

Courting Your Clients



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The Essential Guide to Legal Marketing

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DEDICATION

This book is dedicated to three very important people in my life. First, to my late parents Elmer A. and Catherine M. Grisdela. They raised eight children with love, discipline, and an emphasis on education and service. To my husband of almost 30 years, Edward T. (“Ted”) Sharp, who is my best friend.

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INTRODUCTION

Mastery of business development skills is more important than ever in today's challenging economic environment. The good news is that readers of this book will be able to see through the mysterious aura of "rainmaking" to learn solid client acquisition skills.

Since this book was first published in late 2007, Wall Street's financial crisis triggered painful restructuring activities in the legal profession. Once considered to be reasonably recession-proof, law firms have had to adjust their approach to staffing, billing formats, and legal marketing.

Your law firm can develop the resilience you need to retain current clients and attract qualified new prospects by applying the *Courting Your Clients* business development methodology outlined in this book. You will learn how to:

- ✓ Uncover hidden revenue fast by marketing to current and past clients
- ✓ Generate more leads with a prioritized contact schedule for your referral sources
- ✓ Be viewed as an expert by speaking at local, regional, or national events
- ✓ Get published in an industry periodical, legal journal, or newsletter
- ✓ Make the most of memberships by turning networking events into new business
- ✓ Drive traffic to your website with search engine marketing and social media
- ✓ See your name in the news with PR campaigns targeting influential reporters
- ✓ Present a professional appearance with the right set of marketing materials

If you are an attorney, managing partner, legal marketer, or law firm administrator who is serious about building a business development platform that will take your law firm to the "next level," *Courting Your Clients* is for you!

Our commitment is to help you create the opportunities that will put you in front of quality prospects. Many clients say to us, "I just need to get in front of the prospect; then I can get the business." Consequently, this book does not dwell on "closing the sale," or the final steps involved (pitch books, proposals, presentations, etc.) in getting the client to sign your engagement letter. Your legal expertise, coupled with strong personal interaction skills and perseverance, will enable you to sign the account.

Most importantly, you will learn why marketing and business development is a process, not an event. Attorneys who skillfully adopt these techniques will gain a competitive advantage when they implement a disciplined, on-going approach to lead generation and client relations.

Let's get started!

There is one comment that applies to every item listed in this book. Check with your state bar association before you start marketing to insure compliance with relevant attorney advertising guidelines. If you market your legal practice in more than one state, review the regulations in every relevant jurisdiction.

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START HERE. START NOW.

One of the most important determinants of your success as a lawyer is not taught in law school. You can have all the technical knowledge you need, but your legal practice will flourish only when you obtain a client who is willing to pay you for your legal expertise. Finding that client can be a challenge. Seasoned marketers know that you need to speak to many prospects before you can generate one or two high quality accounts.

Not every client is a good client, however. You want those clients who will stay with you for the long term, serving as a source of referrals, testimonials, and growth opportunities. The best clients recognize and appreciate your value as a respected business counselor or family adviser, whereas overly price sensitive clients may leave you as soon as they find a lower cost provider.

A natural obstacle to practice expansion is the crush of day-to-day client obligations coupled with the billable hour imperative. That is exactly why we developed the *Courting Your Clients* methodology to help you maximize your business development efforts. Three fundamental principles form the basis for this book and our marketing approach:

1. Focus. Choose what you want to do and do it well.
2. Educate. Deliver valuable legal insight rather than “sell.”
3. Never stop marketing.

Everything matters. In our 24/7 world you need to reach out to your legal audience in a variety of ways using an integrated marketing approach, which translates into using multiple channels like speeches, the Internet, published articles, and referral networks. Whether your prospect is looking for you online, in a journal, or at a conference, you need a presence that gives you a competitive edge.

Business development in the legal market carries an aura of mystery when described as “rainmaking.” In this book you will learn how to simplify the process of acquiring new clients by focusing on six steps that form the foundation for your own customized attorney marketing plan.

We refer to this process as *CLIENT Rainmaking*[®], a methodology that creates a strategic platform for all your business development activities:

| | |
|----------|---|
| C | Create an integrated marketing plan |
| L | Launch your plan |
| I | Inspect your results |
| E | Educate your audience |
| N | Nurture the prospects you generate |
| T | Team with your new clients to build trust |

In the rest of this chapter we will explore each step in the process.

Create an Integrated Marketing Plan

The “C” in *CLIENT Rainmaking* is about creating your own integrated business development plan. Your plan should contain strategic goals expressed as the number of new accounts you want to establish and associated revenue. Marketing techniques contained in this book will help you create campaigns to generate high quality new prospects.

Marketing without a plan is like driving to a new and distant destination without a roadmap. You are sure to get lost! By the time you finish this book, you will have the knowledge you need to create your own customized business development plan based on the simplified example included in Appendix 1.

You may ask what it means to have an “integrated” marketing program. Simply described, it means promoting your firm simultaneously across multiple marketing channels. Law firms integrate their marketing programs by focusing on a narrowly defined competitive message and positioning statement (see next chapter), then communicating that message consistently across all business development efforts. You need to determine the right blend of marketing tactics for your firm, based on your message and market.

Here are the seven primary marketing channels that should be included in your law firm’s business development program:

1. **Referral networks and membership organizations.** Increase your lead generation when you put your referral network on a written contact schedule and tap your membership organizations for new business.
2. **Marketing to current and past clients.** Your best source of new revenue is at your fingertips in your client list. Stay in touch with newsletters, up-sell, and cross-sell campaigns to maximize your profitability.
3. **Websites.** The Internet is second only to personal referrals in driving legal business to your law firm. Make sure your site ranks highly in search engines when prospects look online for your services.
4. **Speaking and publishing.** Build your reputation as a “thought leader” by offering substantive materials through speeches or articles.
5. **Internet and social media marketing.** Online communities like LinkedIn, Twitter, and Facebook feature interactive conversations. While you need to decide what is right for your firm, remember that these conversations will take place with or without you. Why not participate?
6. **Publicity.** Attract favorable attention to your law firm when you open a new office, hire additional attorneys, participate in a community event, or are available for comment on a breaking news story.
7. **Marketing materials and advertising campaigns.** A professional presentation will show prospects that you are attentive to details. Advertising use varies across firms, depending on your audience, competitive environment, and stage in the business cycle.

