kramer. She continued:

We went to [the employment partner] and Jo [an employment law solicitor] and said, ‘Give us the words you want to say.’ All we did was do a presentation and change some of the words to make it more [fluent] because they [said], ‘We didn’t know what to write.’ ... It was a matter of, ‘You give us what you want to say, and we’ll get it right.’

So we’re not going in and saying, ‘Here’s a brochure on this,’ or, ‘You need some on this.’ We’re actually saying to staff, ‘We need feedback.’

Gibson Sheat’s notable omission so far—about to be remedied at the time of writing—is a web site. The brand was created with cross-media application in mind. But the limited budget has meant getting the offline materials right first. (Kramer says that the brand development cost was akin to that of a much larger firm, reflecting its commitment.) Kramer promises that the site will reflect the same attitude but will be principally “brochureware” and will not be updated regularly with articles. This goes against Greenfield/Belser’s recommendations⁵⁴ but budgetary limits have to be acknowledged.

2.4.1 *No external marketing*

Kramer said that Gibson Sheat sent out brochures to a few key clients to announce the rebranding but generally stayed away from an above-the-line marketing campaign. With some of the firm’s traditional clients, the new brand may have given the wrong message which would have required an expensive (and unaffordable) marketing push to remedy. Kramer said they would have asked, ‘Why all of a sudden are you spending all this money? Does this mean your fees are going up?’ Instead, the firm relies on its own staff to market:

If you’ve got your staff understanding it, *they* go out and promote it.

Your staff *have* to reflect their brand. They are your brand, basically. If they don’t understand it and if they don’t live it and breathe it, the clients are going to say, ‘You’ve got a brand here, but it’s not consistent.’

2.4.2 *Other omissions*

Because of cost limitations, Gibson Sheat has not updated all its signage, for example. Its Wellington office shows the stretched Optima logotype at its door. The Lower Hutt building has ‘Gibson Sheat’ in Palatino. The firm promises these will be remedied as

53. *Ibid.*, at pp. 105–6.

54. *Op. cit.*

more of the new brand's elements can be afforded and put in place. While not ideal, they are to be expected in a smaller firm, particularly as it makes its transition to a larger one.

2.4.3 *On time*

Since visual attractiveness can be important in branding,⁵⁵ the icons and imagery could be updated to keep the branding's appearance current, according to Arden. 'In three years, they could actually refresh those images and they can grow it ... and extend it.' She envisages flexibility from the design, hence the logotype's fairly conservative (though not in this sector) typography which contributes to some timelessness.

2.5 Image

The Gibson Sheat staff spoken to by the author, as well as correspondence from outside audiences including clients and competitors, illustrate the success of the Gibson Sheat re-branding. 'We only had two negative feedbacks,' said Kramer. 'One was [from] another lawyer.'⁵⁶

Examination of the correspondence shows that audiences understand the new positioning. One client called the rebranding 'refreshingly different'; a competitor called it 'innovative' and expressed, 'the Gibson Sheat brand continues to be at the fore.'⁵⁷

Both Moody and Kramer report improved staff morale, one sign of 'performance' for Gibson Sheat. Their reactions have been as desired. Said Kramer:

Any firm needs to realize you can have a fantastic-looking brand, but for it to work both internally and externally you have to live by it. ...

And staff keep reminding us as well. 'You keep saying we're different. Now come on, be different.'

But there's still a lot of growth. ... [Staff] are really enthused about it, but we need to take the next step. ... And with the size of our firm we're grappling, saying, 'How can we take the next step?'

The culture is open to such critiquing by staff. The author had found that interdepartmental connectedness was the most important Narver and Slater dimension for image, 'because every team member must live up to the ideal.'⁵⁸ That could only be done if the firm is open enough to see little separation between divisions, or in this case, between partners, solicitors and support staff.

55. Cf. the seven schools of identity in Balmer: 'Corporate Branding and Connoisseurship', *Journal of General Management*, vol. 21, no. 1, autumn 1995, pp. 24–47.

56. Arden had stated that the brand's strength could alienate a small part of Gibson Sheat's total audience. Interview with Christine Arden, op. cit.

57. Correspondence to Gibson Sheat, October 27 and 30, 2000.

58. Yan: *Corporate Identity*, op. cit., at pp. 82–3.

Bigham and her commercial law colleague Samantha Naidoo confirm Gibson Sheat’s openness in accepting input from solicitors. But they have a few concerns with some areas of the firm.

This should not be interpreted as staff voicing complaints on deaf ears. They are certain, based on experience, that the partners will give their questions sincere consideration. Nigel Moody hinted in his earlier interview that performance criteria, one of Bigham and Naidoo’s concerns, were about to be re-evaluated.

