



**WHAT IF THE  
WASTE  
IS THE PART THAT  
WORKS?**

LEGAL ADVERTISING

 consultwebs

## WHAT IF THE WASTE IS THE PART THAT WORKS?

“*I know half of my advertising is wasted,  
I just don't know which half.*”

- JOHN WANAMAKER

It's a question that has plagued marketers since time immemorial: How can you guarantee that a hefty portion of the money you've invested in advertising comes back to you in the form of customers, and isn't wasted?

Wanamaker's quote above has been used by marketers to explain everything: why measuring return on investment (ROI) and other business metrics is so important, why tracking leads through a good CRM is key, or why hyper-targeted ads are purportedly more effective than mass media.

While the digital incantation of marketing promised us less waste and more trackability, law firm owners are still having difficulties [measuring marketing ROI](#), and thusly, find it difficult to reduce all of the “waste” in their advertising.

But...what if the waste of advertising is the part that works?

## THE RESEARCH

In Tim Ambler's 2004 piece "[The Waste in Advertising Is the Part That Works](#)," published in the Journal of Advertising Research, he showed that "waste," or the perceived extravagance of an advertisement, contributes to advertising effectiveness by increasing credibility.

Ambler's research project drew heavily on biology to explore advertising effectiveness, especially [The Handicap Principle](#) in nature: Animals use wasteful characteristics to signal their biological fitness.

The study discovered "functional" aspects of advertising not associated with the core message, developing a deeper understanding of advertising's role in transmitting information and shaping persuasion.

The research shows that perceived waste is a significant driver of the perceived quality and reliability of a brand, with substantial consequences for advertising persuasion.

Ambler discovered that consumers could distinguish the perceived expense of, or waste in, an advertisement, and that this influenced their assessment of that brand's quality and reliability.

Ambler then established that opinions of quality and reliability played a substantially different role in brand choice when consumers are exposed to advertisements than when they are not.



**TABLE 13**  
Summary of Results

Hypothesis	Supported
H1: Consumers attribute variations in advertising production values to differences in "advertising expense."	Yes
H2: Higher production values do not enhance advertising functionality (communication and persuasion).	Partial
H3: Greater perceived advertising expense is associated with higher assessments of brand quality.	Yes
H4: Greater perceived advertising expense is associated with higher assessments of brand reliability.	Yes
H5: Through more favorable assessments of brand quality, perceived advertising expense enhances an advertisement's persuasiveness.	Yes
H6: The closer a product is to the credence end of the inspection-experience-credence scale, the more perceived advertising expense will play a role in persuasion.	Yes

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These findings can be used by marketers to determine optimal production value, copy and creative, and testing metrics for their ads.

The paper also explains that "handicapping" should be particularly useful to brands in product categories that can be regarded as credence goods (not available on a shelf), as well as brands seeking to differentiate themselves from close competitors.

*The closer in appearance a product or service is to its direct competitor, the more important conspicuous waste, and its measurement, becomes.*

## THE SCIENCE

Law firms operating in the United States are a part of an ecosystem defined by markets. In our marketplace society, we typically have a wide variety of options for services and products.



It's a common belief that consumers in a marketplace weigh the rational merits, features, and benefits of one choice against a few others, and advertising is a chance for brands to sway and secure the undecided consumer.

However, we just discovered above that advertising works in ways outside of its core function as a communicator of facts.

*The perceived waste that goes into an ad impacts its effectiveness.*

On a rational level, this makes no sense, but on a biological level, it's the law of the land.

Branding and waste are a fact of nature, and this peacock proves it.



If Darwinian survival is a paramount concern, and avoiding the attention of predators is key, then why would the peacock irrationally show off like this?

Might as well have an “*Eat Me*” sign around his neck.

You naturally know the reason for the plumage (to meet chicks) and this is all biologically explained by [The Handicap Principle](#): *Animals show off to an irrational degree because it signals biological fitness, longevity, and vitality.*

So more than the economic concerns of loss, of getting eaten and avoiding extinction, **the greatest fear in the biological world, one that overrides rational thought and logic, is that you’ll never be noticed and the genes won’t be passed on.**

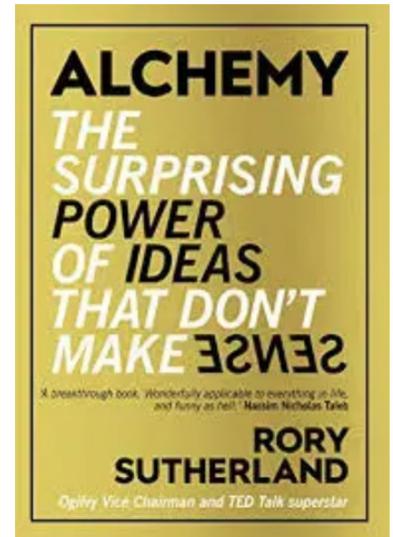
And so, to override the boring, to elevate the everyday to the extravagant, to create a marketplace, nature has concocted an amalgam of “branding” in the colors of flowers, the dance of bees, the size of antlers on a moose, that weird bulging red-throated thing on a frigate bird.

