



THE PANELIST

Insurance Defense Marketing News

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Meet Your Competition

While you are busy attending to the daily details of running your law practice and retaining current clients, aggressive managing partners at competing law firms are studying how they can get in the door at your best accounts.



In our work with dozens of insurance defense law firms, a profile of the successful rainmaker has emerged. Assertive rainmakers focused on making the sale routinely pursue the following activities to build their book of business.

Jump on a plane. The promise of a lead has many rainmakers running to the airport in pursuit of an introductory meeting.

Pick up the phone. Tapping into their network of other defense firms and claims managers, rainmakers are not afraid to reach out by phone in search of an introduction, referral, or RFP.

Maximize industry events. Forget passive attendance. Rainmakers set up appointments in advance and arrange for on-site introductions.

Invest in marketing. Sometimes it is the best marketer that wins the business, not the best law firm. Rainmakers spend some money to enhance the visibility and reputation of their firm.

Stay in touch. Knowing that converting a prospect to a client can take months, active rainmakers maintain contact with five or six substantive outreach efforts.

Don't let the competition claim your prospects or clients. Let's talk today about your business development goals.

How to Talk to Panel Managers



The 2015 CLM Litigation Management Study was recently released, and the good news is that claims executives "perceive outside firms are doing a better job of understanding their needs" compared to five years ago.

Litigation managers also feel that the majority of panel counsel firms are more effective at "creating value." This may be due in part to the increasingly competitive legal market, which forces law firms to be more client-oriented.

On the flip side, panel managers see law firms doing a poor job at articulating their competitive strengths and distinguishing characteristics. Since insurance panels continue to consolidate, it is imperative that law firms invest some time and effort to better communicate their strengths and capabilities in marketing materials.

One opportunity for law firms, as identified in the study, is to delve deeper into the terminology and metrics that claims managers use to evaluate legal performance. Examples include:

- Average case cycle time
- Case disposition stats (loss costs, trials, etc.)
- Average legal cost per case by practice area
- Number of timekeepers per matter
- Defense cost to indemnity ratio

The ability to rate panel counsel firms on a variety of cost and outcome measures is a 2016 priority for many claims departments, according to the report.

Is your law firm ready for a more metrics-based future? If not, now is the time to start compiling the analytics that will enable you to speak the language of panel managers.

A copy of the study can be obtained by writing to report@theclm.org.

Marketing Matters

Thought Leadership Strategies



Thought leadership is the ability to stand out from the competition as an expert in your area of legal practice. Listed below are five ways to build your reputation as a thought leader.

1. Pick a Niche

Powerful law practices are built on the concept of specialization. Find ways to make your legal services stand out in recognizable ways that can be easily communicated to your audience.

2. Align your Clients, Cases and Expertise

Your personal strengths and interests, successful cases, current clients, and highest quality prospects can all help to refine your role as a thought leader.

3. Publish By-Lined Articles

A published article serves as an independent endorsement of your role as an expert. Catch the attention of panel managers and corporate general counsel with a well-placed article.

4. Speak Often and Enthusiastically

If public speaking appeals to you, identify and pursue the local, regional, or national events where you would like a seat on the podium.

5. Actively Manage Your Online Profiles

Scrutinize your website bio page and LinkedIn profile to make sure they are current and comprehensive.

Learn More! Call **1-866-417-7025** to discuss how your firm can enhance its visibility with a professional thought leadership campaign.

Google Likes Mobile-Friendly Sites



Google launched a new update to its search algorithm as of April 21. The degree to which a website is considered to be “mobile friendly” will determine how well it ranks on mobile search results after that date.

While insurance defense law firms generally do not rely on organic search engine placement for business development, it is still important to protect your ranking in Google.

Newer websites built on a WordPress platform are likely to comply with perhaps minor adjustments. Older websites may have difficulty meeting the new standards. Check with your webmaster for details.

Firms can test the mobile-friendly rating for their website with a simple test found by searching “Google mobile friendly test.”

Reputation Management in Legal Directories

Chances are that you have online profiles which you have not “claimed” or even seen. While you may not consider these directories to be relevant to your practice, your profile is likely to be seen by prospects who search on your name.

It is worthwhile to view and update your profile periodically on sites such as:



- Avvo
- Justia
- Martindale-Hubbell (if listed)

While not a legal directory, LinkedIn is also an important profile to keep updated.



Promote Your Law Firm with Professional Marketing Services

- Panel campaigns
- Marketing brochures
- Blog copywriting
- Proposals (RFPs)
- Press releases
- Social media

Call **866-417-7025** or email **mg@legalexpertconnections.com** for details.