Bigham said, ‘We are encouraged to say what we think.’ Hence, both she and Naidoo are filled with new ideas, enthusiastic over their possible adoption. Naidoo suggests that Gibson Sheat is in a position to be an industry leader in providing fixed-price services for some services. ‘We know what things cost for many aspects of commercial work,’ she said. ‘We have got to take clues from what clients think, not what we think.’ Bigham suggested that criteria for rewarding solicitors should be subjective (as stated by Moody), based around the enhancement of Gibson Sheat’s reputation and whether the person had “lived the brand”.

The MBA-qualified Naidoo was scheduled to give a seminar on marketing to her Gibson Sheat colleagues, illustrating the firm’s openness to find ways to be ‘different’ and ‘refreshing’.

2.5.1 Shortcomings

Because of the timing of this study, the author did not have an opportunity to examine external audiences in depth. However, the internal launch has been successful and the only things that have not been communicated to staff are those that the firm has not yet cemented. The rebranding committee’s desire to have the new brand act as a catalyst for new ideas appears to be working smoothly.

2.5.2 Identity system

Gibson Sheat appears to have implemented branding into its culture. The committee has survived, in modified form, to examine the firm’s marketing. The encouragement of staff to come up with new ways to be different continues. This is fed back into the way the firm is run. Many informal channels exist, and they appear to communicate consistently with the formal ones.

This was also apparent from outside the firm. Arden said:

They [understand branding at] an intuitive level and that’s where the commitment is. [It’s] instead of always having to think by having a manual and following [it]. They just understand, innately, that branding is important. ... Everybody within the company has begun [to express that]. ... I think they will follow through.

2.6 Business performance

Due to the novelty of the rebranding, business performance cannot be accurately measured at this time. DNA Design also did not undertake tracking studies on audience perception, cost being a factor,⁵⁹ and it was left to Gibson Sheat's staff to get feedback informally.

But there are indications that strategically, Gibson Sheat has pulled it off. The obvious difficulties to measuring business performance here is that the cultural shift began prior to the rebranding, and that images take time to develop in audiences' minds. The brand is equally a sign that things have changed at Gibson Sheat, acting as an icing on the cake and not strictly as the foundation on which the ingredients are laid.⁶⁰ As it acts as the means by which staff suggest improvement to the firm, acting as solicitors, marketers and intelligence-gatherers, there is every chance external audiences will become sold on the vision of 'Legal know-how', boosting the organization's business performance.

The firm must be aware that there are numerous factors delaying the emergence of a rise in billings, including (a) the shift from a fee-based structure; (b) the flat legal market and the fact Gibson Sheat is not working to capacity;⁶¹ (c) the beginning of a shift from *ad hoc* marketing to a market orientation;⁶² and (d) the time taken for its new images to form in the market-place.

Moody says that the following year will be 'very interesting to see whether we've ... got it right, because we will have had time to really get out there and ... bandy ourselves around a little bit more in the market.'

3. Conclusions

3.1 In relation to best practice

Apart from the exceptions outlined, Gibson Sheat behaved according to the best-practice criteria shown in the author's earlier study on identity and branding's connection to business performance. It was also true to Olins's "attitude" theme.

From an academic perspective, the absence of a strictly defined strategy is of interest. If there were any points Gibson Sheat was sure of, it was its essence. It had tried, informally and loosely, identified 'fresh' and 'energetic', but it had not really centred on them. Through exercises with Gibson Sheat, DNA Design later homed in on 'refreshing and different'.

59. Interview with Christine Arden, op. cit.

60. In Yan: *Corporate Identity*, at p. 110, a similar conclusion was drawn.

61. Interview with Nigel Moody, op. cit.

62. Ibid.

Loosely defined organizations were found to be successful in the dot com arena, but Gibson Sheat was a rare offline firm with this attribute. It suggests that the presence of an attitude and a market orientation can help an organization through a short period of time while it determines its strategy.

The key to buy-in is effective communication to all team members (i.e. facilitative management). If Gibson Sheat's secrecy surrounding rebranding was not balanced with a proper launch, there is evidence from earlier studies to show that the rebranding would have been unsuccessful. It is unusual for a small firm to have a rebranding kept under wraps. If the organization was more separate, or if a unified launch was impossible, then it should consider keeping its team members apprised of the rebranding's progress. Gibson Sheat was fortunate it was small enough to enable a cost-effective internal branding launch (or vision programme) over one day to all staff (demonstrating that interdepartmental connectedness existed). The launch was cleverly done—illustrating to staff members on two levels (the wit of the riddles *and* the tagline) that it was not the what, but the how, that mattered.