I mean, really, what is the functional rationality here?



Think about it this way: If rationality and economic logic were key characteristics to human survival, we'd all be sharing heroic stories of brave accountants and actuaries, rather than firefighters and soldiers. If we all love rational thought so much, we should have pictures of Volvos in our locker rooms, rather than Corvettes.

Ogilvy Vice Chairman Rory Sutherland's new book "[Alchemy](#)," covers this Handicap Principle and brilliantly connects it to branding in business.



*“Branding in nature is flowers, colors, peacocks – signals that transmit worth, value, merit, sexual conquest. So it is with brands – without good branding, a good, rational product doesn’t have what it takes to survive.”*

Sutherland continues, “It is impossible to generate trust, affection, respect, reputation, status, loyalty, generosity, or even reproductive opportunity by simply pursuing the mandates of rational economic theory.”

And that’s the most important lesson to connect with: If the goal of advertising is to get noticed, then rational thought is truly the antithesis of effective advertising.

## THE APPLICATION

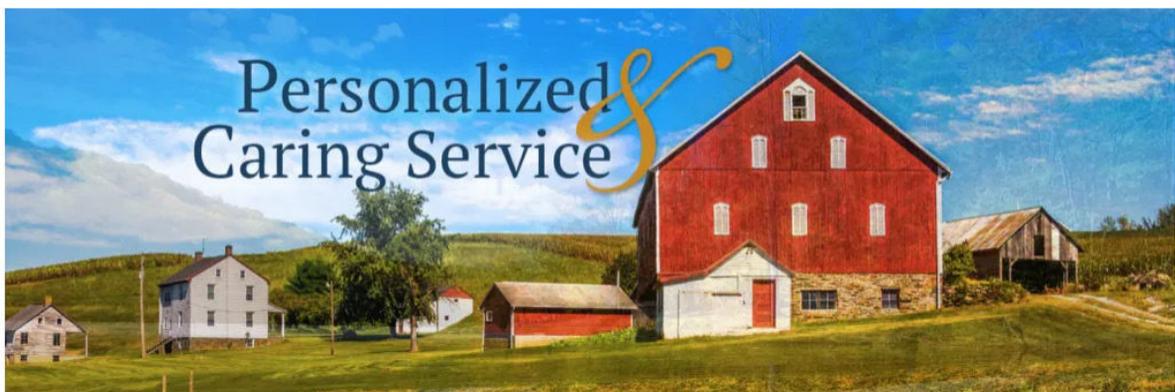
# HOW TO BRING THIS TO YOUR LAW FIRM

Once you accept the biological principles behind the Handicap Principle in your marketing heart, once you endorse the findings of Tim Ambler's work, that perceived waste can be effective, then the fun begins. How can you bring these theories to your law firm's marketing and advertising? Here are a few suggestions:

