

# Negative Emotional Appeals in Online Attorneys' Marketing in North America

Farah Abdul Jabbar and Anne A. Christopher

**Abstract**—The current paper attempts to highlight the technique of persuasion used in online Attorneys' Marketing by means of appeal to pathos in which persuasion is done through arousing emotions. Pathos is usually achieved by means of emotions. This paper focuses particularly on the arousal of feelings through the use of negative emotional appeals to arouse emotional reactions. Basically, the research intends to identify negative words and phrases that are used to arouse emotions and at the same time to provide information on legal issues. The results show that emotions of fear, guilt and shame are specifically aroused in the attorneys' websites. Hence, the paper describes how online Attorneys' Marketing uses negative emotional appeals as an effective method to persuade prospective clients who might be involved in any legal problem in order to get the services of experienced attorneys.

**Index Terms**—Attorneys' marketing, negative emotional appeal, pathos, persuasive techniques.

## I. INTRODUCTION

Today technology plays a major role in serving people and almost all the services available used for living now depends on the technology of the internet. Life has become easier with the use of internet services. One major field which has been developed through the technology of the internet is advertising. Advertising through using online websites range from various products and services from buying houses to advertising vacancies and nowadays it even includes looking for attorneys.

Online Attorneys' Marketing is a new field of advertising and it is becoming more effective since it provides people with information concerning how to behave and what to do in case of being charged or accused of any illegal action [1]. These websites attempt to save the time of the clients and help them to get access to the best attorneys as soon as possible because when issues concerning legal services take place; timing is very important [2]. Attorneys' websites are designed to be efficient to the clients for providing information and advice in a persuasive and, at the same time, profitable way. These websites use different persuasive techniques but one of the most widely used one is appealing to the clients' emotions through using certain words and phrases that arouse negative emotions in order to persuade them to get access to a particular attorney.

## II. AIMS OF THE STUDY

This study aims at providing knowledge concerning attorney marketing in North America in general, and in identifying persuasive techniques, particularly pathos, used in organizing the attorneys' websites, in particular. It focuses mainly on the negative emotional appeals used in those websites and how they are featured and constructed in words, and phrases. In order to examine and analyze how these websites attract and persuade people who might face problems, the study attempts to reach a better understanding of the persuasive techniques used, particularly negative emotional appeals. Moreover, this research intends to encourage attorneys all over the world to have similar websites in order to help people to have more knowledge about the different criminal laws and be able to get an attorney when needed as soon as possible.

## III. REVIEW OF LITERATURE

### A. Online Attorney Marketing

Reference [3] describes internet marketing for law firms as "any type of communication on the internet that leads potential clients to the law firm's website or otherwise provides information about the law firm" [3:7]. Recently, the marketing potential through using the Internet has become more relevant to people, educational institutions, and even big organizations and a lot of interest is given to how these websites are being designed and what kind of language is used in them to persuade people. Reference [4] gives different implications concerning the design of the law firm marketing. They focus on the point that prospective clients consider three basic questions as they browse the website and these involve: *a) what you've done? B) for whom you've done it?c) what you can do for them?* [4:5].

Generally speaking, the increasing number of people who use the internet and the focus on its powerful influence will help in supporting traditional marketing since Internet marketing is of great importance in connecting buyers and sellers, supporting fully digital information exchange between them, suppressing limitations of time and place, and supporting interactivity [5]. Moreover, online advertising can be easier since the site can be updated in real time providing always up-to date services and this will lead the attorneys to new forms of delivering information through using the technology of the Internet. These legal services help the clients to seek legal advice without the need to meet the attorney directly [6].

Attorneys' Marketing was first introduced in 1977 after the

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Supreme Court of Arizona decided to allow lawyers to advertise their services [6]. Recently, interest is given widely to the field of Attorneys' Marketing focusing mainly on the definition, strategies, significance and classification of law firm Internet marketing [1],[7],[8]. Linguistically, the researcher has not found any study that has been conducted on online attorneys' website marketing concerning negative emotional appeal as a technique of persuasion, and hence it is to be dealt with in the current paper.

### B. Persuasion and Its Methods

Reference [9] defines persuasion as "not simply the product or outcome of a message sent by a source to a receiver. It is a dynamic activity, a process in which both source and receiver, send and receive messages" [9:14]. Reference [10] considers the objective of advertising as being to "... inform, persuade, or remind" [8:371]. Reference [11] points out that "it occurs in a situation where two or more points of view exist and the role of the speaker is to convince the audience that one view is better than the other" (p.67). The art of persuading others and convincing them to perform an action or certain type of behavior is quite a popular subject of study in many fields [12], [13], [14], [15], [16].

Reference [17] classifies persuasive methods into four major components and these involve: credibility, evidence, reasoning and emotions. As far as credibility is concerned, it is considered as an attitude that exists in the audience's mind and it is affected by two factors including competence and character. Competence stands for how the audience considers a speaker's intelligence, expertise and knowledge of the topic. Character stands for how the audience considers the speaker's sincerity and trustworthiness. Persuasion through credibility can be achieved through explaining competence, establishing common ground with the audience and finally delivering the speech fluently, expressively and with conviction [18:361].