There was real power behind the rebranding, a necessity in such exercises. Poorly funded committees or those without moral management commitment are doomed to fail. In Gibson Sheat's case, three partners' presence on the branding committee was one of the strongest examples of management commitment seen in the author's studies.

Thanks to the real management commitment behind the rebranding, a daring design was possible. Consequently, three partners and the general manager understood the full rationale behind the need to differentiate—the very foundation of branding. Larger firms might find this impossible—but they will need to align themselves with this model if their rebrands are to be successful. DNA Design found itself with a dream client: one prepared to walk the talk with an appropriate power base, willing to adopt its designs with few modifications.

Many organizations must find themselves using rebranding as a catalyst: it would be unreasonable to expect all visions and strategies to be fully resolved prior to a branding exercise. The process is iterative. Consequently, Gibson Sheat saw the need for restructuring as a result of the rebranding, making itself open to staff input. It had come toward, if informally, to the identity system that Olins advocated, which was shown as part of an organization's best practice in identity and branding by the author in an earlier study.⁶³

As no substantial cultural shift was required, it could be argued that the Gibson Sheat rebranding was an easier assignment than most. This is not entirely fair, for many organizations will have begun a cultural shift prior to hiring an identity consultancy. Some will have even undertaken their own positioning studies. If anything was easier, it

63. Yan: *Corporate Identity*, op. cit., at pp. 53–8.

was Gibson Sheat’s willingness to work with DNA Design, allowing the consultancy to become intimately involved with the firm’s culture.

3.1.1 Limitations

Limitations of this study include the small number of participants interviewed. Bigham indicated that different staff members got different messages from the rebranding: ‘Solicitors tend to see it as a tool to make their lives easier for marketing purposes. Some (not all) support staff see it as something to be proud of, i.e. having great-looking cards, stationery, etc.’⁶⁴

Arden made a similar comment: ‘At every level, they probably understand it’s important. In terms of their ability or commitment, it will vary at different levels of the company.’

On the other hand, the author had the opportunity to visit both premises, was given the full complement of branding materials, and was permitted to examine the correspondence and briefings related to the exercise. The two do not balance each other out technically.

The nature of this case study meant that there was no opportunity for pretests and other tools that would have made this paper more academically rigorous. It is felt that the in-depth interviews helped ameliorate this paper’s accuracy.

Finally, the business performance dimension was not properly answered. Only a longitudinal study would provide an authoritative comment on whether the branding was successful.

3.2 Implications

The implications of the rebranding go far. Firstly, the courage behind the rebranding illustrates that a revolution can take place within a conservative industry. Despite some high-budget rebranding efforts in the legal field, the author has not witnessed any that had the same daring and impact as Gibson Sheat’s. Most of the brands, including those highlighted as successful online efforts by Greenfield/Belser,⁶⁵ reorganize the very things that DNA Design identified as givens. They say nothing new, and they say nothing different. This exercise advances the realm of law firm rebranding significantly, in the author’s opinion.

Second, the shift to a market orientation by Gibson Sheat should be of great interest to marketers. Because the legal industry has lagged in its awareness of marketing principles,

64. Email from Jo-anne Bigham to the author, June 14, 2001.

65. Op. cit.

and more so in branding, it affords marketing academics a splendid opportunity to see how the shift is made.

The remaining implications apply to all industries. They show the importance of teamwork and perhaps validate Narver and Slater once more. Facilitative management goes beyond the company doors. Those contracted to work alongside a firm may need great access. Advertising agencies and identity consultants need to understand their clients and should be allowed to work intimately within. Treating them at arm's length does not foster understanding of a firm's values. It also suggests that their professionalism and respect for confidentiality do not measure up to one's own.

Identity systems advocated by Olins are shown to be effective in Gibson Sheat's case. Although the Gibson Sheat system is informal, there is a continual desire to elicit team feedback. It understands that with a limited budget, tracking studies are not affordable and that solicitors enthused about the brand are the source of knowledge on steering marketing. Identity and branding have become a catalyst for better management, better marketing, and strategy development.

Importantly, real power must be given to any group charged with identity and branding exercises, if they are to be successful.

Gibson Sheat is an example of how a high-impact brand can be realized on a budget. As the majority of the world's firms fit into the small- to medium-sized categories, the piecemeal approach of getting the most vital elements done first (brochures that staff are proud to hand out, letterheads and cards that are the most frequent carriers of a brand) and preparing other items to follow (physical signage is less important here, since it is not as widely disseminated a medium for Gibson Sheat clients) is instructive. The exercise itself was an example of spending wisely. The early research stage⁶⁶ is one of the most important to business performance, and Gibson Sheat rightly devoted resources to it.

It will be interesting to see whether the legal industry develops the same courage shown by Gibson Sheat now that it has witnessed what is possible.

66. See §2.3.