

THE LAWYERS WEEKLY

The name game

By Elaine Wiltshire

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James Bond — the lawyer, not 007 — is fully aware of what people are thinking when they see or hear his name.

“ ‘Bond, James Bond’ — I get that a lot,” he says with a laugh. “I know what people are thinking when they hear my name. It always gets a chuckle.”

Although Bond, owner of Bond & Hughes in Perth, Ont., where he focuses on rural real estate and corporate commercial transactions, admits to sometimes being self conscious about his famous name, he says it’s actually great for business.

“No question it’s good for marketing... People will come in because a real estate agent had given them a list of three or four lawyers and, of course, my name stands out.”

Patti Hone, president and creative director of As You Like It Marketing and Communications in Toronto, agrees that having a unique or ironic name can be a huge advantage to a lawyer, especially in such a competitive profession.

“People are going to remember [a famous name] and I think there will be a little curiosity there,” says Hone.

Bond agrees, saying that clients admit to calling him because they want a lawyer named “James Bond” to represent them. “I know that it works from that standpoint; it’s not a conscious effort on my part, it’s just my name.”

But once that first call is made, it’s then up to Bond to prove that he is the right lawyer for the job.

Hone acknowledges that getting that first call is a huge challenge and utilizing something like an interesting name certainly has its advantages.

“I always like to look at how you can take something that you might think of as a negative and spin it to a positive,” says Hone. “You’re always looking for that little icebreaker or something that puts people at ease... but when push comes to shove, you can either deliver the goods or you can’t.”

Pamela Anderson, an assistant professor at the University of New Brunswick’s faculty of law, empathizes with Bond’s sentiments towards his name.

Also admitting to being somewhat self conscious about her famous name, especially in a setting where her name is being read aloud, Anderson shrugs off the attention with a bit of a laugh.

“I assume that whenever I meet someone that’s the first thing they’re thinking,” she says. “But once people know me, I don’t think it reoccurs to them — it’s just my name.”

Both Anderson and Bond actually go by a shortened version of their first names — Pam and Jim — but both make it clear that that decision is in no way a conscious effort to disassociate themselves with their famous counterparts.

“I just prefer it,” they both said.



Illustration by Martin Pope for The Lawyers Weekly

Interestingly, when using the shortened form, both said that many people don't even make the connection to the famous name — which can be a relief, said Bond, "because I'm always waiting for the reaction."

"Sometimes there are coworkers I've known for a little while and suddenly they'll make the connection in their heads and then it's like 'oh wait, you're name's Pamela,'" she says with a chuckle.

Anderson has never worked in private practice, so therefore has never had to market herself to clients, but she said people are definitely more inclined to remember her name — which is never a bad thing.

"I was told once that before I started a new job... [my co-workers] had been told a few days ahead of time that Pamela Anderson was starting, so they had a bit of fun with it."

Hone thinks that the way in which both Bond and Anderson have approached dealing with their famous names is exactly what they should be doing.

"It's your name — you're not going to change your name, so make it work for you."

On that note, neither Bond nor Anderson said that they'd ever considered changing their name.

From a marketing standpoint, Hone adds, "I certainly wouldn't try to hide it — I would use it as a positive."

But what if it's not your own name getting attention, but the name of your firm? Millions of dollars every year are spent on branding and marketing a firm's name, so choosing a name can be a vital component when launching a new firm.

This is the exact concern two California lawyers faced when deciding to launch their new firm in the early 1990s. As partners at a national firm, James Payne and Daniel Fears made the decision to branch out on their own.

A main topic of debate for the two: the firm name.

"We were very happy about going out and [starting our own firm] but probably one of the mutual concerns was about our name — Payne and Fears, Fears and Payne, these are our names," said Fears.

"Ultimately, Jim and I flipped a coin to decide whether it was going to be Fears before Payne or Payne before Fears," he says with a touch of humour.

Payne & Fears LLP is a labour and employment boutique firm in California that has expanded to four offices and close to 50 lawyers in the past 18 years — so it would seem that their name has in no way hindered their growth.

"It's more luck than design, and ironically, I thought initially that it might be an impediment to being taken seriously, but my instincts on that were completely wrong," notes Fears.

"Actually, it turned out to be something that caused our name to get out in the community."

In fact, their name garnered some particularly unanticipated attention when Jay Leno mentioned the firm on *The Tonight Show* last year.

"It's just one of those things that people get a kick out of and it's certainly amusing," Fears acknowledges. "It kind of markets itself."

And from a promotional standpoint — Payne & Fears is marketing gold.

"Everyone wants attention, everybody wants the business," said Hone. "Whatever you can do to create some buzz and get people talking" is good for your bottom line.