The other method of persuasion is the use of evidence which includes providing materials, statistics, etc. that can approve or disapprove something. Providing evidence leads to formulating conclusions which are known as reasoning [9:361]. Persuasion using the reasoning technique includes three major aspects, namely, avoiding generalization, selecting appropriate words and providing statistics and testimony.

The last technique of persuasion is appealing to emotions which are referred to as *pathos* [18:370]. The emotions aroused in the audience can be divided into categories including fear, anger, compassion, pride, reverence, and guilt [18]. Aristotle set three categories of what he calls "textual appeals" including "ethos", "pathos" and "logos" [19],[20:15]. *Ethos* stands for the character of the speaker which is considered as important as the text itself. *Pathos* which is called "emotional appeal" stands for the effective text that will activate the emotions of the audience to accept an idea, proposition or perform an action [20]. This research attempts to focus mainly on the emotional appeal or *pathos* which is considered as one of the major techniques used in Attorneys' Marketing as the results of this research will show later.

### C. Emotional Appeal and Attorneys' Marketing

The last few decades have witnessed a significant interest

in advertising and the significant role of emotional appeals in advertising [21], [22], [23]. Reference [8] maintained that emotions can motivate and persuade consumers to accept an idea or to perform an action in addition to their ability to guide people's attitudes and behavior. Emotions are considered judgments of a situation based on the agent's values, leading to a decision [24]. Emotional appeals feature both positive and negative emotions (i.e., happiness and sadness). Researchers were mainly interested in investigating the positive aspects. Almost all the studies carried out within persuasion in online advertising focused mainly on the positive affective responses such as joy, tenderness, peaceful relaxation and social affection [25], [26], [27], [28], [29]. These studies proved that a positive emotional appeal is likely to enhance the persuasive impact of an advertising message.

Reference [30] emphasized the role of emotions in advertising and attempted to view it as being an affective process that can go beyond liking and disliking to have different emotions such as "love", "hate", "fear", "joy", "anxiety", "pride", "anger", "sadness", "sympathy", "lust", "guilt", "shame", etc.[30:137]. Reference [31] stated that since positive emotional appeal has its effect on the persuasion process, then negative emotions (such as anger, fear, distress, pity, etc.) also have their role in controlling people's attitudes. Associated with these emotional reactions is an empathic arousal to do something to help or protect the victim. This research focuses mainly on the arousal of negative emotions in order to inform people in advance of any bad consequences that might be taking place when someone suddenly faces a legal problem.

## IV. METHODOLOGY

This research uses the qualitative research methodology that aims at providing a "thick description" in order to develop an understanding of the meaning and experience dimensions of humans' lives [32:730]. In fact, it is an exploratory approach emphasizing words rather than quantification in gathering and analyzing the data. Also as the purpose of this study is to determine the persuasive strategies used in attorneys' websites, particularly, the negative emotional appeal, the qualitative method is appropriate. Text analysis is carried out and the data includes different attorneys' websites from North America since the technology of Attorneys' marketing there is very much developed and used widely online. A purposive sampling was done for the selecting of the websites in which certain criteria were considered including the availability of legal information in the websites since not all attorneys' websites involve such information. Another point concerning the selection of the websites is related to the persuasive language used in the website contents. These contents belong to legal practitioners even though are designed by different online marketing companies.

Emotive language can be used in two basic fashions: words can be used to arouse emotions by presenting a state of affairs different from reality; or terms commonly associated with a negative or positive state of affairs can be employed to modify the evaluation of an already known situation. As far

as attorney website language is concerned, the arousal of negative emotions is clearly considered as one of the major techniques used and this is done through the arousal of fear of what the consequences of being involved in any illegal issue. The websites use sentences like:

- 1) Example(1): Being charged with any crime is a frightening experience [33].
- 2) Example (2): Being charged with a criminal offense can be a stressful and frightening ordeal [34].
- 3) Example(3): If you have been charged with a criminal offense...can be a frightening and bewildering place [35].
- 4) Example(4): Facing a criminal charge can create fear and anxiety [36].

Literally speaking, the use of the words and phrases "being charged", "stressful", "frightening ordeal", "frightening experience", "bewildering place", "fear" and "anxiety" carry negative connotations and stand for feelings of fear. This is one of the techniques used in negative persuasion. Other examples of using emotional language are given below:

- 5) It may seem like the world has crumbled around you – and you find yourself on unfamiliar ground [35].
- 6) It can be utterly overwhelming to learn that you could be looking at serious consequences such as jail time...or other severe penalties [37].
- 7) Being charged with any crime is a frightening experience [38].
- 8) A moment of poor judgment that results in criminal charges can lead to a lifetime of negative consequences for people with insufficient or inexperienced legal representation [39].