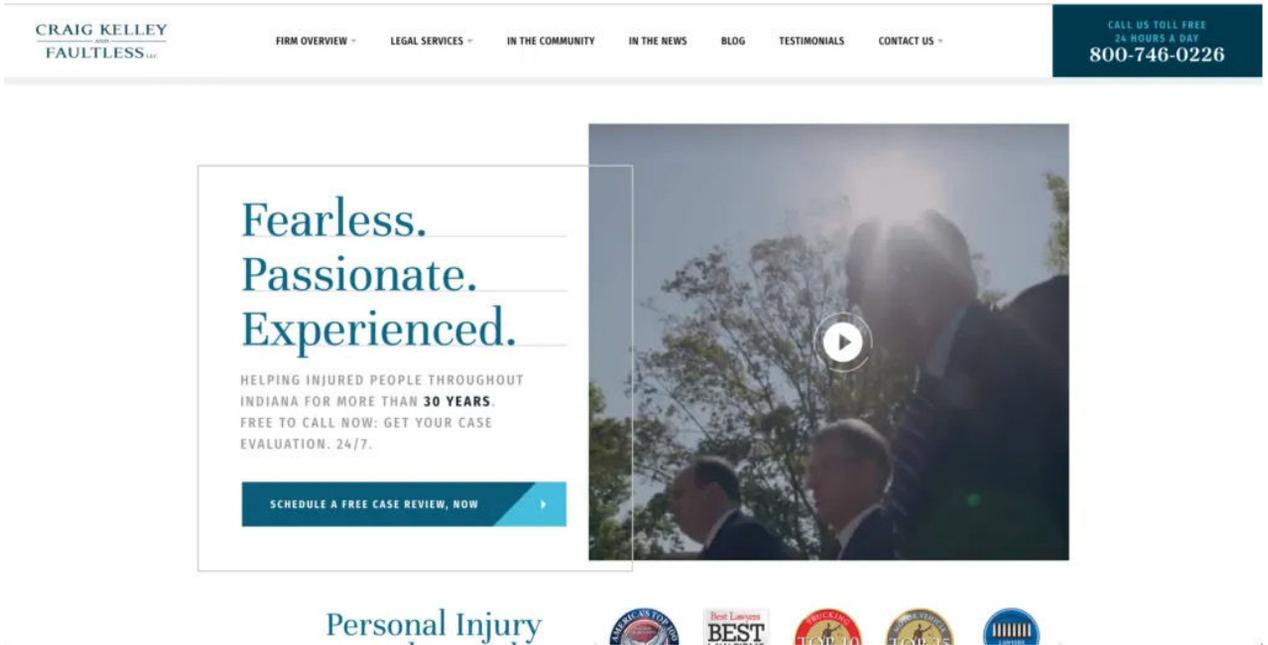
### WEB DESIGN

A law firm's website is its billboard on the information superhighway. How could you move away from rationality and head toward the Handicap Principle in your homepage design? Is it bold and branded, or rational, safe, and well ... boring?

There is a big difference between this law firm's homepage ...



and this law firm's homepage ...

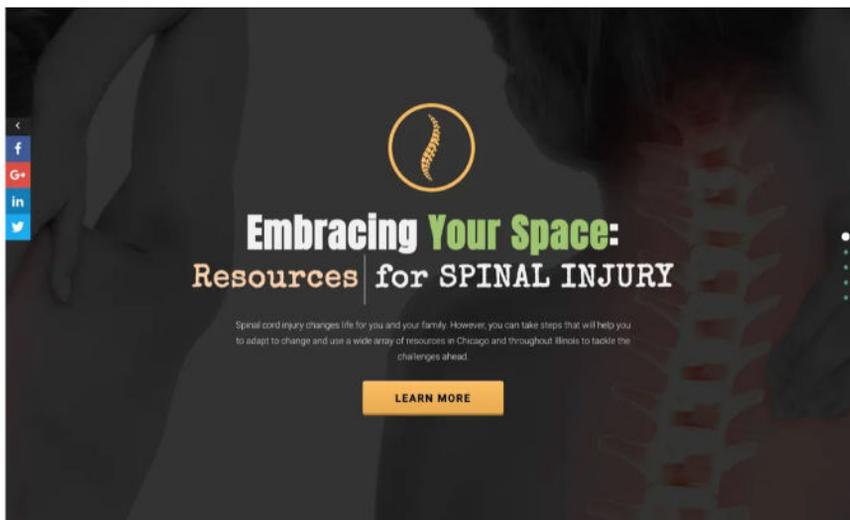
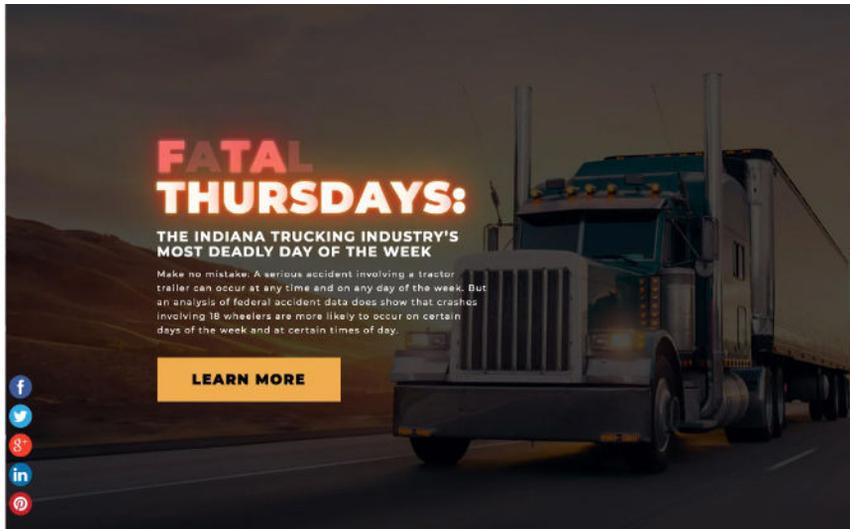