Fears, Anderson and Bond have all approached their individual situations with humour and brevity — an attitude that has really worked in their favour, from a marketing perspective, as well as a personal one.

Bond really summed it up nicely when he said, "It's good for business, so I really don't mind at all."

Judges and gender

What's in a name? Well, possibly status and financial success in the legal profession, according to one study.

Research published by the American Law and Economics Review in 2009 found that "females with masculine names fare better in legal careers than females with feminine names."

This study — entitled *Do Masculine Names Help Female Lawyers Become Judges?* — gathered empirical evidence to test the Portia Hypothesis, which claims that women with masculine-sounding names are more successful in the legal profession than women with more feminine-sounding names.

Study authors Bentley Coffey and Patrick McLaughlin reported the following:

5 per cent

"Changing a girl's name from something fairly feminine, like 'Sue'... to something more gender-ambiguous, like 'Kelly,' increases her chances of becoming a judge by roughly 5 per cent."

5x

If "Sue" is swapped for a name like "Bruce" — a predominately masculine name — her chances of becoming a judge increase by a factor of five.

Do judge names matter at Canada's and the U.S.'s top courts?

In the U.S. Supreme Court, three women are currently serving — Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan — none of whom have masculine-sounding or even gender-ambiguous names.

However, the first female member of the U.S. Supreme Court was Sandra Day O'Connor, and although "Sandra" is predominately a feminine name, "Sandy" is actually gender-ambiguous — since, according to the etymology of "Sandy," it can be a short form of both Sandra and Alexander. A bit of a stretch? Probably, especially since O'Connor went by "Sandra" in her professional life.

The Supreme Court of Canada is also filled with unmistakably feminine names — Marie, Rosalie and Louise. But Canada's highest ranking judge, Chief Justice Beverley McLachlin, is a slightly different story. Etymologically speaking, "Beverly" first came into use in the 19th century as a masculine name. It wasn't until the publication of the novel *Beverly of Graustark* by George Barr McCutcheon in 1904 that "Beverly" became a common name feminine name in North America. Again, a bit of a stretch? Maybe.

Lawyer names

Choosing a baby name can be a difficult task for parents. There are family names to consider, current naming trends, personal taste, and so on. But what about choosing a name that would look good with the LL.B. moniker attached to it?

Well, according to research published earlier this year on Nameberry.com, the name you choose for your child may set them on the path for a legal career. Author Conrad Saam ran a data search using the online legal directory Avvo and compiled a list of the most popular lawyers' names based on their year of acceptance to the state Bar.

"Obviously, these lists correlate with popularity of names over time, but the actual results are amazingly consistent and defy many overall name trends," states Saam in the article.

Although Saam is working with data from the U.S., when comparing these names with the names of the lawyers at 20 of the largest law firms in Canada, the numbers are interesting. Over eight per cent of the lawyers at these firms have one of the top four names identified by Saam — with three per cent of the lawyers being named "David," compared with two per cent with the name "John."

According to statistics published by the U.S. Social Security Administration, "James," "John" and "Robert" are the top three most popular boys' names in the U.S. over the past 100 years — with "David" ranking at number six.

Interestingly, "Charles" is ranked at number nine in overall popularity, but fails to make Saam's list in overall frequency. In fact, "Charles" only appears on Saam's list as a top lawyer's name between 1951 and 1980, and is nowhere to be seen in the top 20 for the past decade (2001-2010). And among the top 20 largest firms in Canada, only 0.4 per cent of the lawyers are named "Charles."

Despite the growing number of women in the profession, only "Jennifer," "Elizabeth" and "Sarah" made Saam's top 20 list for 2001-2010 — ranking number 4, 15 and 19 respectively. In Canada's largest firms, 2 per cent of the lawyers have one of these three names, with "Jennifer" appearing most often.

So, assuming it's about 25 years from birth to call, those called in between 2000 and 2010 were born between 1975 and 1985. According to U.S. Social Security, "Jennifer" ranked in the top two most popular names in the 1970s and 1980s — making the appearance of "Jennifer" on Saam's top 20 list not surprising.

Interestingly, however, "Amy" was the second most popular name in the 1970s and "Jessica" was the most popular name in the 1980s, yet they only ranked fourth and fifth respectively on Saam's list for the past decade. So, if law is the preordained career for your new arrival, bypassing the trendy "Emma" or "Ethan" for "Jennifer" or "David" might be something to consider.

Top girls' names

When running these names through the Law Society of Upper Canada's online database the top female names were:

Jennifer with 442

Amy with 96

Jessica with 77

Top boys' names

The top male names that reigned supreme on Conrad Saam's list of overall frequency:

1. John
2. Robert
3. James
4. David

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