

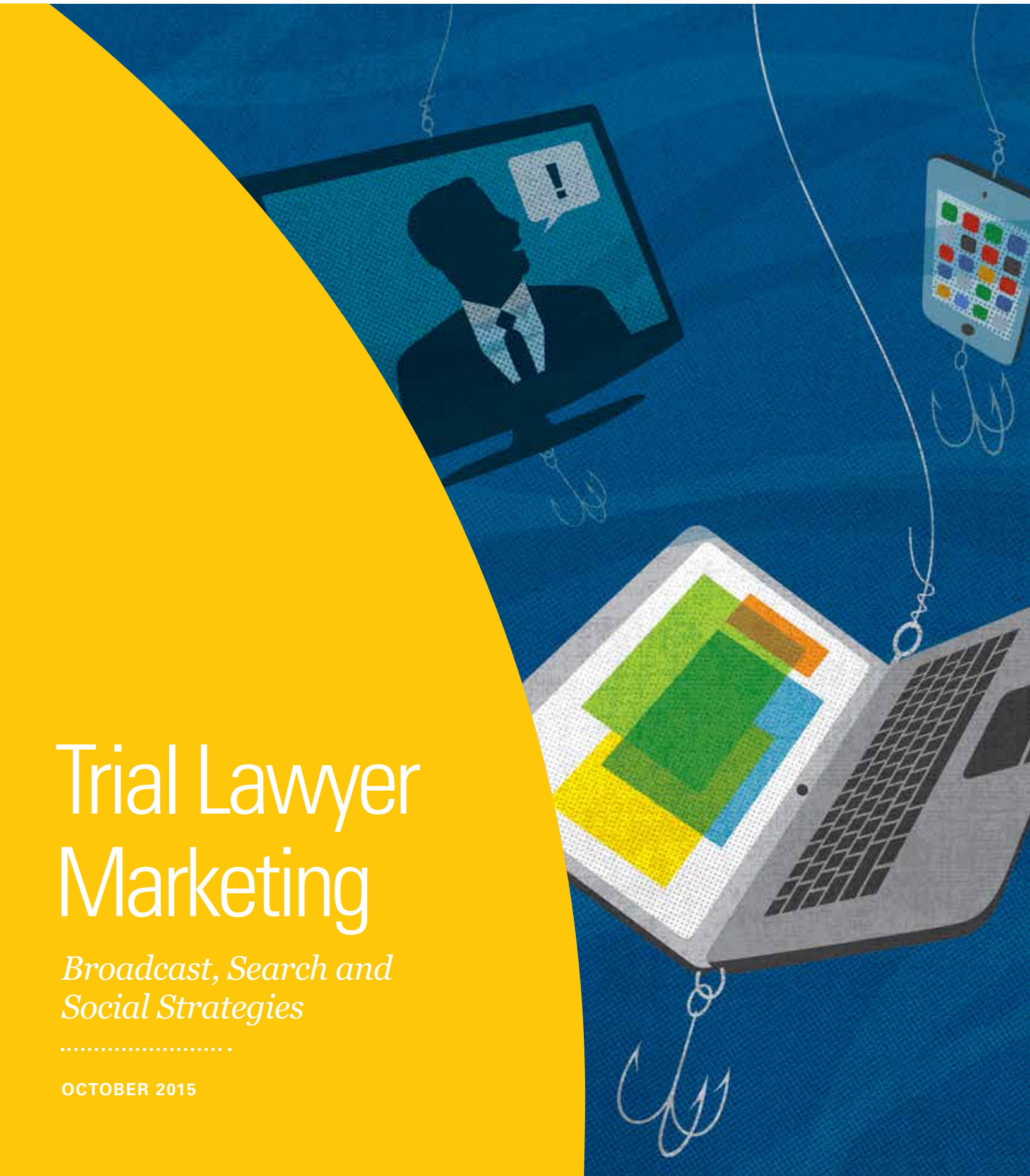


U.S. CHAMBER
Institute for Legal Reform

Trial Lawyer Marketing

*Broadcast, Search and
Social Strategies*

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OCTOBER 2015





U.S. CHAMBER
Institute for Legal Reform

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Executive Summary

Legal advertising and marketing communications are a multi-prong, highly sophisticated undertaking by trial lawyers that spans broadcast and digital venues. This is not a resource-starved, grassroots effort but very much a well-funded and coordinated endeavor.

The plaintiffs' firm marketing explored here takes advantage of a full set of network, cable, syndicated and spot television options and a full range of digital tools and systems, including Internet search and social media. While the advertisements range greatly in quality and caliber, this class of marketing communication benefits from robust collective support behind the scenes. This analysis of trial lawyer marketing communications focuses on three unique, yet intertwined parts:

- Broadcast advertising, examining both change over time and general patterns of placement and targeting of messages;
- Internet search, considering both search engine marketing and search engine optimization; and
- Social media, revealing the connections between trial lawyers and other actors in the social web.

Deeper insights into these communications come from looking within key categories that represent different areas of legal advertising:

- Product Mass Tort, including different drug and medical liability topics, with a large broadcast presence;
- Asbestos, a longstanding medical liability topic centering around a specific product, with a large online community; and
- Data Breach, addressing multiple breaches and quickly shifting technology, with a strong expert core.

This report seeks to answer the following key questions:

- Who are the major players in trial lawyer messaging, and what are their strategies for reaching potential litigants through broadcast, search, and social?
- What is the scope, placement, targeting, and messaging of their broadcast advertising, and how does this compare to past practices and other industries with large advertising presences?

- How is online traffic driven to plaintiffs' law firms through the purchasing of search keywords and the reverse-engineering of search algorithms?
- Who are influential players in online networks that generate lawsuits, and how do trial lawyers capitalize on these connections?

Broadcast Advertising

In a television advertising world where “flat is the new up,” legal ads continue to grow in absolute dollar terms and as a share of the entire television ad marketplace. On television, legal advertising has:

- Grown by 68 percent over the past eight years from \$531 million in 2008 to \$892 million (projected) for 2015;
- Grown six times faster from 2008 to 2014 than all other ad spending;
- Doubled its share of local spot advertising;
- Quadrupled its share of syndicated TV ads; and
- Moved toward better strategic ad buy positions in more expensive and preferred dayparts and programs.

In short, legal advertising not only appears to be recession-proof, but also politics-proof. Unlike other major sectors, such as automotive advertising, legal advertising is unaffected by the onslaught of rate-raising political ads that flood many markets in election years.

Internet Search

When it comes to paid search, legal keywords dominate the marketplace. Asbestos-related terms, for example, are among most expensive and in-demand search terms on the Internet.

- Thirteen of the top twenty most expensive keywords on a cost-per-click basis focused on asbestos/mesothelioma in 2014.
- Eight of the top ten most expensive keywords on a cost-per-click basis focused on asbestos/mesothelioma in the first half of 2015.
- Most of these keywords are tied to attorneys in specific states purchasing the term “mesothelioma” in combination with the state name or state abbreviation.
- The same states that are heavily saturated with broadcast advertising for legal services can be found listed among the keywords for the most costly terms: Texas, Alabama, California, Virginia, Nevada, and Wisconsin.

“ [L]egal advertising not only appears to be recession-proof, but also politics-proof. ”

Legal service providers are creating networks of websites, some branded and some unbranded, to drive search toward the sponsoring law firm.

- Law firms are developing non-branded informational websites dedicated to specialized law areas. This garners high visibility in non-paid search results.
- Law firms manipulate Google rankings by creating duplicate hyper-local websites to gain improved organic visibility and local search traffic.
- Law firms create specialty law area websites to attract multiple users and improve their keyword rankings. These sites then link back to the parent firm.
- Law firms use keywords to drive search toward informational or “fishing sites” which collect data, with sponsoring law firms following up with potential clients.

Social Media

Trial lawyers have become sophisticated background players in social media.

- In some contexts, such as data breach, trial lawyers are conversing with journalists (@mentions), serving as sources, and publicizing class action efforts.
- In other contexts, such as asbestos/mesothelioma, lawyers are connecting to and sharing the messaging of advocates, building credibility in the network.
- In some instances, law firms are sponsoring unbranded accounts that post about class action topics and direct potential clients to the firm in a recursive strategy.
- Many trial lawyers simply track the posts of key influencers within specialized domains, using this as a barometer of breaking news and ongoing discussion.

The marketing strategies of law firms are increasingly sophisticated and localized in terms of broadcast ad buying, search keyword purchases, and search engine optimization. In short, they comprise a highly coordinated and targeted set of localized campaigns in terms of broadcast and digital presence.

Broadcast Television Messaging: Media Spending and Placement

The absolute growth of broadcast television ad spending continues year over year. Legal advertising continues to make up a greater proportion of advertising spending, doubling its share of the local spot television market over the last eight years. These are highly targeted campaigns both geographically and by daypart, showing signs of growing sophistication.