Growth Opportunities

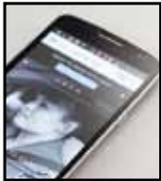
Trends in Employment Practices

Employment defense lawyers can enhance their position as a thought leader by focusing on a few emerging topics, including those outlined below.



Medical Marijuana

Acceptance of medical marijuana is growing at the state level, although marijuana usage remains illegal under federal law. Employment law conflicts are emerging in regard to provisions of the FMLA and ADA.



Independent Contractor Status

Uber, Lyft, and other app-enabled or online freelance services are challenging traditional employment law as well as auto insurance coverage issues.



Earned, Paid Sick Leave

New York City now has a Paid Sick Leave Law in place, and a similar law will take effect in California as of July 1. Many other states are considering similar legislation.



Franchise Law and Joint Employer Status

In a widely watched consolidated case, the NLRB is examining whether McDonald's Corporation is liable for certain employment actions by its franchisees.



NLRB Guidance on Employment Policies

Employers are taking note of recent NLRB guidance regarding confidentiality, an employee's right to discuss wages, and conflict of interest.

Your visibility on emerging employment practices liability issues will demonstrate your ability to manage and defend the growing number of EPLI claims.

Cyber Claims Statistics



NetDiligence® released the results of its fourth annual Cyber Claims Study in December 2014. Key findings from its analysis of 117 data breach insurance claims include the following.

\$698,797

The average cyber claim cost for legal defense.

\$733,109

The average claim payout.

2,411,730

The average number of records exposed.

\$956.21

The average cost per record.

In other news, the 2013 data breach at Target cost the retailer \$148 million, according to an August 2014 8-K filing. The cost was partially offset by a \$38 million insurance receivable.

Home Depot reported \$63 million in 2014 pretax data breach expenses in its latest 10-K. The amount was partially offset by \$30 million of expected insurance proceeds, but does not include losses from future claims made by payment card networks.

The infancy of the cyber insurance market provides growth opportunities. ... It is only a question of time before cyber insurance enters the personal lines market.

-- Fitch Ratings, UK Cyber Security Report, March, 2015

Approximately 35 insurers write cyber insurance as a stand-alone product, while others provide the coverage as an endorsement, according to a 2014 Cyber Insurance Liability Survey published by Advisen and PartnerRe. The estimated global market for cyber insurance is estimated at more than \$1 billion in written premiums.

Auto Defense: Alternate Routes



The way that auto insurance is marketed, priced, and underwritten may all change as a result of self-driving cars, usage-based insurance,

and advanced safety technology, according to auto insurer Mercury General.

Major liability shifts are also likely. No-fault auto insurance laws might gain favor over tort-based laws as driverless cars gain acceptance, for example.

On the commercial liability side, manufacturers and suppliers may become the target of product liability claims when accidents occur in vehicles using advanced technology.

Increased safety on the roadways is excellent news for society, but insurance defense law firms that serve as panel counsel for major auto insurance companies may want to hit the gas on new business development plans for 2015 and beyond.

While overnight change is not in the forecast, road conditions could be getting bumpy. Proactive defense firms may want to explore new avenues on the commercial auto side. Potential targets include:

- Armored car operators
- Auto rental agencies
- Distribution center suppliers
- Fleet owners
- Messenger services
- Shuttle services
- Taxis and limousines (livery)

California, Florida, Michigan, Nevada and the District of Columbia now allow testing of autonomous vehicles on public roads, and other states are sure to follow.

Marketing Tip: Refer to the state bar within your jurisdiction to determine specific attorney advertising rules and ethics guidelines.

About Us

Legal Expert Connections, Inc. is a national legal marketing agency focused on business development for attorneys and experts. We specialize in the insurance defense and employment defense market sectors.

You can focus on your law practice when we handle your marketing and lead generation. Our clients include small to mid-sized law firms that don't employ a marketing professional but do rely on our services for marketing communications and business development campaigns.

Margaret Grisdela, president, is an insurance defense marketing consultant with specialized knowledge of business development for defense law firms across the country. She leads a team of researchers, writers, graphic designers and others all focused on helping small to mid-sized law firms attract new clients.



We are available to create targeted marketing campaigns for a wide range of practice areas, including those outlined below.

- Consumer and commercial auto
- Employment practices liability
- Professional liability
- Inland marine / trucking
- Construction defects
- Product liability
- Premises liability

Geographically, we have conducted business development campaigns for insurance defense law firms in California, Texas, New York, New Jersey, Florida, Kentucky, and Michigan, among other states.



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