Purchasers of legal services operate in a fast-paced environment today and are often bewildered by their options when it comes to retaining an attorney. Your integrated marketing program should reach your prospective audience: 1) in the places they are looking; and 2) when they are ready to retain legal services. This will give you a better chance of winning a new account.

The following chapters in this book address each marketing channel in more detail, so you can learn how to implement the right set of marketing campaigns for your law firm.

Launch Your Plan

The “L” in *CLIENT Rainmaking* is about launching your many marketing initiatives. Once your detailed marketing plan is written, there are likely to be important initiatives that you need to address first, like the preparation of a new brochure or a website update, so start on these activities immediately.

Successful execution of your plan is critical to generate the quality and quantity of business leads that you seek. Many marketing initiatives have a significant lead time, which requires that you start early and maintain attention to implementation details.

It may take months, for example, to obtain a prized speaking or publishing engagement. Once you are approved, it could be several more months before your speech takes place or your article is actually published. An early start on these opportunities is essential to help you achieve your goals for the year.

Keep your marketing plan readily available and review it on a weekly or monthly basis. Refer to the 12-month timeline that you include as part of your plan (see Appendix 1) to insure that you are on schedule for implementation. Consider partnering with an in-house marketing professional, a fellow attorney, or a business development coach to help you maintain focus on your marketing plan throughout the year.

Sustaining a sharp focus on your marketing priorities, coupled with the *Courting Your Clients* methodology to implement and track your progress, will help you to achieve your business development goals. Whatever you do, never stop marketing!

Inspect Your Results

The “I” in *CLIENT Rainmaking* is about inspecting and evaluating the results of your marketing plan. Start by confirming that your plan is on schedule. If you are running late in implementing some of the activities specified in your 12-month timeline, take the necessary steps to get back on track.

Compare the results of your campaign with your stated goals. If you mailed a client alert about new legislation that was designed to generate five new engagements, for example, how many actual engagements did you receive? If the answer is less than five you may want to supplement the mailing with phone calls (in accordance with bar guidelines, of course) or an invitation to a seminar. If you exceeded your goal with ten new engagements, expand this type of activity in the future.

While most campaigns, when done properly, will start to generate encouraging results relatively quickly, some campaigns may be disappointing. Try to identify ways you can improve performance on these initiatives. If a print ad is not producing responses, as another example, try adding a “call to action” like a free white paper offer (see Chapter 4).

You may find that some programs are not suited to your audience or geographic area. If this is the case, create and test alternatives. Testing and refinement is a continuous process you will want to follow until you discover the techniques that work best for you. See Chapter 12 for the various types of marketing measurements you can use in analyzing the success of your business development campaigns.

Your overall objective is to increase your annual billings by a specific measurable amount, expressed as a number of new accounts and/or increased revenue from existing accounts. Compare your actual campaign results against your goals on a regular basis.

Recognize that there is a lead time to “prime the pump” for new business development. You will not necessarily book one-quarter of your projected new revenue by the end of the first calendar quarter, for example, since it takes some time to convert a prospect to a client. When you faithfully implement your marketing initiatives on schedule, however, progress will start to become evident within 45 to 60 days of launching your business development campaign.

Educate Your Audience

The “E” in *CLIENT Rainmaking* refers to educating yourself on client industries, as well as educating prospects and clients about how your specialized legal knowledge and services can improve their business performance and/or personal interests. This emphasis on education is a strategic underlying theme that should permeate every aspect of your marketing plan.

Educating your audience is best accomplished through speaking, writing, press coverage, newsletters, and client alerts. When you offer true value to prospective clients in the form of legal insight, you create an attraction that pulls your audience to you and invites natural business development. By emphasizing that everyone’s situation is unique, you will encourage the prospect to step forward and discuss their circumstances.

The following chapters provide guidance on ways you can educate prospects and clients through a variety of integrated marketing programs.

Nurture the Prospects You Generate

The “N” in *CLIENT Rainmaking* is about nurturing your new leads. Identifying a new prospect is a great start, but it is only the beginning. Many ideas in this book will help you convert a prospect to a client.

Tracking your pipeline of prospects and the time it takes for them to retain your law firm is an essential part of the business development process. “Pipeline management” is actually a very detailed process that, while important, is outside the scope of this particular book.

Suffice it to say that you will want to have a “SMART” (specific, measurable, achievable, repeatable, and timed) process you can use to track inquiries through each stage of the business development cycle. Start by recording the contact information for every prospect, whether this originates from a marketing campaign, your referral network, or a website inquiry.

You will want to establish a pre-defined series of steps that describe your typical account development cycle for this purpose. For example, this could include identification (of prospect, their needs and goals); qualification (their ability to pay, your ability to serve); conversion (pitch book, proposal, or presentation); and account establishment. You should also prioritize your leads (A-B-C) to further focus your business development efforts.

Keep track of your prospects and the stage they are at in the business development cycle as part of your marketing program. Depending on your firm size, this could be accomplished through a simple Excel file or a sophisticated customer relationship management (CRM) solution. Tracking prospects will help you focus your efforts and make more effective use of your time in generating new accounts.

Team with Your New Clients to Build Trust

The “T” in *CLIENT Rainmaking* is about teaming with your new clients to build trust through the delivery of an exceptional level of legal services. Now is the time, when your prospect becomes a client, that you can say “congratulations!” to yourself and your co-workers. You are suddenly on the path to build a potentially long-term relationship.

Chapter 7 is full of ideas to help you reinforce important personal and business interaction with your new client. Over time, your existing client base will serve as your best source for new business. Stay in close touch with your accounts to maximize your annual client retention rates and anticipate client needs for additional services as their business grows.

Overall, this book will help you see how *CLIENT Rainmaking* is a continuous process built on six essential steps that you can implement within your own firm.

Revisiting this chapter after you read the book and review the marketing plan included in Appendix 1 will guide you in creating your own powerful *CLIENT Rainmaking* program.

Courting Your Clients on a Schedule

You will increase your business development success when you create a strategic marketing plan that incorporates an on-going campaign encompassing the marketing concepts and channels identified above. Here is a recommended schedule to take your own law firm to the “next level” of performance.

| <i>Activity</i> | <i>Frequency</i> | <i>Details</i> |
|---------------------------|-------------------------|-----------------------|
| Marketing plan | Once a year | Appendix 1 |
| Speeches | 2/year minimum | Chapter 3 |
| Articles | 2/year minimum | Chapter 4 |
| Publicity | 2/year minimum | Chapter 5 |
| Referral network | Monthly | Chapter 6 |
| Organizational networking | Monthly | Chapter 6 |
| Marketing to clients | 2-4 campaigns/year | Chapter 7 |
| Marketing materials | Update annually | Chapter 8 |
| Website | Monthly | Chapter 9 |
| Internet marketing | 2-4 activities/month | Chapter 9 |
| Advertising | Varies with firm | Chapter 10 |

You will want to refine this approach to best reflect your firm’s particular circumstances. Individual activities can be applied at the firm and/or the attorney level. A five-partner law firm may have one integrated marketing plan, for example, but each attorney should strive for at least two speaking engagements and two published articles per year.