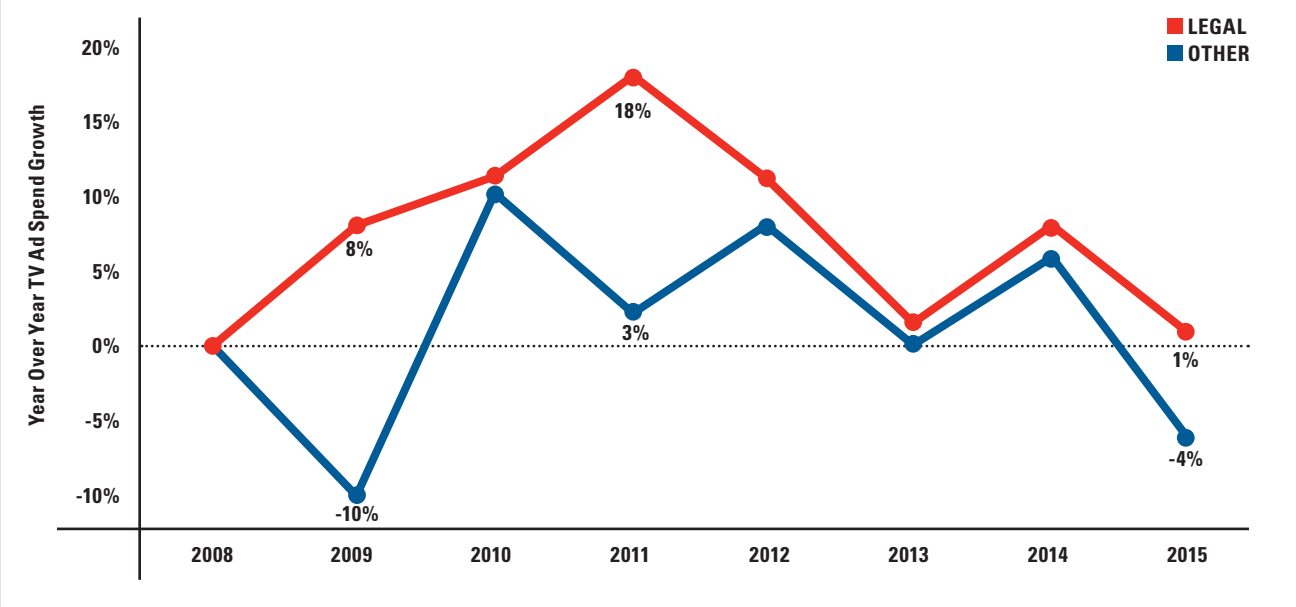


Exhibit 1: TV Ad Spend Trend in Dollars (% Change from Previous Year) (2008–2015)

As shown in Exhibit 1, the amount spent on legal advertising¹ on television² over the past seven years (not adjusted for inflation year over year) in the United States continues its

consistent growth—six times faster than all other ad spending. Legal advertising has increased from \$531 million in 2008 to \$892 million (projected) for 2015.

In fact, as marketing budgets for a wide range of goods and services decreased during the Great Recession period of 2008-2009, legal advertising increased by 8 percent. It has continued to show phenomenal growth (for the recent environment) year over year with a notable 18 percent gain from 2010-2011.

Legal advertising appears to be recession-proof but, moreover, politics-proof as it does not come down in election years as it does for other advertisers, due to higher spot costs and lower inventory availability. Overall, this trend constitutes a 68 percent growth in ad spending in raw dollars over this eight-year period.

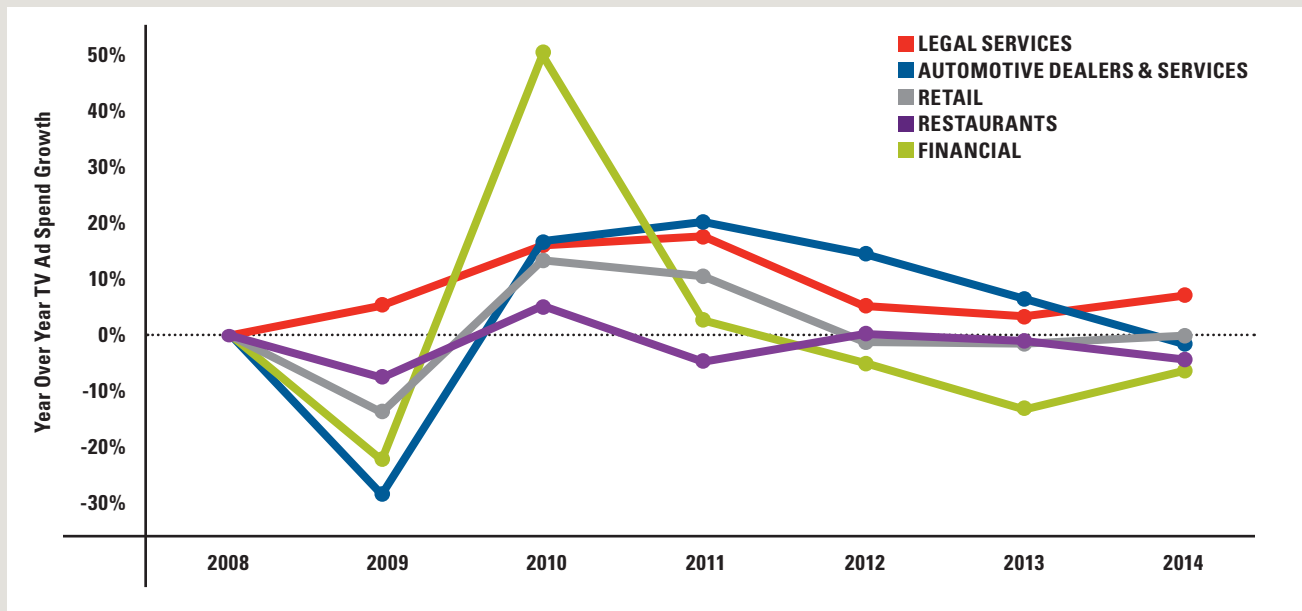


Exhibit 2: TV Ad Spend Trend in Dollars (% Change from Previous Year) (Spot TV & National Syndication) (2008–2014)

This trend is not only significant in absolute terms, but it is strikingly different from the pattern seen with other major commercial advertisers.

For example, other large TV advertising categories, such as automotive sales and service, product retailers, restaurants, and financial services, all exhibited a downward

trend following 2010. Legal advertising, in sharp contrast, saw increases in expenditures both before and after the Great Recession (Exhibit 2). This upward trajectory in legal ad spending indicates that the trend is not just an inflationary artifact, but reflects real growth in legal advertising activity relative to other categories.

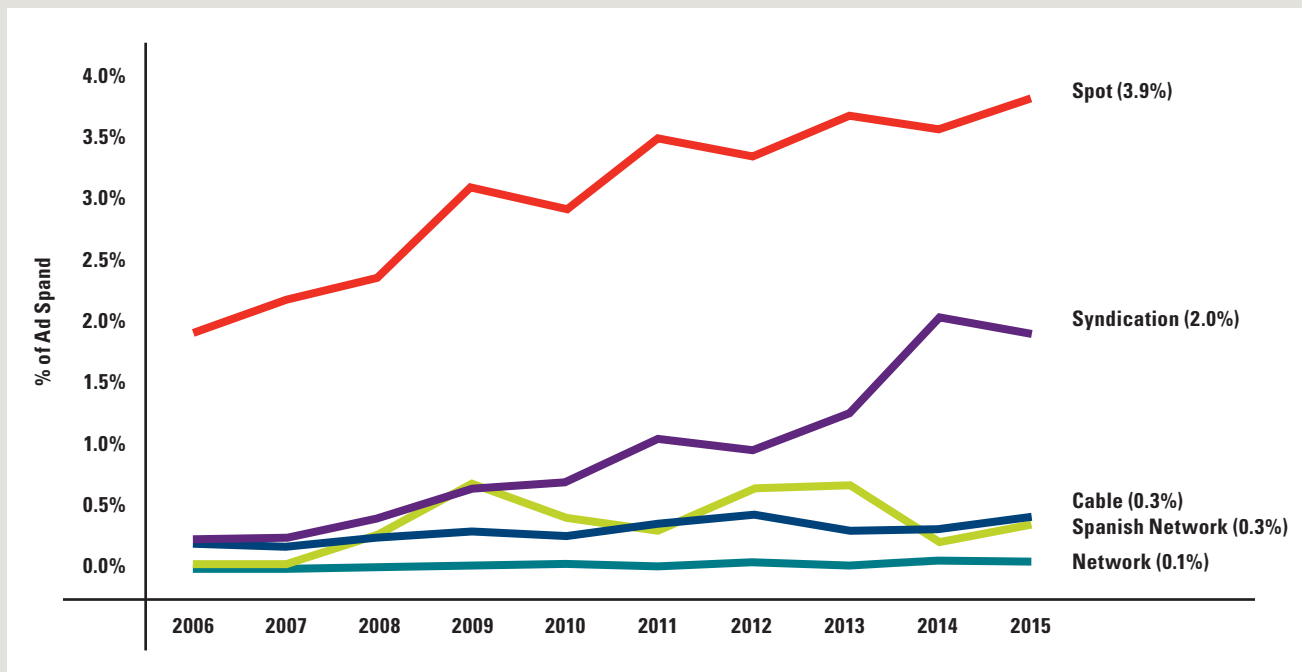


Exhibit 3: Legal Advertising as a Percentage of Total TV Ad Spend by Media Type (2006–2015)