Again in the examples, the use of negative words and phrases like, "the world has crumbled around you", "serious consequences", "severe penalties", "change your life", "poor judgment", "criminal charges" and "a lifetime of negative consequences" stand for fear and guilt. Fear, guilt and shame are the most widely applied technique of emotional appeal in persuasion and creates negative feelings that can lead to persuading others to perform an action or accept an idea. Fear emotions can be interchangeable with the term "threat appeal" when the emphasis is on the informational content of the message, rather than the arousal it activates among the recipients [40]. Reference [41] emphasizes the importance of the effectiveness of fear appeals in persuasion. This can clearly be identified through the attorneys' websites which tend to use negative emotional appeal since the use of negative words and phrases arouses emotions to pursue a specific argumentative goal and to persuade the interlocutor to commit himself/herself to an action or to accept an idea.

The websites also highlight the negative consequences, not on the person himself/herself only but focus more on his family as well. This can be clearly identified in the following examples:

- 9) If you have been arrested or accused of a crime.....you are probably frightened, confused, and concerned about your future and that of your family [42].
- 10) Being convicted of a crime carries legal penalties and personal consequences that can have a lasting and destructive impact on your freedom, family, and finances [34].

- 11) A criminal conviction can change your life. It could show up on background checks, result in jail or prison time, or destroy your family [43].

The use of the words and phrases "arrested", "accused", "convicted", "legal penalties", "personal consequences", "frightened", "confused", "concerned", "your future", "your family" and "destructive impact" all tend to arouse negative feelings in order to persuade the person of what might be the consequences of facing illegal charges. The involvement of the family in the fear, guilt and threatening feelings highlights the sense of the need for the right attorney to get the support when needed.

The negative appeal is also aroused through the connection to career and what might happen in case of being convicted of any legal problem. For any person who has a job or is looking for a job, the most important thing is to have a clear criminal record. Therefore, the language used in attorneys' websites tend to arouse negative feelings in relation to the career aspect. The examples below clarify the arousal of feelings of fear and shame as far as a person's career is concerned:

- 12) A criminal record of any kind can remove or restrict your right to travel.... and it can affect your ability to secure future employment opportunities and may even jeopardize your current employment [44].
- 13) Being convicted is a serious matter. It may retain your job and professional status [45].

In these two examples, the words and phrases "criminal record", "remove", "restrict", "affect", "future employment opportunities", "jeopardize your current employment", "a serious matter", "retain your job", and "professional status" represent the fear, guilt and shame and the consequences of having a criminal record. These examples include different legal information which many people ignore, hence their purpose in convincing individuals to decide on an experienced attorney.

## V. RESULTS

The results obtained from this research indicates that Attorneys' Marketing tends to use the technique of arousing negative effects in order to persuade the prospective clients to perform an action or to decide on choosing an attorney. The results can be summarized in the following points:

- 1) Attorneys' online websites focus mainly on emotional language as the basic persuasive technique used.
- 2) Attorneys' Marketing tends to present negative emotional effects to arouse feelings.
- 3) Almost all the online websites tend to use words like "frightening", "stressful", "negative" and "consequences", which all have negative connotations.
- 4) The most applicable emotional appeals are "fear", "guilt", "threat" and "shame" which attempt to create feelings that something bad can happen and the solution is to get an experienced attorney who can offer all the support needed to help the person avoid all the negative consequences that might lead to the feelings mentioned.
- 5) The use of negative emotional appeals in Attorneys' Marketing tends to convince the client of the urgent need for getting easier access to the right attorney and within a

short time.

- 6) The emotive language used does not intend to solely affect the prospective client through exposing himself/herself to the negative consequences but also through involving the family and career as well. Arousing the feelings of fear and shame to include all those who are concerned; especially family members, is another technique of persuasive negative appeal in attorneys' websites.
- 7) Using negative emotions as a persuasive technique has another function in addition to persuasion and that is providing information about legal issues that people need to be aware of.

## VI. CONCLUSIONS

To conclude, online law firm advertising is becoming a major need for people in order to help them get knowledge, advice and easy access to attorneys. This study investigated the language used in Attorneys' Marketing websites and the persuasive devices used in order to help the client overcome his/her legal problems. The most important technique that is widely used in almost all these websites is the language of emotion. The websites attempt to create negative feelings and arouse the emotions of the prospective client when he/she faces different kinds of charges. The arousal of emotions can lead to the achievement of the goal set through the websites which basically include persuading the client of the consequences of facing legal problems which might not only affect the person's life, his reputation and his career but also his family. These websites give the solutions through an experienced attorney who can offer advice and actual support. Further, the negative language used directly provides information concerning legal issues and this is a very important advocacy for increasing the people's awareness of law and legal cases.

## VII. LIMITATIONS AND SCOPE FOR FURTHER RESEARCH

This paper is limited to North American online websites Attorneys' Marketing websites due to the fact the internet services are widely used there. Accordingly, further research can be done to investigate emotional appeals in Attorneys' Marketing websites in other countries. Moreover, the effect of these websites on consumers can also be a subject for further research.

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