GET IN TOUCH WITH US TO LEARN HOW CONSULTWEBS CREATES DISTINCT WEB DESIGNS FOR LAW FIRMS, AND SEE SOME GREAT EXAMPLES OF ATTORNEY WEBSITES, AND OUR PORTFOLIO OF WEB DESIGN WORK, [HERE](#).



## CREATIVE ASSETS

If we accept that signalling is important, a great way to strategically signal reliability and quality online is by featuring creative assets on your law firm’s website that align with certain subtopics or practice areas, such as traumatic brain injuries, spinal cord injuries, or trucking accidents.



A dynamic, well-designed resource page like the examples of [“Fatal Thursdays”](#) and [“Embracing Your Space,”](#) gives a law firm an opportunity to show off in an engaging and provocative way.

## DIGITAL ADVERTISING

As part of a multi-channel marketing approach to developing your business, pay-per-click (PPC) advertising is essential for law firms looking to compete online. However, it is an expensive endeavor, and without a strategy, you can spend a ton of money in a short amount of time. How much? A lot.

[90% of the most expensive keywords in digital advertising are in legal.](#)

Rank	Term	Cost-Per-Click (CPC)	Category
1	accident lawyers in new orleans	\$884	Personal Injury
2	maritime lawyers new orleans	\$840	Maritime Personal Injury
3	free mesothelioma book	\$789	Meso Personal Injury
4	18 wheeler accident lawyer dallas	\$778	Personal Injury
5	new orleans maritime attorneys	\$733	Maritime Personal Injury
6	accident attorneys GA	\$721	Personal Injury
7	baltimore birth injury lawyer	\$713	Personal Injury
8	accident lawyers in birmingham al	\$710	Personal Injury
9	maritime lawyer new orleans	\$689	Maritime Personal Injury
10	mesobook	\$681	Meso Personal Injury

Imagine if you had to pay \$884 for one click of your advertisement. Now consider that not every click is a conversion and that you might possibly have to get 100+ clicks to see any real traction – so that’s around \$88k, for just one term, in one campaign?

With the amount of money being spent on digital ads, the Handicap Principle should kick in, right? Unfortunately, people know that a billboard is expensive, a TV spot is expensive, but no one, even some lawyers paying for PPC, know how expensive keywords and cost-per-click (CPC) can be. So how can you leverage PPC into a peacock opportunity?

## BRANDED DISPLAY ADS AND RE-TARGETING

We praise digital advertising because it is so cheap, but what if there were a way to use PPC as a costly signal?

**First**, have a dynamic and bold brand. [Defining a brand for your law firm](#) and the memorable/creative assets around it is the essential ingredient to effective advertising. Strong colors, powerful tagline, great creative – get this handled before you make any ad.

**Second**, use tech to retarget website visitors and serve them your ads. At my old PI law firm, I would talk to clients about our marketing and they would say, *“I see you everywhere, even on my computer.”* That’s the goal and an effective use of “cheap” advertising real estate to send a costly signal.



## IN CONCLUSION

The Handicap Principle is a massively important theory to marketing and advertising. Signals of vitality are important for your business, the perceived cost of your marketing can impact its effectiveness, and this is all because of natural laws, not the latest trend.

Wasteful signals don't have to be pricey like billboards or TV spots. Can you leverage your existing assets with a dollop of creative execution? Is your homepage boring or bold? Is your content enthralling, could it be? Can you find your feathers?

### WANT TO TALK ABOUT YOUR LAW FIRM'S MARKETING STRATEGY?

Since 1999, Consultwebs has tested thousands of web designs, landing pages, social media campaigns, and digital marketing strategies for hundreds of law firms across the country. We know what works and we know what doesn't work in legal marketing because, this isn't our first rodeo. Our legal marketing strategies are based on 20 years of original research exclusively within the legal industry. With a variety of digital marketing services, managed by our network of top-notch talent, and focused on increasing your bottom line, growing your law firm on the internet has never been easier.

Get in touch with us today and learn how Consultwebs can help you.