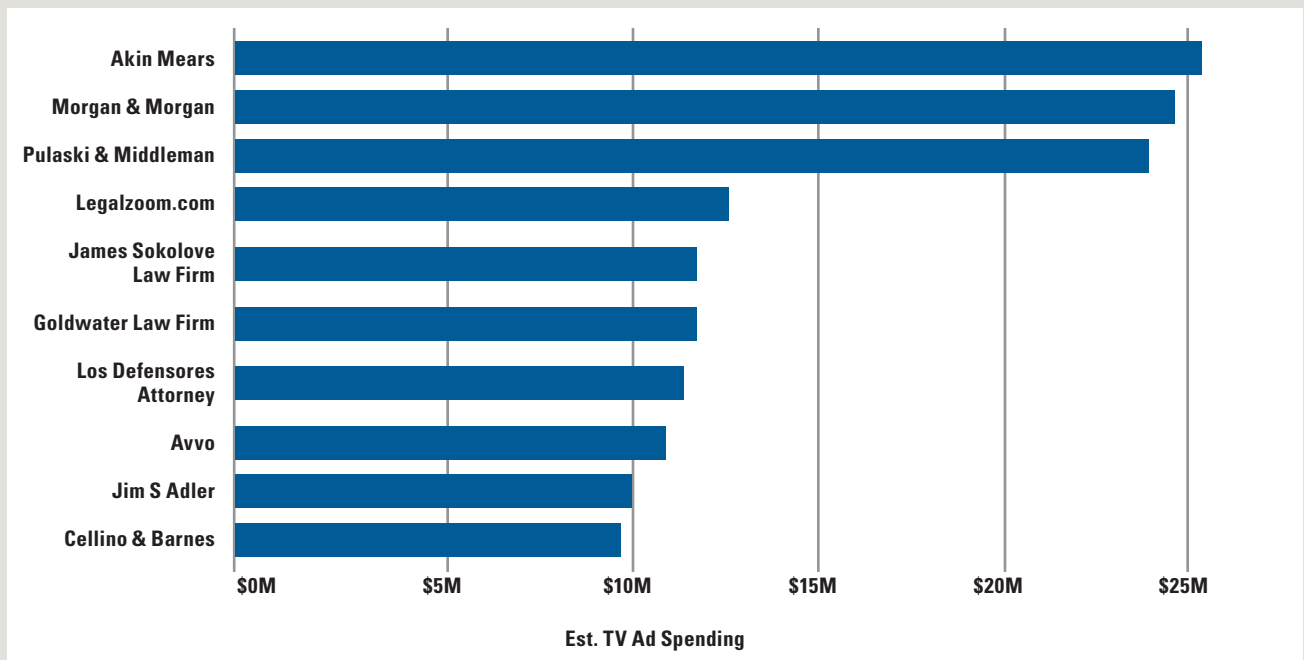
In the United States, 3.9 percent of all local (spot) television advertising was for law firms (Exhibit 3). Concurrently, syndication buys have increased four-fold since 2006. This increase in legal advertising occurred while other advertisers decreased spending. As a result, there is not only an increase in the share of money spent on advertising, but an increased share of voice. This is a tremendous amount of growth in a short period of time, especially considering that others have been shrinking.

It is also worth noting that once an advertiser secures space in premium spot offerings and select syndicated programs, that advertiser often has a right of first refusal for future advertising space in that programming. Therefore, advertisers can gain more strategic positions when advertising space becomes available and retain that strategic advantage in the years that follow.

“ This upward trajectory in legal ad spending indicates that the trend is not just an inflationary artifact, but reflects real growth in legal advertising activity relative to other categories. ”

Given the trends shown above, it appears that the legal marketing apparatus has become increasingly sophisticated, powerful, and visible in the marketplace. This reflects an evolving communication strategy that includes public relations, Internet search, and social media alongside this paid advertising. Legal advertisers are simultaneously increasing spending in the television and digital spaces in order to increase penetration.

In terms of the projected \$892 million spent on legal advertising in 2015, a handful of law firms are major players with television ad spending in excess of \$10 million. Among these, Akin Mears tops the list of major advertisers in the category with over \$25 million spent. Morgan & Morgan and Pulaski & Middleman are close behind with budgets of over \$24 million. Other firms such as Sokolove and Goldwater spend in the range of \$10-12 million per year (see Exhibit 4).



*Exhibit 4: Top 10 Legal TV Advertisers in 2015
(Ad spending through September 30, 2015 and prorated through end of 2015)*

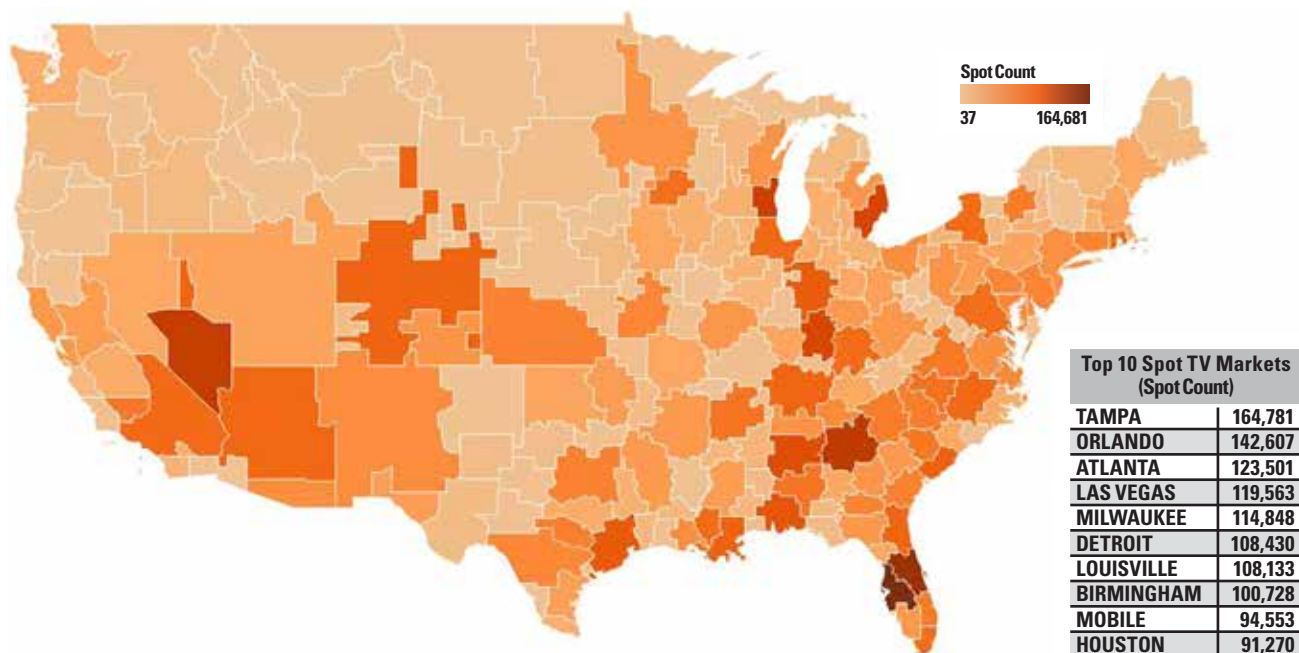


Exhibit 5: Spot Count by Television Demographic Market Area (through September 1, 2015)

Advertising placement varies greatly on a geographic basis across the country. In certain areas of the country, such as the Southeast and Southwest, there are high concentrations of legal advertising expenditures as shown in Exhibit 5.

This targeting may reflect markets where the legal environment is more conducive to filing lawsuits, but regardless of the reason, it is apparent that legal advertisers are targeting select markets. This highly localized strategy is utilized in the purchasing of keywords, which are also concentrated around these states. Behind this strategy, these large firms are partnering with local firms for name recognition, regional trust, and knowledge of the local legal environment.

Compared to spending levels in the past, Exhibit 6 shows that a higher concentration of legal advertising appears in talk shows (which are often syndicated) and local news (the highest premium spot advertising), reinforcing the point that legal advertisers are securing highly desirable space in these venues.

While the amount of money spent on legal advertising has continued to increase between 2006 and 2015, and afternoon and daytime buys remain sizable, there has been a reduction in the usage of these two dayparts by legal advertisers (Exhibit 7). This same general pattern is seen in spending differences between 2014 and 2015. The sharpest drop is in morning daytime television.

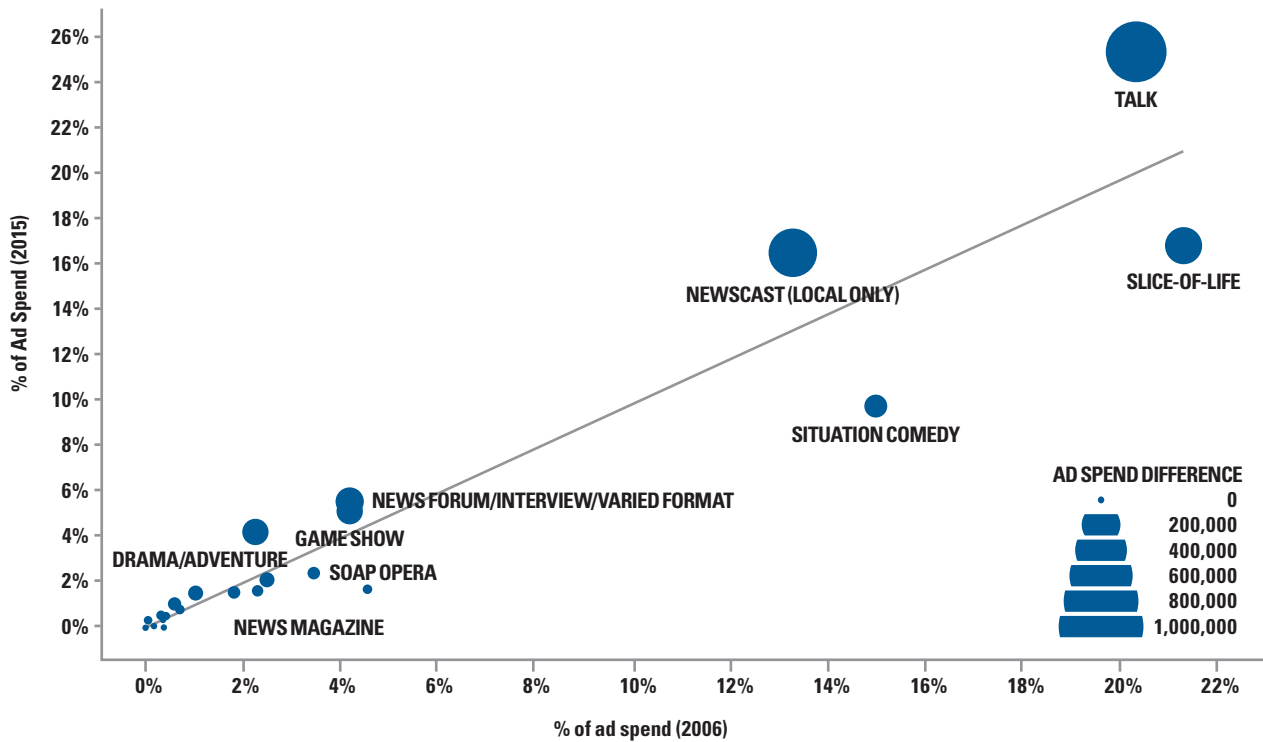


Exhibit 6: Percent of Total TV Ad Spend by Program Type (2006 vs. 2015)