If you are already meeting some of these goals, raise the bar on your performance level. Two local speaking engagements could either be doubled (i.e., one local speaking engagement per quarter) or elevated to one state and one national presentation.

Not every campaign is right for every law firm. However, if your firm is not active in one area you could be leaving money on the table in terms of business development. Take a serious look at the available marketing techniques you are not utilizing (or not utilizing well), and determine if you need to increase your marketing profile using available internal capabilities or new external resources.

Now let us move on to learn about the rainmaking fundamentals that will become so important to your own integrated marketing programs.

Chapter 1 resources:

- See www.legalexpertconnections.com/resources.html for a video description of the *Courting Your Clients* business development methodology.

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RAINMAKING FUNDAMENTALS

Do you know the #1 reason that stops people from getting what they want? It's lack of focus. People who focus on what they want, prosper. Those who don't, struggle.

- "The Power of Focus," by Jack Canfield, Mark Victor Hansen and Les Hewitt. Health Communications, Inc., 2000.

In this chapter you will learn the basic strategic elements that form the foundation for all your business development efforts. Successful strategies, including branding and positioning, will make it easier for you to select and implement the marketing tactics that are introduced in the following chapters.

Pick a Niche

Focus. Powerful law practices are built on the concept of specialization. Find an approach that makes your legal services stand out from the competition. Your practice will benefit in at least seven important ways when you establish yourself as having special expertise in your area of legal practice:

1. You will be in a better position to select clients, allowing you to focus on a smaller universe of high-quality accounts.
2. Competitive forces become less threatening as clients seek you out for your specialized knowledge.
3. Billing rates are less susceptible to fee pressure when you are an acknowledged leader in your area of expertise.
4. Marketing campaigns will generate a higher return on investment (ROI) from increased response rates when they target a distinct universe with a focused message.
5. Word-of-mouth advertising goes farther and faster when you can clearly communicate a memorable set of legal services.
6. Journalists may turn to you for insight on complex legal matters in your field of specialization, reinforcing your expert status.
7. Business leads will increase as your articles, speeches and white papers boost your search engine rankings on the Internet.

Now, you may be saying that your state bar association does not offer a specialization or certification program. The good news is that you do not need permission from the state bar to distinguish yourself through speaking, writing, or media coverage. However, some state bar associations do govern the use of "expert" or "specialist" terminology.

Pick your niche based on your personal strengths and interests, successful cases, industry trends, and the competitive environment. Solicit feedback from partners and clients as you select the practice area where you can truly differentiate yourself.

Study industry challenges, demographics, legislative initiatives, and other potential expansion factors when selecting your niche. Look for a sizable growth opportunity with a high probability that it can sustain your practice over the course of your career.

Once you select your niche, apply the practical business development techniques contained in this book. In fact, consistent messaging about your specialized expertise across multiple marketing campaigns will greatly enhance your name recognition.

Establish Your Goals

The first step in creating an effective business development plan is to clearly establish the goals and objectives for your legal practice. You will want to answer important questions, including:

- Who do I want to serve?
- What services do I want to offer?
- Where do I want to practice geographically?
- When and how can I achieve my goals?
- Why should a client choose my firm over the competition?
- How much business do I want to develop? How much time and money do I have to develop this new business?

“Who” you choose to serve and “when” you want to achieve your goals are particularly important success factors. Analyze your intended markets carefully, both in terms of the industries, the geographic location, and the purchasers of these types of legal services.

Your law practice can be defined at many levels. Plaintiff or defense, employment law or intellectual property, business or consumer clients, transactions or long term relationships are just a few of the many options available to you during your legal career. These choices may already be made for you if you work with a larger firm. However, the solo practitioner, partner in a mid-sized firm, or experienced big-firm partner who branches out independently must all examine these questions in detail.

The market segments you select will determine the methods required to achieve your business development goals. Quantify your business goals and objectives as an initial step in your legal rainmaking and marketing program. It is critical to understand specifically what you want to achieve and by when. While many goals revolve around “make more money,” translate this vague objective into precise actions that are clearly defined in your marketing plan.

You may want to establish at least one new client per month with an annual value of \$10,000, for example. If your conversion rate is 25% (meaning that one of every four prospects turns into a client), you need a minimum of 8 to 12 qualified prospects in your pipeline *at all times* to meet your goal for the next quarter.

Think of your pipeline as an inverted pyramid, with a wide funnel at the top filling with inquiries and a narrow opening at the bottom that produces actual clients. The qualification process generally follows four stages: 1) Inquiry > 2) Lead > 3) Prospect > 4) Client.

The volume of contacts at each stage becomes progressively smaller. You are likely to need dozens of inquiries just to get one profitable new client, depending on your legal practice. Think of this as an on-going process, where you are always attracting new inquiries while working strategically to qualify your existing leads and convert them to clients.

Now you can appreciate the importance of always keeping your pipeline full of qualified leads. An inquiry is only an initial expression of interest. Many inquiries are unqualified for a variety of reasons (i.e., too small or not ready to retain an attorney). Your goal is to identify the most viable leads quickly, which you can then turn into true prospects with additional time and effort. The final stage in the business development cycle is to convert the prospect into a client.

Create a Positioning Statement

Consistency of message is essential to reinforce and maximize your marketing effort in our “sound bite” society. A positioning statement is a fairly easy way to target your market. When developed using a consensus-driven approach in a multiple-partner office, it creates a framework for your business development initiatives. Start with three simple steps:

1. Select your three most important service categories
2. Specifically identify the intended audience for each service
3. List up to three primary messages for each service category

A law firm or practice group concentrating in taxation may develop the following positioning statement, for example.

| <i>Service</i> | <i>Audience</i> | <i>Message</i> |
|-----------------------------------|--|---|
| Personal estate and gift planning | - Affluent families with children, identified by age, income and zip - Financial planners (referrals) | - Protect your assets for future generations - It's never too early to plan for retirement |
| Business tax planning | - Business owners - CPAs (referrals) - Bankers (referrals) | - Create a tax-efficient business - Maintain compliance with state and local taxes - Avoid IRS charges of excess compensation |
| Real estate | - Real estate investors - Real estate agents - Real estate developers | - Reduce or eliminate taxes from real estate transactions - Determine the best purchase or sales tax structure |

Using the above example, you can see how simple it is to create up to three key message areas for each service category.