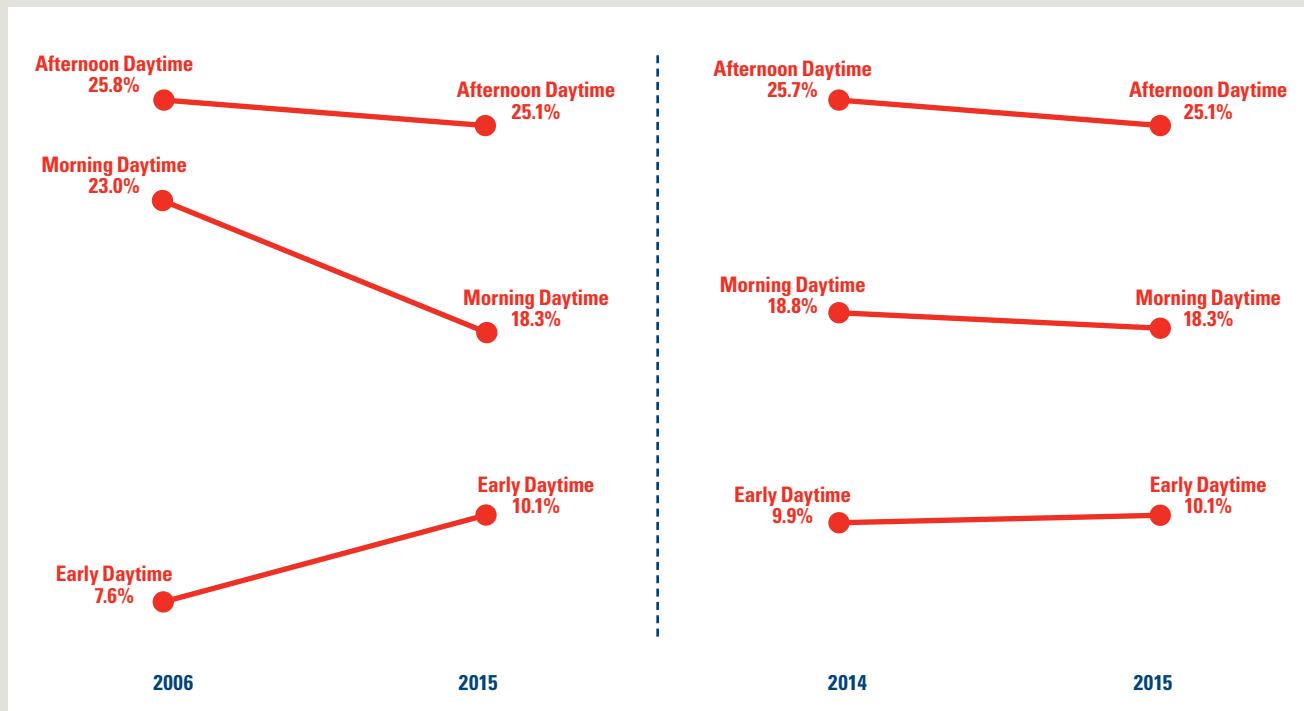


Exhibit 7: Change in Percent of Total TV Ad Spend by Daypart (2006 to 2015 and 2014 to 2015)

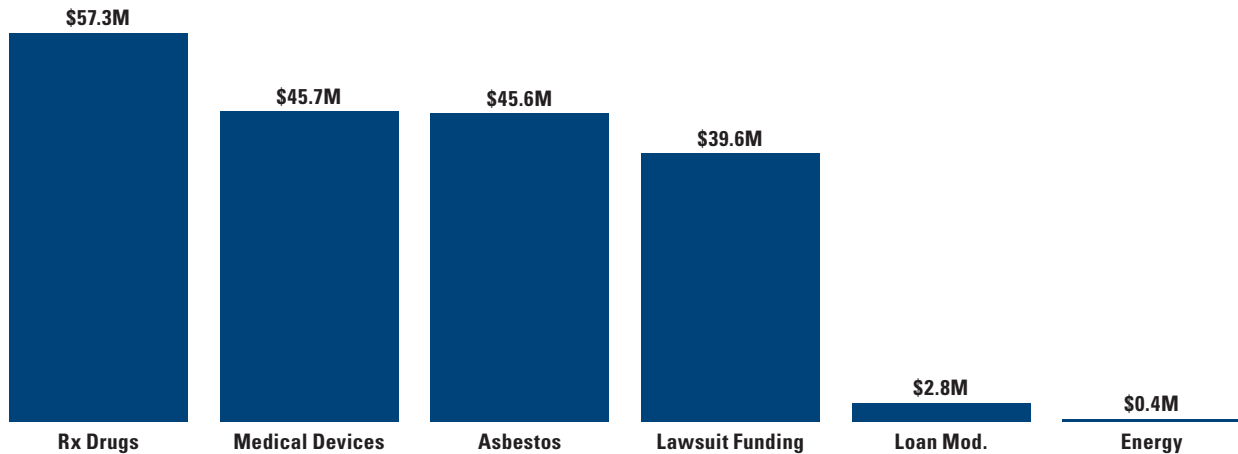


Exhibit 8: Top TV Legal Advertising Categories in 2015

There are two additional, notable points about trends in spending by daypart: 1) legal advertisers are still buying most advertising space during cheaper dayparts, which are typically viewed by the most vulnerable populations; and 2) they are also targeting potential litigants through more expensive early morning slots. In short, the focus remains on more vulnerable parts of the population, but the reach of advertising has increased.

Among the over \$890 million legal television advertising market in 2015, three topic areas dominate the landscape (Exhibit 8). The largest category is prescription drug claims, which exceeded \$57.3 million, or 6.5 percent of all legal advertising. This is followed closely by medical devices (\$45.7 million) and asbestos/mesothelioma (\$45.6 million), which each account for just over 5 percent of all legal advertising.

Key Findings

On television, legal advertising has:

- Grown by 68 percent over the past eight years from \$531 million in 2008 to \$892 million (projected) for 2015;
- Grown six times faster than all other advertising;
- Doubled its share of local spot advertising;
- Quadrupled its share of syndicated TV ads; and
- Moved toward better strategic ad buy positions in more expensive and preferred dayparts and programs.

Search Marketing: Search Volume and Keyword Cost

Trial lawyers are becoming increasingly sophisticated about how to drive online search to their websites, complementing their efforts with broadcast media. Their overall strategy reflects a strong orientation toward local marketing communications, and capturing attention for key issues by providing a combination of information resources and legal services.

There are two ways to drive search: Search Engine Marketing (SEM)—purchasing keywords from search engines to increase rankings in search results—and Search Engine Optimization (SEO)—curating a suite of sites, both in terms of site content and connections, to drive traffic to the main website of the legal firm.

Search Engine Marketing

Search Engine Marketing (SEM) consists of the purchase of keywords to drive clicks, which produce feedback and allow the sharpening of keyword selection for the next round of buys. SEM dominates ad spending in interactive media, specifically in terms of keyword purchasing. It accounts for approximately 25 percent of all search clicks. When a keyword is searched, a sponsored link appears among results. It is purchased on a cost-per-click basis, so sponsors only pay when a user clicks the link.

Top firms are paying a premium for high value keywords on major litigation topics to garner search demand. Notably, words related to law firms, personal injury, accidents, and structured settlements are the most costly ad words on the Internet.

According to WebpageFX, an online marketing firm, and SemRush, an online research firm, search terms tied to legal issues comprise nine of the top ten and 23 out of the top 25 most expensive Google keyword search terms. In fact, as shown in Exhibit 9, 78 of the top 100 Google keyword search terms were legal terms.³ Keyword search, thus, is dominated by the life cycle of a legal case—from the filing of a claim through the structured settlement.

Keyword Type	Percent
Legal	78%
Water Damage	8%
Insurance	6%
Drugs & Alcohol	4%
Online Education	3%
Business Services	1%

Exhibit 9: Top 100 Google Keywords by Sector (January 1–June 30, 2015)

The same WebpageFX report also lists the top 25 keywords and their precise costs, as shown in Exhibit 10.