If you can not quickly decide on your top priority services, evaluate your options using a set of common, objective criteria. You can simply make a choice on where to apply your resources, based on competitive conditions, service profitability, available staffing, degree of repeat business, and other key business factors.

Focusing on a small number of categories and services will help you create a stronger message delivered with greater impact in articles, speeches, ads, seminars, direct mail, white papers, or newsletters. Since it takes a minimum of five to six impressions before your audience recognizes and remembers your message, consistency and repetition will generate a higher return on your marketing investment.

One way to identify an unmet need in your marketplace is to look at your audience from a news perspective. Consider what is happening now, and the likely longer-term consequences. Study legislative initiatives, tax rules, compliance requirements, public sentiment, and other relevant factors that will influence future legal needs in your practice area. The Sarbanes- Oxley Act of 2002 is a perfect example of new legislation that immediately resulted in new “SOX” offerings at law, accounting, and consulting firms around the country. The Patient Protection and Affordable Care Act, and the Dodd-Frank Wall Street Reform and Consumer Protection Act, both of 2010, are likely to have a similar impact.

Position yourself and your firm as an expert in your field if at all possible, consistent with state bar guidelines. You can become a visible, reputable source for reliable facts, figures and legal counsel

in your selected areas of expertise. Review all of your marketing materials to verify the consistent use of descriptive copywriting, photos, case studies, speeches, and articles that will reinforce your position as an expert.

Once your positioning statement is finalized, it will serve as a foundation for all the integrated marketing tactics that are described in subsequent chapters. Update as needed, at least annually.

Know the Competition

Ignore the competition at your own financial peril. Your fellow attorneys are also searching for new business, including the business you want for yourself. Do not let the competition steal your clients, lure your best prospects, or hire your valued employees.

Here are 5 basic questions you can use to analyze your competition.

1. Who are your top 5 competitors? How do they get business?
2. What is your best advantage compared to your competitor's strengths and weaknesses?
3. Where is the gap in the market that your competitors may be overlooking?
4. What is your success rate when you go head-to-head with the competition, and why do prospects choose your firm?
5. How can you further differentiate your services from the competition?

Your answers to these key questions will become an important element in your annual marketing plan. An objective understanding of the competitive landscape is essential to create the positioning statement described above. Consider also that there may be non-traditional forms of competition, like nationwide divorce services that are now possible via the Internet.

There are many tools you can use to understand how the market views your legal offering and how your public messages compare to those of competitors, some of which are described below.

Subscribe to a news archive like LexisNexis® or Dow Jones Factiva® so you can compare your press coverage to that of your competitors. Evaluate competitors' use of newsletters, white papers, speaking engagements, articles, sponsorships, and legal or industry directories.

Google supports searches of non-HTML file types, making it possible for you to find some of the PowerPoint presentations or PDF files published by or mentioning competitive law firms. Just search on a firm's name or URL followed by filetype:ppt or filetype:pdf to identify some documents of interest.

Look closely at competitive websites to benchmark levels of professionalism, graphic design, and ease of use. Adopt "best practices" when it comes to the presentation of attorney biographies (see Appendix 5), practice area descriptions, the firm's news, and contact information.

After evaluating the competition carefully, determine how you can improve your own service levels and market visibility. Set up a free "Google Alert" to receive notifications of competitor news, website updates, and promotional events. This will help you keep your own services current and competitive.

Successful firms are always asking themselves "How can we improve ourselves to do better tomorrow than we did today?" This insight from authors James C. Collins and Jerry I. Porras in their best selling book "Built to Last" (HarperCollins, 1994) underscores the importance of continuous focus on delivering value in today's competitive market.

Your Unique Selling Proposition

Now that you have a wealth of competitive intelligence from the previous section, you can further enhance your powerful positioning statement by also defining a "Unique Selling Proposition." Your USP describes what is unique about your law firm.

While this may sound easy, it can actually take a considerable amount of time and effort. The larger the firm, the more difficult it can be to achieve consensus. For this reason, many mid-sized and larger law firms turn to an outside facilitator to hold a partner retreat or strategic planning session for purposes of identifying the USP.

A USP is based on many different factors, including price, service, geography, product features, or method of delivery. As an attorney, you obviously want to distinguish yourself on factors related to knowledge and legal expertise. Do not differentiate yourself solely on the basis of quality or service; everyone claims to offer a quality service.

Brand Yourself

The American Marketing Association defines “brand” as:

“A name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers. The legal term for brand is trademark. A brand may identify one item, a family of items, or all items of that seller. If used for the firm as a whole, the preferred term is trade name.”

This barely begins to tell the story in today’s competitive legal environment. Branding describes the relationship that exists between your firm and its clients, prospects and the community. It is that sparkle of pride that shines from the pages of your website, brochures, and other sales pieces. It is the seamless integration, in appearance and functionality, of your entire business development and service delivery process.

Brand awareness is a prized possession, frequently achieved only after expensive advertising campaigns. Law firm branding answers the question, “What are we known for?” according to a 2000 article published by the legal consulting firm Altman Weil.

Brand building campaigns can be orchestrated through large scale advertising budgets. Branding can also be incrementally achieved over the longer term through the delivery of high quality services by a professional legal team that operates in a customer-oriented environment.

Here are five simple ways you can build your brand, whether you are a solo practitioner or a partner with an international firm:

1. Focus your practice in specialized areas or distinct competitive ways for sharper recognition
2. Create a unique theme, characterized by a logo and accompanying tagline
3. Select clients who will reinforce your brand
4. Maintain high visibility in your marketplace through personal appearances, publishing, advertising, and sponsorships
5. Build your brand into all promotional materials

Your brand speaks loudly to prospective clients, so you want it to convey that you are a professional who carefully attends to business details. A poor image will turn prospects away to better marketers, even if the competitor’s technical expertise is not as strong as yours.

You only get one chance to make a first impression, and today many first impressions are electronic. Prospects and clients frequently meet you online long before they ever meet you personally. Does your firm’s image stand up to electronic scrutiny?

Here’s how you can maximize your law firm’s brand to accelerate the four stages of business development described in Chapter 1:

1. Inquiries are attracted by your brand. High visibility speaking and marketing initiatives, including carefully executed campaigns in print, online and direct mail, will generate inquiries.
2. Leads are converted by your brand. An attractive website that is easy to read and visually pleasing helps to capture a candidate’s interest and convert them into a bona fide prospect.
3. Prospects are sold by your brand. Stationery, brochures, business cards, telephone etiquette, presentations, proposals, and personal relationships all work together to communicate your

professionalism to a prospective client. The more clearly your unique brand shines through a well defined business development process, the more likely you are to convert a prospect to a client.

4. Clients stay when your service and quality commitment reinforces your brand. Now you have the chance to truly demonstrate the high levels of professional service offered by your firm. Strengthen your brand with your excellent work, frequent communications, and dedication to serving the client's best interests. The resulting favorable word-of-mouth advertising will fortify your brand.

Challenge yourself to look objectively at your firm from a prospect's perspective. Better yet, ask an independent observer to give you an honest assessment of your firm's public presence. Make an effort to update your brand image regularly for peak performance.

You may want to seek relevant trademarks or service marks to protect your branding efforts.

Practice Your "Elevator Pitch"

"And what do you do for a living?" It is a simple question. Do you have a memorable 30-second response that will indelibly create a positive impression and generate future referrals?

Go to almost any business networking event and you will have an opportunity to introduce yourself to five or ten potential new referral sources. Word-of-mouth advertising starts with this simple technique. Do not leave this golden, perfectly acceptable sales moment to chance.

Give some serious thought to how you can best describe your services. Try drafting several introductions. Write your ideas down on paper to study your choice of words and the timing of your introduction.

Here are 5 simple tips on how to get started:

1. Clearly explain your primary area of practice
2. Offer an attention-getting fact or statistic about your industry
3. Connect on an emotional level by explaining why you selected your practice area or how your clients benefit from your legal expertise
4. Provide an example of the types of clients you serve
5. Ask if your listener knows of anyone who might need your legal services

A successful introduction might look like the following:

I am Jane Smith, an elder law attorney with Smith, Johnson & Jones. We help seniors and people with disabilities plan their future. Our clients achieve a healthier, more satisfactory lifestyle when we advise them on health care, housing, and asset protection. We have 20 attorneys working from offices in City 1, City 2 and City 3.

Use your persuasive communications skills to create a memorable introduction. Have a short and long version of your elevator pitch ready to maximize the time available for your introduction. You will benefit from better word-of-mouth advertising and increased referrals.

Equally important, you need to sincerely ask about the person you are meeting in order to make a lasting impression. Learn what is important to them, and you have a better chance of building a longer-term contact.

Consider Certification

Board certification and related forms of legal specialization are perfect ways for an attorney to stand out from the competition. Representing some of the highest standards in the legal profession, certification typically involves a rigorous program of study, examination, peer review, years of legal experience in the subject matter, and periodic renewal requirements.

The American Bar Association maintains a Standing Committee on Certification, which establishes guidelines for legal specialization programs. ABA-accredited certification programs are offered by the following private organizations:

- American Board of Certification
- American Board of Professional Liability Attorneys
- National Association of Counsel for Children
- National Association of Estate Planners & Councils
- National Board of Legal Specialty Certification
- National College for DUI Defense, Inc.
- National Elder Law Foundation
- See also <http://www.abanet.org/legalservices/specialization/source.html>

State sponsored certification plans are available in many states, although they vary in terms of legal specializations covered. Private certifiers are also recognized in many states. Check with your state bar association for current details.

The ABA publishes an electronic newsletter periodically titled “Certification Link,” for those interested in monitoring this topic. Visit the ABA site below to read the current issue. Interested parties can also participate in an ABA Specialization Listserv and periodic meetings.

The Florida Bar Association maintains an “Online Resource Kit for Certified Lawyers” at www.flabar.org. Look under “Professional Practice” then “Certification.” You will find helpful promotional ideas to publicize an attorney’s new certification credentials.

Play By the Rules

Before you start to market your practice, research the advertising and business development guidelines published by your state bar association. Each state governs attorney marketing differently, which presents a challenge to the many firms that practice today across multiple state lines. In addition to your home state, you may be obligated to follow the rules in other states where you advertise.

The American Bar Association maintains “Model Rules of Professional Conduct.” ABA Rules 7.1 through 7.5 identify suggested (not uniformly required) marketing and business development practices, primarily related to:

- Advertisements and the language therein
- Direct solicitation, including direct mail
- Websites
- Referral practices
- Other forms of client solicitation

Many law firms and legal marketers favor adoption of the ABA Rules as a standard across all 50 states. As it is now, you must meet promotional requirements for your home state and any other state where you maintain an office or advertise for business.

Chapter 2 resources:

- ABA Standing Committee on Certification website: www.legalspecialists.org
- ABA state-by-state guide to certification programs: www.abanet.org/legalservices/specialization/directory
- “Positioning: The Battle for Your Mind,” by Al Ries and Jack Trout. McGraw-Hill, 2001.
- The Legal Marketing Association, www.legalmarketing.org
- State Bar Associations

3

GET IN FRONT OF AN AUDIENCE

By delivering a thirty-minute to one-hour overview of your product or service ...you will be engaging in what is, perhaps the most “painless” method of prospecting out there. In any given group of 100 people who come to hear your free talk, approximately 25 percent of that group will self-qualify and become a prospect of yours.

“The 250 Sales Questions to Close the Deal,” by Stephan Schiffman. Adams Media, 2005.

Speaking to an audience of prospective clients is one of the best possible ways to demonstrate your legal knowledge. You will be able to lay the foundation for a long-term relationship by providing valuable information that can help prospects avoid litigation, protect their business or family, comply with regulations, or sustain a competitive advantage. Qualified prospects are automatically attracted to you when you present yourself as a trustworthy counselor. In this chapter you will learn many ways to expand your speaking career.

SPEAK AT AN INDUSTRY CONFERENCE

You know the conferences where the movers and shakers in your industry meet to stay abreast of current events. Getting a seat on the podium will strengthen your position as a leader in your field.

It is never too early to start your quest for speaking engagements. Major annual events book their speakers a minimum of 6 to 12 months in advance. The sooner you get named as a speaker, the more publicity you will generate through advance promotion.