Keyword	Cost
San Antonio car wreck attorney	\$670
Accident attorney Riverside CA	\$626
Personal injury attorney Colorado	\$553
Motorcycle accident attorney Los Angeles	\$551
Top personal injury attorneys	\$551
Structured settlements	\$539
Car accident Orange County	\$507
Austin drug rehab	\$463
Orange County accident lawyer	\$450
West Palm Beach criminal lawyer	\$435
Sell settlement	\$424
18 wheeler accident lawyer	\$419
El Paso accident lawyer	\$414
Fort Myers DUI lawyer	\$410
How to sell a structured settlement	\$407
San Herardino car accident lawyer	\$395
Lancaster personal injury lawyer	\$392
Mesothelioma claim	\$390
Austin Texas auto insurance	\$388
Accident attorney Phoenix	\$384
Personal injury attorney South Florida	\$374
Structured settlement buyer	\$373
Oregon accident attorney	\$367
Truck injury lawyer	\$358
The best car accident lawyers	\$356

Exhibit 10: Top 25 Keywords and Cost (January 1–June 30, 2015)

When it comes to a particular disease, the most costly keywords on a cost-per-click basis revolved around mesothelioma. Most of these search terms, whether about a specific topic or the more general area of personal injury, are tied to attorneys in specific states. In other words, these firms purchase the terms “attorneys” or “lawyers” in combination with the state name or state abbreviation.

The emphasis on highly localized marketing echoes what was observed for broadcast advertising. In fact, many of the states containing or straddling markets with the highest concentration of broadcast messaging can also be found listed among the keywords for the most costly terms: Texas, California, Colorado, and Florida.

On the demand side, monthly search for legal terms for a range of topics remains high, with general class action (89K), pharma and medical device mass tort (54K), Telephone Consumer Protection Act (29K), data privacy/data breach (26K), false claims/ *qui tam* (22K), and asbestos/mesothelioma (10K) generating considerable search traffic (see Exhibit 11).

Category	Monthly Demand
General Class Action	89,060
Product Mass Tort	54,460
Telephone	29,430
Data Privacy	26,420
False Claims - <i>Qui Tam</i>	21,760
Asbestos	10,380
Food Class Action	4,250

Exhibit 11: Monthly Search Demand for Major Class Action Categories (April 2014–May 2015)

Key Findings

Legal keywords are the most expensive and in-demand search terms on the Internet.

- Nine of the top ten and 23 of the top 25 most expensive Google keyword search terms are legal terms.
- Most search terms are tied to attorneys in specific states purchasing terms such as “accident,” “personal injury,” “structured settlement,” or “mesothelioma” in combination with the state name or state abbreviation.
- States that are heavily saturated with broadcast advertising for legal services can be found listed among the keywords for the most costly terms.

Search Marketing: Search Engine Optimization

Concurrent to efforts around search engine marketing, legal service providers are creating networks of websites, some branded and some unbranded, to drive searches toward the sponsoring law firm. Search engine optimization (SEO) involves engineering the construction of websites and their networks of connections to influence the search algorithm to influence organic search results.

SEO reverse-engineers the search algorithm by building and curating a suite of sites to drive traffic to the main website. It accomplishes this by embedding keywords throughout pages, having in-links from other 'credible' sites, creating shadow sites, including mobile and social, and submitting pages to search engine crawlers.

Law firms utilize four different avenues to drive traffic.

CREATING NON-BRANDED CONTENT

Law firms are creating non-branded content⁴ by developing informational websites dedicated to specialized law areas. For example, the Peterson Law Firm owns the Asbestos.com website, which provides

information to potential litigants, connects them to doctors and treatment centers, directs them to legal options, and collects their contact information, but does not mention the sponsor by name. This garners high visibility in non-paid search results.

MANIPULATING "LOCATION-BASED" LINKS

Law firms are attempting to manipulate Google rankings through localized link manipulation with the creation of duplicate, hyper-local websites, with the goal of gaining improved organic visibility and more local search traffic. For example, the Law Office of Lynch Ward has created a network of localized domain names that all point back to the main website, heightening search rank.

MANIPULATING “TOPIC-BASED” LINKS

Law firms utilize topic-based link manipulation by creating specialty legal issue-based websites in order to attract multiple users and improve their keyword rankings. These sites then link back to the parent firm. For example, Wilkes & McHugh has two specialty domains and websites, one on defective hip implants and another on trucking accidents, which point back to the main website.

TAKING ADVANTAGE OF SEM

Law firms take advantage of SEM by using targeted ad copy and non-branded URLs to drive consumers to informational or “fishing sites.” These sites are sponsored by law firms specializing in those legal areas and either collect contact information or redirect traffic to the lawyer-owned site. Plaintiffs’ lawyers coordinate outreach to prospects based on this strategy.

Key Findings

Legal service providers are creating networks of websites, some branded and some unbranded, to drive search toward the sponsoring law firm.

- Firms are developing non-branded informational websites dedicated to specialized law areas. This garners high visibility in non-paid search results.
- Law firms manipulate Google rankings by creating duplicate hyper-local websites to gain improved organic visibility and local search traffic.
- Law firms create specialty legal issue websites to attract multiple users and improve their keyword rankings. These sites then link back to the parent firm website.
- Law firms use keywords to drive search toward informational or “fishing sites” which collect data, with sponsoring law firms following up with potential clients.

Social Media: Network Ties and Key Influencers

Law firms also market themselves through non-traditional means via social media. Trial lawyers connect to existing networks and ongoing conversations in social media by tracking the posts of key influencers, conversing with journalists and advocates, and sponsoring accounts that post about particular legal topics.

It is possible to understand how trial lawyers connect to these networks through social media such as Twitter by tracking ties (follower and following) and messaging (@mentions and retweets), visualizing the network maps to see clusters and connections, and deducing information flows and influence within the system. The tool employed in this analysis goes far beyond the typical follower count and re-tweet rates used elsewhere. Instead of choosing to build a social network analysis one subject at a time, this approach automatically cascades outward through the relationship graph (friends, friends of friends, etc.) until hundreds of thousands of subjects have been analyzed and the key influencers have been identified, prioritized, and tagged by attribute/role within the network.

These firms connect to social media for both information and publicity. Many simply monitor journalists and topic experts, using

Twitter to follow key influencers and track emerging issues within domain spaces. In some cases, these litigators interact with journalists, serving as informal and formal sources. This network is critical to lawyers to both establish credibility and publicize lawsuits, as earned media complements paid broadcast and search marketing communications. This is certainly the case for data security/data breach lawyers. With regard to other issues such as mesothelioma, lawyers and law firms connect to advocates around certain topics for referrals as well as activism.

These two issues—data security/data breach and asbestos/mesothelioma—provide key insights into how trial lawyers use digital media, combining the strengths of search marketing and social media to market themselves in these domains.

“ The marketing around asbestos/mesothelioma is among the most sophisticated undertaken by plaintiffs’ firms. ”

Asbestos/Mesothelioma Search and Social

The marketing around asbestos/mesothelioma is among the most sophisticated undertaken by plaintiffs’ firms. There are a number of law firms and feeder firms that dominate the monthly search demand around asbestos/mesothelioma, with Lanier and Sokolove Law the largest among them. Others include Brayton Purcell, Simmons Law, Ashcraft and Gerel, and Seager Weiss (see Exhibit 12). Notably, Sokolove Law also dominates mobile search in this category, reflecting a move into that domain.

However, marketing is not simply about search volume, but the average ranking of the keywords used to drive search volume. This ranking is estimated using a relevance index that compares average keyword ranks and sum of keyword volume for each of the major players among firms.⁵ Relevance takes into account the average monthly demand for each brand’s keyword. Some firms have relevance rankings that far outpace their volume, reflecting greater communication sophistication. A higher relevance index indicates stronger prospects based on the precision of keyword marketing. The lower the index, the harder, theoretically, it will be for the brand to rank

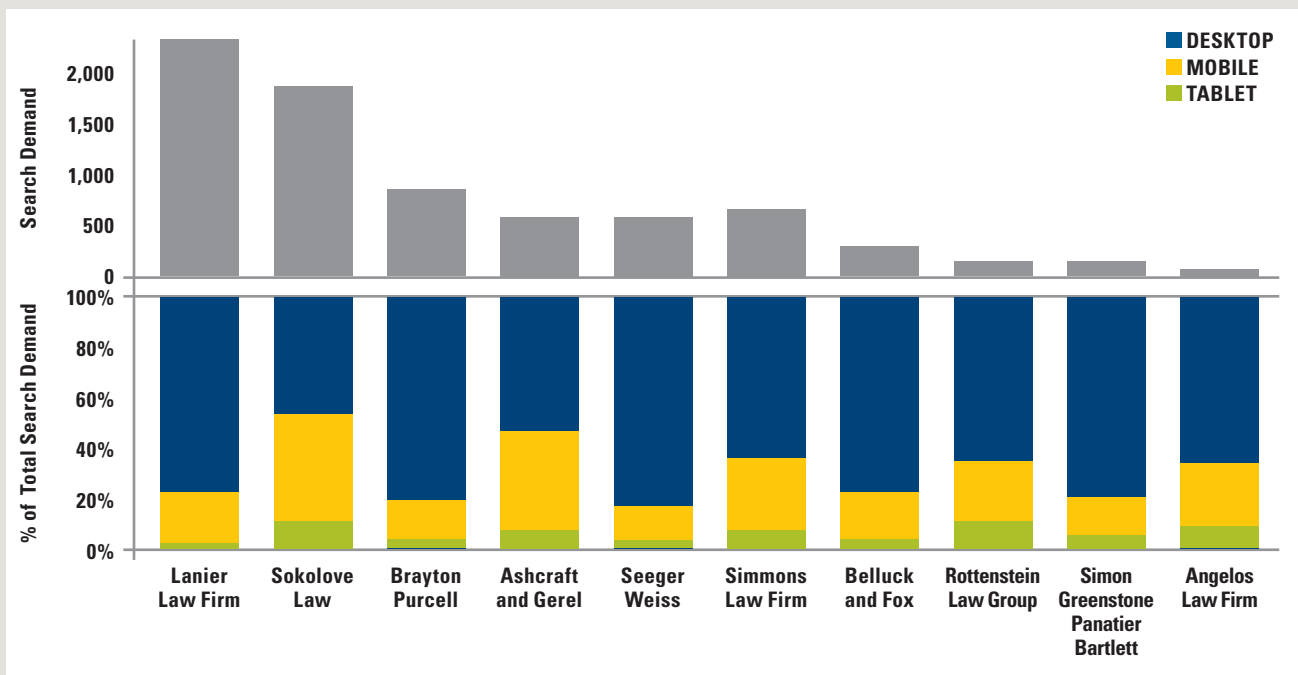


Exhibit 12: Monthly Search Demand for Asbestos/Mesothelioma by Law Firm (April 2014–May 2015)

for keywords in its group. The higher the index, the easier it will be for brands to rank for applicable keywords. Firms such as Phillips and Cohen and Jeffery Glassman display considerable acumen in this form of

targeted search around asbestos/mesothelioma (see Exhibit 13), with Jeffery Glassman’s index incredibly high, showing that the firm has good penetration.

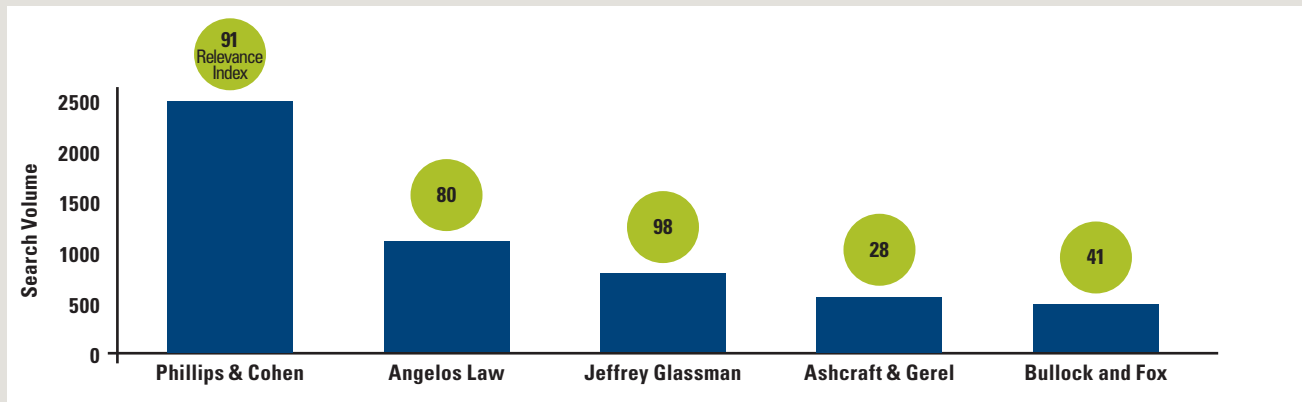


Exhibit 13: Search Volume and Relevance Index for Asbestos/Mesothelioma by Law Firm (July 2015)

Of course, digital marketing now involves much more than search volume and keyword demand. To engage with the ongoing, organic conversation around mesothelioma online, law firms have deployed a series of strategies in social media.

In the case of mesothelioma, analysis of Twitter indicates a large, longstanding network composed around a specific product category and medical liability topic, with a large online community of activists, advocates, and “super-tweeters.” The most active participants in this online conversation consist of mesothelioma survivors and caregivers, asbestos activists, cancer centers and doctors, and attorneys specializing in asbestos/mesothelioma lawsuits. This approach to network visualization goes far beyond the typical follower/following count and retweet/@mention rates used in other mapping systems and provides a more complete picture of interactions on the topic (see Exhibit 14).

The asbestos/mesothelioma network presented in Exhibit 14 is a well-developed, organic network discussing the medical, social, personal, and legal issues surrounding the product and the illness. Almost 9,500 accounts (9,499 to be exact) were observed talking about asbestos or mesothelioma within a three-week period.⁶ More accounts have discussed the topic in the past but have since fallen inactive. Given this broader network, 50,000 posts and 20,000 accounts were originally analyzed. Notably, one single account was responsible for more than 23,000 posts in the past month. That account is a bot account called @abestosremoval. Note that it is misspelled. This is intentional as the previous bot account, @asbestosremoval, was suspended by Twitter for violating the terms and conditions of the User Agreement. After removing @abestosremoval (and several accounts that posted about asbestos installation

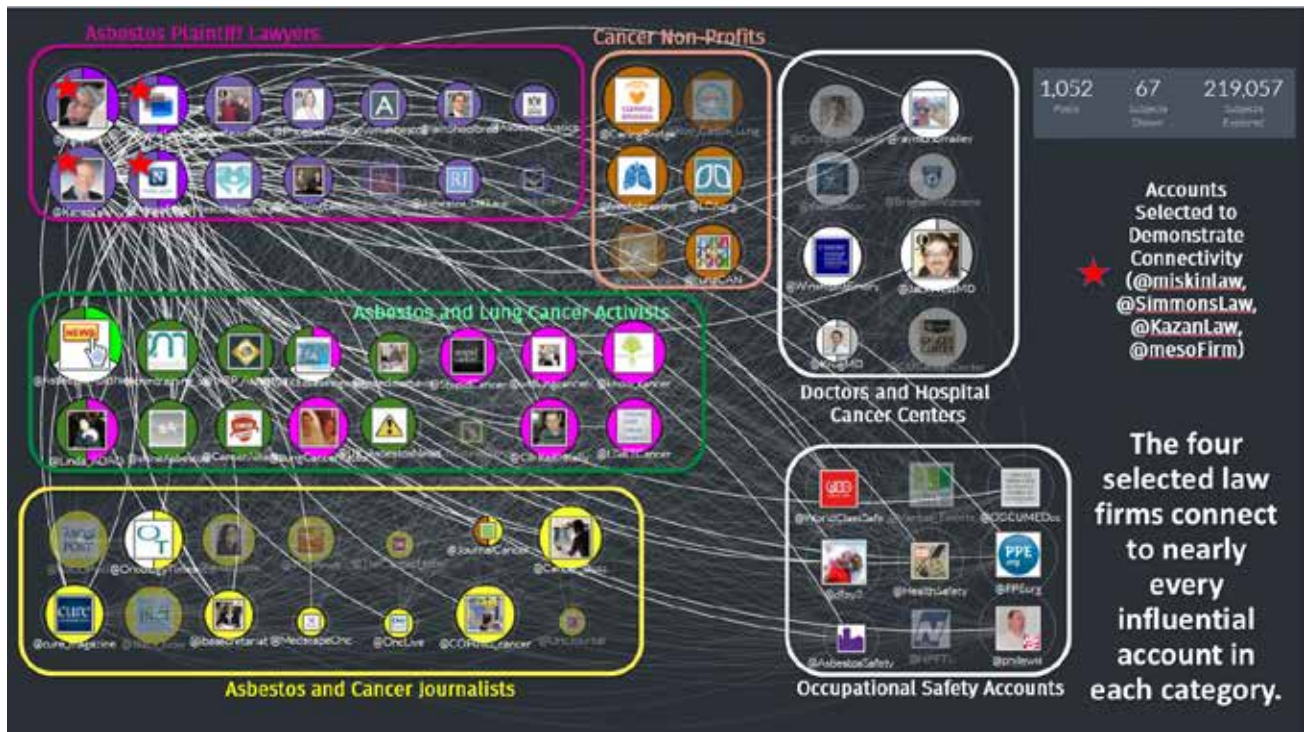


Exhibit 14: Visualization of Twitter Network Focusing on Asbestos/Mesothelioma

training) from the analysis, the number of posts dropped to a manageable 30,933 originating from 9,499 active accounts in the three weeks.

The average tweeter had 3.3 posts related to mesothelioma or asbestos in the same three weeks. Some accounts had radically higher postings, and some accounts only used the term once. Keyword usage within this network indicates topical relevance to mesothelioma lawsuits and associated issues, with “asbestos” and “mesothelioma” being the two most frequently mentioned words. Visualization of this network reveals a spectrum of mesothelioma discussion and activism. Many legitimate organizations such as survivor organizations are connected to less legitimate activists. Law firms use the writings of survivors and advocacy groups to forward their agendas.

Looking within the network, there are certain key players that stand out. One such player, arguably the key player, is a mesothelioma widow, Linda Reinstein, a woman who identifies herself online as “dedicated to preventing asbestos-caused diseases through education, advocacy, and community action.” She is part of the Asbestos Disease Awareness Organization. She is both an “advocate” and a super-user, with a sizable follower count and a high volume and velocity of Twitter activity. She appears to be the most influential individual in this space, existing at the heart of the activist network.

Linda Reinstein
@Linda_ADAO
Rating: 99

SUBJECT INFO

Mesothelioma widow dedicated to preventing asbestos-caused diseases through education, advocacy, and community action.
<http://t.co/zApA5TfMQL>

-from United States

TRANSLATE SUMMARY

996
242
2

51,230 Posts 11,284 Following 11,437 Followers

Meso Cancer Circle
@mesoCircle
Rating: 79

SUBJECT INFO

Meso Circle is dedicated to helping mesothelioma patients and their families make informed decisions about their health and legal care. Sponsored by @KazanLaw.