Is there a call for papers? Or maybe there is a more informal process administered by a Program Committee or a Program Chair. Do you know anyone on this committee? If not, find out if one of your business associates or clients can create an introduction.

Here are three ways you can promote a newsworthy topic to your conference planner:

1. Develop a solid idea for a panel discussion, complete with suggested names of other panel members. One of your clients might be interested in giving a case study, for example. A friendly and complementary service provider (like an accountant) could explore the financial impact of your topic. A recognized government official might welcome the chance to talk about compliance requirements.

2. Write and publish at least one in-depth article in a respected industry or legal journal prior to the conference. Offer to speak about this topic in more detail and make copies available for handout (with the publisher’s permission, of course).

3. Offer to moderate a session. You could develop a pro and con format, asking the panelists a series of thought-provoking questions designed to create a lively debate.

Once you have the coveted speaking invitation, promptly provide all your promotional materials (biography and recent photo) to maximize your visibility. Announce future speaking engagements on your website and, as the date approaches, consider issuing a press release announcing the event.

As a helpful hint, use your past speaking engagements as a stepping stone for future events. Try to get attendee testimonials you can use to reinforce the benefits of your presentations.

Successful Conference Presentations

How do you get to Carnegie Hall? Practice, practice, practice. This old joke works because of its wisdom.

Now that you have an audience, advance planning is essential to the success of your presentation.

Start your preparation with an outline of your topic. Ask the meeting planner about the knowledge level of your audience. Plan to cover a minimum of intermediate-level material, since the basics will quickly bore sophisticated listeners. Pack as many educational facts and figures into your presentation as possible.

Prepare for your presentation by practicing in front of a mirror or a small audience of co-workers, family, or a professional coach. Ask them to provide honest feedback on the subject matter, your delivery skills, and the quality of your presentation materials.

Give your audience a number of valuable insights during your presentation that they can take back to their office to improve operations, reduce costs, or avoid unnecessary risk. Do not give a sales pitch! This is a sure way to lose future speaking invitations. It is acceptable to have one slide about your firm, at either the beginning or end of your presentation.

Your primary selling opportunity comes by demonstrating your knowledge and professional approach to your subject material. Your job is to build trust with your audience, which is the first step in establishing a relationship with a qualified prospect who may need your service.

Once it is your turn at the podium, deliver your remarks with genuine enthusiasm:

- Generate interest with eye contact and audience participation
- Add your unique commentary to each slide; do not read them
- Allow time for Q&A

A Q&A session with no questions can be awkward. Consider “planting” a question with a friendly associate, or simply introduce your own question by saying “you may be wondering about X, Y or Z.”

Offer your audience a copy of your presentation as well as future editions of your newsletter at the end of your speech. Encourage attendees to come to the front of the room, shake hands, and exchange business cards. Establishing a personal rapport with individuals after your speech will help open the door to subsequent discussions about ways you might work together.

Determine if your presentation will be video or audio recorded. If so, be sure to get a copy for your records. Consider posting excerpts from your presentation on your website. Also, conference planners at future events may ask to see a video clip as part of their speaker evaluation process.

Polish Up Your PowerPoint

Maximize the effectiveness of your PowerPoint presentation with these important guidelines:

- Include only as many slides as you can safely cover in the time allotted; don't be rushed to finish at the last minute
- Follow the “6 x 6” rule of thumb, with no more than 6 bullets per slide and 6 words per bullet
- Use an easy-to-read color scheme and minimum 24-point font
- Discretely display your firm name and logo in each slide footer
- Coordinate all your technical equipment needs in advance

Use a dark color text against a light colored background for best results. Choose a legible font like Times Roman, Arial, Verdana, or something similar. Maintain consistency of font size, color, and header positioning from one slide to the next.

Include interesting and professional graphics in your presentation where appropriate. Avoid the use of moving graphics or clip art.

The last page of your presentation should include a “thank you” note as well as your name, firm, phone number, and email address.

Maximize Leads from Presentations

The business cards you collect in conjunction with a presentation are golden. Follow up promptly with a mailed copy of your presentation, thanking each contact for their attendance and interest in your services.

Add your new prospects to your newsletter list (with their permission, of course). Contact your best prospects by phone within two weeks to see if you might set up an appointment. Learn more about their needs and stay in touch over time if they do not require your immediate assistance. A one-on-one meeting puts you on the path to developing an important new business account.

As a way of leveraging your material, consider incorporating the key points from your presentation into an industry article for publication and/or your monthly newsletter. Include a list of all your speaking engagements on your website and your CV.

Give a CLE Seminar

Referrals from non-competing attorneys are a primary source of new business for many practitioners.

One way you can maximize incoming referrals is to teach a CLE (continuing legal education) seminar for attorneys who specialize in a complementary area of the law. You will be providing an important educational service when you do, since the majority of states require attorneys to achieve a minimum level of CLE credits annually.

Gaining approval to teach a CLE course is usually not difficult. First, select one or more topics that reflect your areas of expertise. Popular topics include:

- Basics 101
- The impact of new or pending legislation
- Successful case studies
- Ethical considerations of your topic

Visit your state bar association’s website or call the Education department to learn how you can become an authorized instructor. Typically, you need to fill out an application with pertinent facts about the course. The state bar may require a small fee to cover handling costs and is likely to take four to eight weeks to process your application.

Once approved, you will receive a letter of authorization from the state bar identifying your approved course number and the approval time period. You may be able to offer the course while approval is pending, but it is easier if you allow yourself sufficient time prior to scheduling your first class.

Now, how do you go about scheduling your first CLE program? Here are four popular approaches:

1. Partner with a bar association
2. Offer your CLE program in-house at non-competitive law firms
3. Schedule your own CLE seminar at a hotel or conference facility

4. Use an Internet webinar if your audience is dispersed

The easiest way is to work with a local bar association. Depending on the bar's size, the CLE programs may be coordinated by the Executive Director or at the Section level. Make your initial contact and ask if you can host a CLE program at one of their regular monthly meetings. You should allow at least 60 days advance notice to promote the event and maximize attendance.

Ideally, you have administrative assistance to help you prepare for the big day. Determine how registrations will be accepted and tracked. You will need a PowerPoint presentation, hand-out materials, name badges, certificates of attendance, and A/V equipment. Offering a complimentary breakfast or lunch helps to attract attendees and make your audience more comfortable.

Finally, find out how attendees register their CLE credit with the state bar. In some states you need to do that as the instructor (and keep detailed records of the event), while in other states the attendees submit the credits themselves.