-from Oakland, Ca

TRANSLATE SUMMARY

996
89
2

7,246 Posts 1,217 Following 1,318 Followers

(Profiles observed from September 19–October 11, 2015)

Another seemingly similar player is Meso Cancer Circle, which is “dedicated to helping mesothelioma patients and their families make informed decisions about their health and legal care.” However, this group is sponsored by @KazanLaw (Oakland, CA). They only post regarding mesothelioma, which makes them a prime information resource for patients and survivors and allows them to become embedded in organic conversations of a developed network. Kazan Law has the deepest penetration into the realm of medical doctors and the cancer research/treatment community of any law firm observed in this mapping of online interactions.

Firms like Kazan Law can penetrate this organic network to help shape the conversation. Along with sponsoring accounts such as the Meso Cancer Circle to direct users toward the firm and sharing the posts of individuals like Linda Reinstein, Kazan directly connects to key influencers such as doctors and cancer centers, cancer non-profits, asbestos and lung cancer activists, and topic-focused journalists. This indicates a multipronged strategy and demonstrates that some pioneering law firms are quickly adapting to the evolving social media landscape (see Exhibit 15).

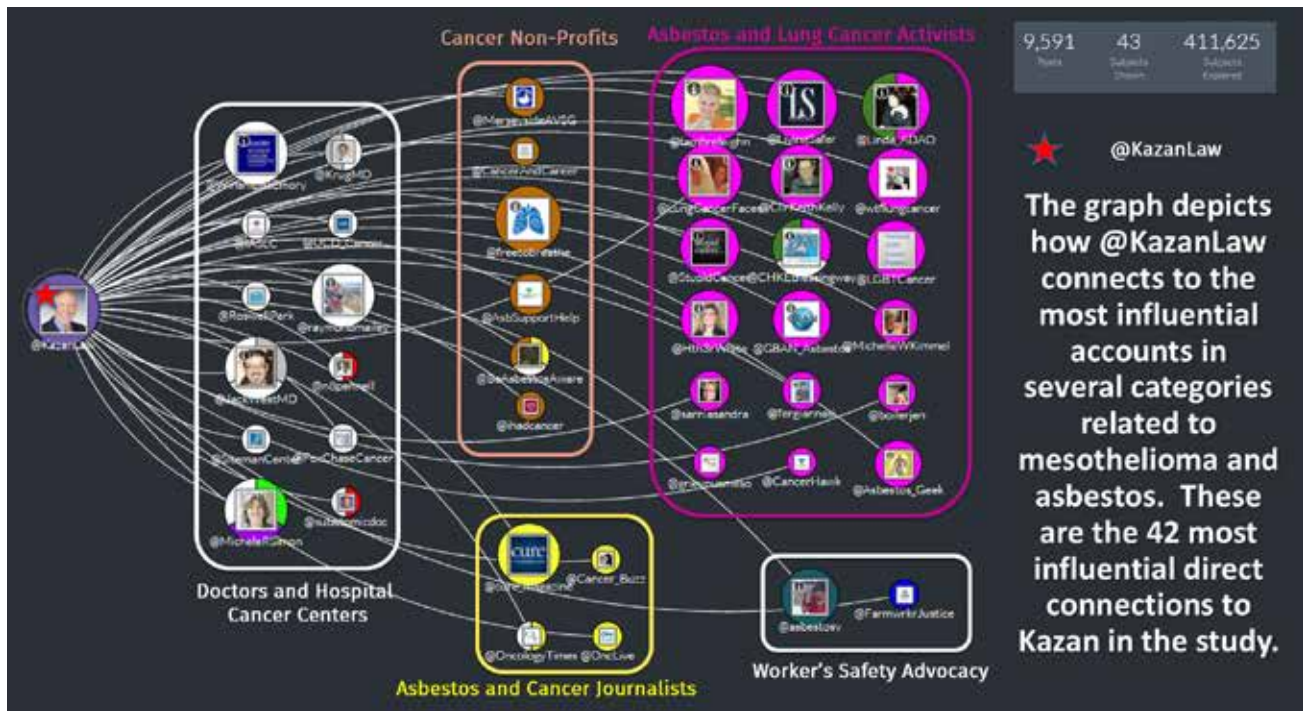


Exhibit 15: Visualization of Kazan Twitter Network Focusing on Asbestos/Mesothelioma (September 19–October 11, 2015)

Data Privacy/Data Breach Search and Social

The digital efforts around data privacy and data breach vary considerably from those defining asbestos/mesothelioma. Here, different firms dominate the monthly search demand around the data breach topic, with Cohen Milstein among the largest. Other firms include Lieff Cabraser, Nichols Kaster, and Michelle Drake (see Exhibit 16). In contrast with mesothelioma, there is very little reliance on mobile search in this category. Only Michelle Drake is garnering search volume from mobile search.

“ The digital efforts around data privacy and data breach vary considerably from those defining asbestos/mesothelioma. ”

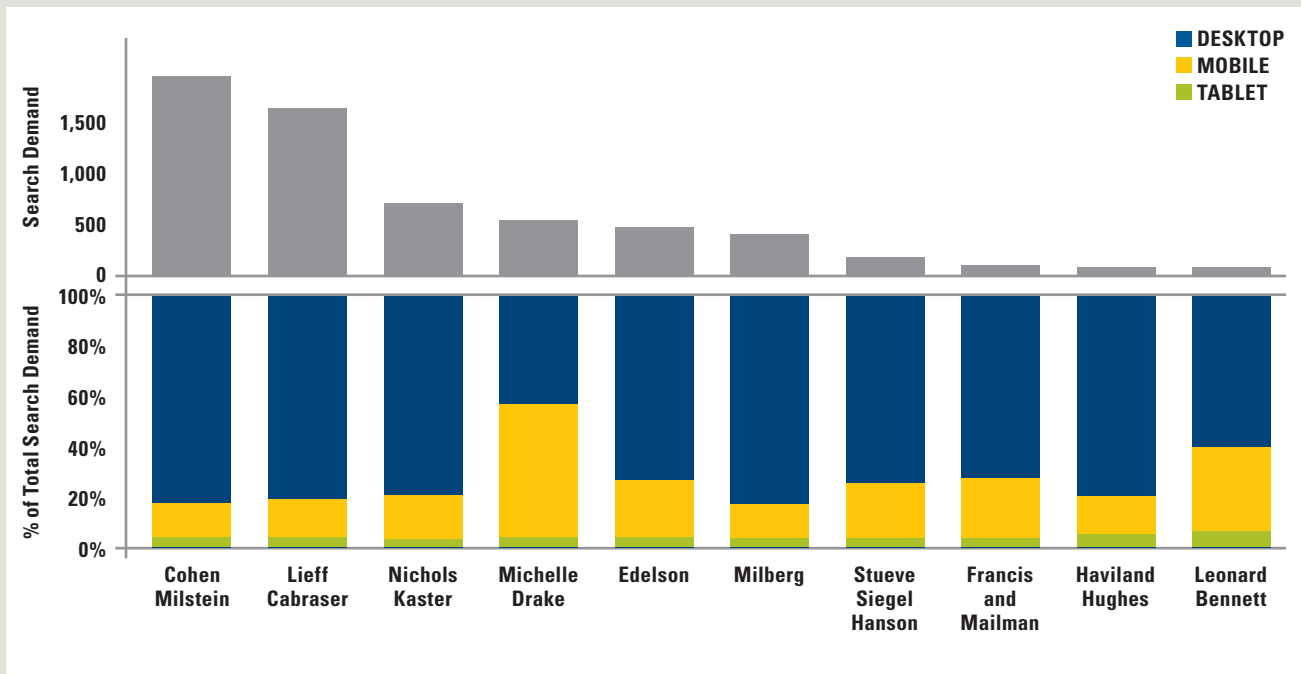


Exhibit 16: Monthly Search Demand for Data Security/Data Breach by Law Firm (April 2014–May 2015)

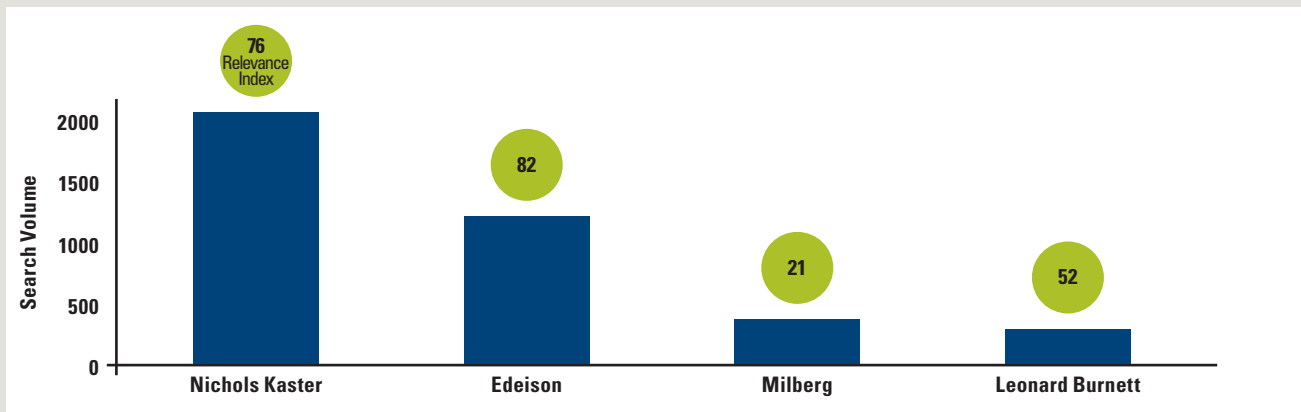


Exhibit 17: Search Volume and Relevance Index for Data Privacy/Data Breach by Law Firm (July 2015)

And unlike mesothelioma, the same players that are driving search demand are also the firms with some of the highest relevance indexes. Nichols Kaster is an example of this type of search dominance. Not only is this firm among the highest in search demand, but along with Edelson, it also yielded the highest relevance index (see Exhibit 17).