Host an Educational Seminar

Scheduling your own private seminar on a newsworthy topic is a great way to generate leads. You will be able to demonstrate your subject expertise to highly qualified prospects whom you carefully select. Limit your group to 25 attendees for best results. If your response rate is strong, offer multiple seminars to keep each group small.

Consider partnering with a non-competitive service provider, depending on the topic and format. An accounting firm or a trade association may be interested in working with you. While your control over the event decreases in proportion to the number of sponsoring firms involved, the benefit comes in the form of higher attendance.

Attention to detail is essential in planning a successful event. Here is an event planning checklist to help you.

Three to six months in advance:

- Select and reserve your location of choice
- Book your speakers and get their biographies
- Send a "Save the Date" announcement (email and/or postcard)
- Post event details on your website
- Build your attendee list
- Order promotional products (pens, notepads, etc.)

Two months in advance:

- Email and/or mail invitations 45 days, 30 days, 15 days and 5 days before the event (email is best for frequency)
- Send confirmations to those who do register
- Prepare your PowerPoint presentation

Two weeks in advance:

- Prepare hand-out materials
- Send out another round of email announcements. Many people wait until right before an event to register.
- Make phone calls as needed to maximize attendance

The week of the event:

- Give the facility any meal guarantees (usually 3 days in advance)
- Send a reminder email to those who have registered
- Prepare name badges and speaker tent cards

The Big Day:

- Be on-site 60 minutes early to set up name badges and hand-outs
- Have at least one person assigned to the registration desk, with a list of all registrants
- Record the names of all who attend

Immediately after the event:

- Thank attendees for their time with a note or call
- Schedule a meeting with your best prospects
- Add all the attendees to your mailing list

You need to decide if you will charge a registration fee for your event. A reasonable fee is acceptable in the business world, and in fact may help you to qualify your audience. When consumers are your target audience, try to identify what the common practice is in your area.

If your event is open to the public, you can also post an announcement in the calendar section of your local newspaper. Please note that papers generally will not publish news of a program that is “invitation only,” although you may want to pay for an advertisement.

Be advised that attendee response rates will vary based on existing relationships. If you are inviting a new list of people you do not know, a 2-3% response rate is not unusual. You will do much better working with a list of pre-qualified prospects who are familiar with your firm.

Join a Speakers Bureau

Do you want to start your speaking career but do not have the time to track down opportunities? The perfect solution is to join a local speakers bureau and enjoy the convenience of incoming speaking invitations. You are most likely to achieve success with organizations in which you are an active member, so plan to widen your networking circles. Here are some places to start looking:

- State and local bar associations
- Industry groups
- Chambers of Commerce
- Civic organizations (Kiwanis, Elks Clubs, etc.)

Speaking is serious business. Investing in a few basic tools outlined below will demonstrate your professionalism:

- A list of 3 to 5 speech subjects you can address
- A demo video from a previous speaking engagement
- Your speaker biography
- Your photograph (4-color, in a digital file 200 dpi JPG format)
- Speaking references
- Testimonials

Frequent speakers create a professionally designed “one-pager” containing many of the items listed above. It is a convenient form familiar to meeting planners, who use it to scan your credentials quickly.

As you start your speaking career, accept every reasonable speaking opportunity that comes your way. You will gain great experience and be able to work your way up to larger, more prestigious events over time.

Do not expect to be paid for your speech, at least initially. Most trade or non-profit organizations, which are where you are likely to get initial speaking engagements, work with speakers on a complimentary basis. One way to approach this rather delicate topic is to simply ask about the group’s standard policy on speaker payments and travel reimbursements.

If standing in front of an audience makes you nervous, you may want to polish your public speaking skills. Toastmasters is an excellent national organization that can increase your confidence level as a speaker. Your new skills will make you more comfortable behind the podium.

Remember to add your speaking engagements to your website and your professional biography.

The Buzz on Radio

A successful “appearance” on a local radio talk show may be within your reach. Listen to the radio stations with a talk format broadcast by your local AM and FM radio stations to determine which programs and time of day are best suited to your legal message. Evaluate the subject matter, the time slots, and the audience demographics targeted.

A good way to start is to talk to a friendly PR professional. Trying to arrange your own interviews can be done but is generally awkward. Also, understand that your goal in obtaining radio coverage is to educate your audience. Advertising on the radio is different, and will be subject to your state bar guidelines. If a radio program wants to interview you but asks for an appearance fee, determine if this will be considered as advertising by your state bar.

A short email describing your story idea is an ideal way to make initial contact. Radio producers are busy people, and are likely to read an email with a good clear, concise message before they will take your call. Here are some tips on an effective email approach:

- Write a strong, clear subject line for your email
- Get to your idea within the first two or three sentences
- Include a short 1-2 paragraph bio of yourself
- Include the best ways to contact you
- Try to keep your email to 3-4 paragraphs

When you are going to speak on the radio, you may do so at the station itself, or you may call in from your home or office. There is a definite benefit to being on-site at the station, where you will be given clear instructions on how to use the microphone, how to wear/adjust the headset, and when to speak. You get to meet your interviewer in person, which can help you to establish a rapport. If you are calling in, do so from a land line as opposed to a cell phone to prevent a dropped call or poor reception.

Keep the following in mind whether the show is in person or over the phone:

- Offer to send 8-10 questions for on-air discussion
- Let the host guide the show
- Keep standard FCC rules in mind; choose words carefully when addressing sensitive topics such as sexual harassment, racial issues, or assault cases
- Carefully develop your message in advance with 3-5 primary “talking points”
- Brevity is the key; answer questions thoughtfully while staying “on message”
- Be prepared to give your contact information, particularly your phone number, email, and website URL
- Ask for an audio copy of the interview for your records

Stress that listeners who need actual legal advice should speak to a lawyer (hopefully you!) since every case is different. Also mention that your comments do not create an attorney/client relationship.

If referrals from other attorneys are important to you, consider the following audio shows serving the legal community (fees may apply):

- Law Business Insider, hosted by Steve Murphy and backed by the global resources of Sky Radio Network, creates and coordinates a variety of legal shows. www.lbishow.com

- Legal Talk Network offers Internet radio programs for the legal community nationwide. www.legaltalknetwork.com
- LAWCAST offers CLE programs and audio legal news for lawyers in specific practice areas, including Computer & Internet, Corporate Counsel, Employment & Labor, and Intellectual Property. www.lawcast.com

Chapter 3 resources:

- Toastmasters, www.toastmasters.org
- National Speakers Association, www.nsaspeaker.org/
- International Association of Speakers Bureaus, www.iasbweb.org
- ABA Center for CLE, www.abanet.org/cle/
- Microsoft offers some attractive, free PowerPoint templates online. Go to www.microsoft.com and search for “PowerPoint templates.”