In terms of social media, the data privacy network responds to multiple breaches and quickly-shifting technology topics with a strong expert core driving the conversation. The major players are data security defense attorneys, data security academics, cybersecurity experts, journalists and bloggers specializing in data security and legal issues, and trial lawyers (see Exhibit 18).

For this analysis, trial lawyers and defense attorneys specializing in this topic were identified and analyzed, along with the subject universe around this core group. As a result, a 500-subject graph was built of those who are most relevant across the following: conversations (back and forth), information gathering (incoming data), and messaging (who is the audience) for the

core group. A large group of journalists/bloggers was at the core of the resulting network, along with data security academics. In this space, trial lawyers connect to journalists, some of whom are specialists in data security issues, whereas data security defense attorneys connect to data security academics and cyber security experts for critical information.

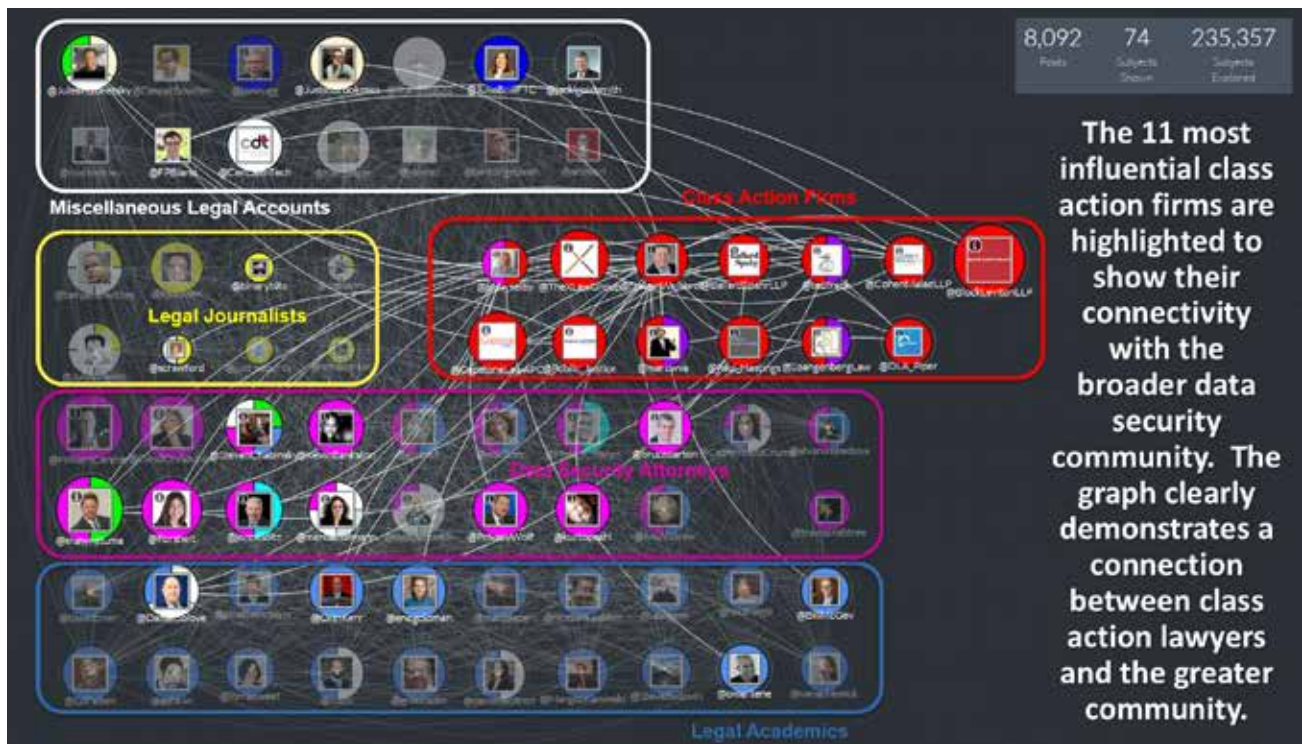


Exhibit 18: Visualization of Twitter Network Focusing on Data Privacy (July 27–August 27, 2015)

Keyword usage indicates topical relevance to the topics of data privacy, identity theft, and health IT. The connections between litigators and journalists appear to be mainly informational, with news flowing between trial lawyers and media (e.g., updates on existing and potential cases). Some firms, such as Lief Cabraser, also use the network to drive interest and traffic in data security lawsuits.

In fact, Lief Cabraser, the second highest firm in monthly search demand around data security lawsuits, is using Twitter to both publicize the legal services it provides generally as well as specific cases it is litigating. Example tweets are included in Exhibit 19. Moreover, other individuals and organizations connected to @liefcabraser advance this promotional messaging by sharing messages about Lief Cabraser services and lawsuits (see post from Patience Haggin regarding the Sony data breach lawsuit).

@LieffCabraser

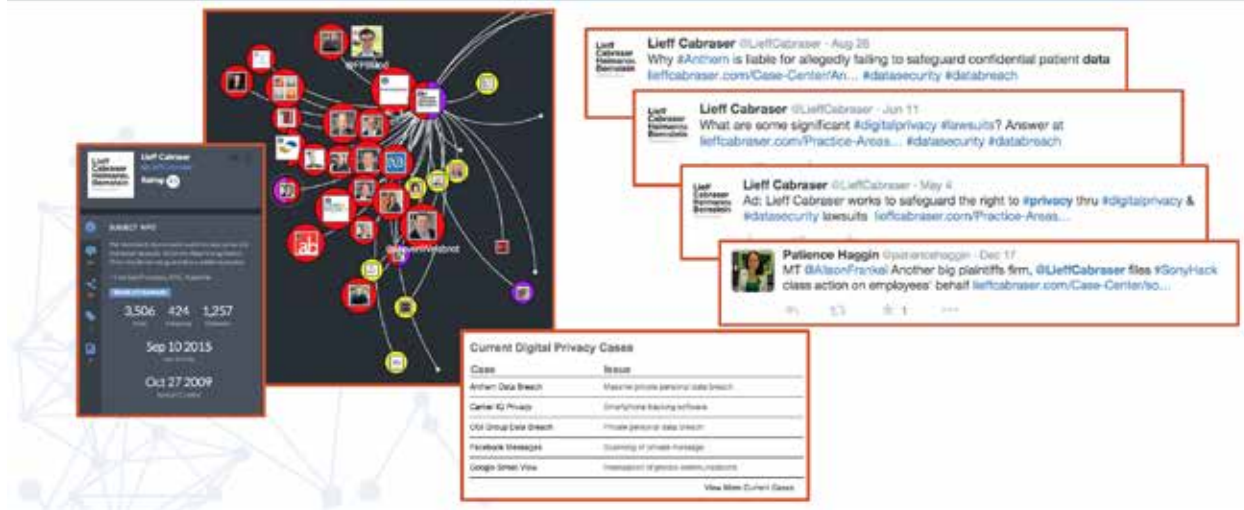


Exhibit 19: Sampling of Promotional Tweets from @LieffCabraser

Key Findings

Trial lawyers have become sophisticated background players in social media.

- In some contexts, such as data breach, trial lawyers are conversing with journalists (@mentions), serving as sources, and publicizing class action efforts.
- In other contexts, such as asbestos/mesothelioma, trial lawyers are connecting to and sharing the messaging of advocates, building credibility in the network.
- In some instances, law firms are sponsoring unbranded accounts that post about class action topics and direct potential clients to the firm in a recursive strategy.
- Many trial lawyers simply track the posts of key influencers within specialized domains, using this as a barometer of breaking news and ongoing discussion.

Endnotes

- i Ken Goldstein is a professor of politics at the University of San Francisco and founding Director of the USF in DC program, and is one of the country's premier experts on the use and impact of political advertising. He also teaches in USF's Masters' Program in Public Affairs, which focuses on the skills needed to run a modern political campaign. Dhavan V. Shah is Principal Consultant with Sherpa Metrix LLC and the Louis A. & Mary E. Maier-Bascom Professor at the University of Wisconsin. Mr. Shah's research and consulting focuses on communication influence on social judgments, digital media and political engagement, and health support and behavior.
- 1 This includes all types of legal advertising including: asbestos, personal injury, prescription drugs, medical devices, etc.
- 2 This includes national broadcast, national cable, local broadcast/spot cable, and syndication.
- 3 <http://www.webpagefx.com/blog/marketing/googles-top-100-most-expensive-keywords-in-2015/>
- 4 The Asbestos.com website, which attracts around 45,000 unique visitors each month, states that it is intended to begin conversations with the public and collect information.
- 5 Relevance is based on average monthly demand for each brand's keyword. The metric is based on average rank and overall keyword volume to create the relevance scale from 1 to 100. We combined the average rank and looked at overall keyword volumes for the brand's keywords in order to see how closely they were related. We then reviewed keywords relevant to the brand and then compared that to their overall ranked keyword volume to see how competitive they are in that particular space.
- 6 The three week span was from September 19, 2015–October 11, 2015.



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