4

THE POWER OF THE PEN

In professional services, it's the reputation for expertise that counts, not just the reputation. This is why one of the most effective objectives for any marketing program for a professional service is to project expertise. There are many ways to do it, but one of the best and most reliable is the article.

“Client at the Core,” August J. Aquila, Ph.D. and Bruce W. Marcus. John Wiley & Sons, Inc., 2004.

Getting your name in print as an author provides the equivalent of an independent third party endorsement of your legal expertise. This chapter covers many different ways you can turn your penmanship into professional business development opportunities.

Write an Article

Writing an article is an excellent investment of your time on a smaller scale, especially if the thought of making a speech causes you to break out in a cold sweat. Sharing your thoughts on paper is an ideal alternative. Corporate general counsel, among others, frequently contact attorneys based on published articles.

Make an effort to become acquainted with the editors of legal and industry publications in your field of practice. Some potential ways of establishing a relationship are through email, meetings at an industry conference, or through a third party introduction. Knowing the editors can help you tremendously in your publishing campaigns.

Here are some guidelines for your article placement efforts:

First, select your topic. You can gain rapid visibility by focusing on subjects that challenge the status quo. Consider topics on pending or newly adopted legislation, controversial industry trends, standards-setting activities, or similar issues that your audience needs to understand in order to protect their interests, avoid litigation, and/or save money.

Second, spend some time researching current literature to identify the best “angle” for your article. Evaluate other articles written on the same or a similar topic and determine how your article can be positioned so that it will stand apart. Think of the challenges facing your intended audience, and structure your article to offer helpful legal insight.

Third, determine the approach that works best for the material you intend to cover. Here are a few article formats proven to capture audience attention:

- Top 5 reasons to ...
- 10 mistakes to avoid ...
- 7 steps to achieve ...
- The pros and cons of ...

- An interview with ...

Fourth, select and prioritize three or four potential publications for your article, focusing on those that you know will welcome outside submissions. Submission guidelines are normally available on the publisher's website. Read these carefully before writing the editor and acknowledge your understanding of the requirements in your correspondence. Pay special attention to the word count, due date, publication cycle, and use of footnotes.

Write a friendly email to the editor of the most prestigious publication on the list. Westlaw and Mealey's, for example, both offer a series of topical legal newsletters that accept outside submissions. Describe the proposed article in no more than three paragraphs, and ask if they have an interest in publishing it. Allow at least one week for a response. Some journals actually follow a lengthy peer review process, in which case you may need to submit a completed article. A peer-review may take weeks or months. If you do not hear from the editor in a reasonable time period, try a phone call or send a follow up email.

If the first publication turns you down, or simply does not respond, move on to the next one on your list. Editors usually want fresh material, so do not attempt to publish the same article in more than one place.

If writing is not your strong suit, or you simply do not have the time, consider engaging the services of a ghostwriter to convert the outline of your article idea into a full-length composition. Note, however, that some publications may not allow ghostwriters. Alternatively, partner with another attorney who likes to write and list them as a co-author.

Once you submit your finished article, a good editor is likely to suggest some changes to your headline or copy. Do not be offended. Keep in mind that the editor has the final say over what is published. If you feel strongly that any modifications will change the meaning of your message in a significant way, speak candidly with the editor. Some editors will give you a chance to rewrite a portion of your article if they feel it is unclear or needs further explanation.

Finally, understand your publishing "rights." You basically grant your publisher "first rights" to your article. Ask your editor in advance about reprint rights (print and electronic) once your article is published.

Once your article is in print (and not before then), be sure to mail your article to clients and prospects as a means of staying in touch and reinforcing your reputation as an authority in the field. Proudly add your new article to your CV and post it on your website also.

If your article is lengthy or offers particularly detailed information, consider posting the first third of the article for public consumption on your website. You can identify choice prospects by requesting that website visitors who want to read the full article complete a brief sign-up form online prior to gaining access to the full article.

Any time is a good time to begin your published writing effort. Start now! Young attorneys who publish on a regular basis will enjoy career-long benefits of visibility, an expanded prospect base, and possibly a faster track to the coveted partnership level.

Write a Book

Nothing else you can do, short of winning a front-page landmark case, will benefit your legal career as much as writing a well-known and frequently referenced book. Your name in print on the cover of a book firmly establishes you as an expert in your field.

New clients will seek your assistance in the area of your expertise. Imagine fielding incoming calls and emails from motivated potential clients who want you—yes, you, the expert—to help them solve their problems.

Have you found in the past that you “have to” take a client because you can not afford to turn away business? As an author, you will discover greater flexibility in selecting the clients that you *want* to work with.

Publishing a book puts you in a stronger position to affiliate yourself with clients who value your knowledge and are willing to pay a premium for your expertise. You will be able to build longer-term, more profitable relationships by serving as a valued legal partner. Hourly rates and monthly retainers become less of an issue when clients have the psychological benefit of knowing they are working with a published legal authority.

“But I do not have time to write a book!” Is that what you are thinking as you read this? The good news is that there are alternatives to the traditional format of a sole author writing 200-300 pages of detailed legal analysis. Think flexibly and consider these options for your book idea:

- Hire a ghostwriter. You outline the material you want to cover and provide the notes for a professional writer who works closely with you to produce a professionally written manuscript.
- Select a co-author. Share the burden and the benefit of writing a book by inviting a young associate, a fellow partner, or a complementary service provider to collaborate with you.
- Appoint yourself as an editor and invite other leading authorities in your field to each contribute one essay or chapter on various aspects of your subject material.
- Compile a collection of articles that you have written over time and publish them in book format.

Finding a publisher for your book can be the subject of a chapter (or a book) in itself. You can work through an agent or submit an unsolicited manuscript to a publisher independently. The time to think about your publisher is about the time that you start to think about writing the book. Self-publishing is also an affordable and fast way to get your book in print, although you will forfeit some of the prestige and promotional value that comes with the endorsement of a professional legal publisher. See the “Resources” listed below for more information.

Marketing and promotions for your new book will determine its success. Recognize that the true promotional responsibility falls primarily on your shoulders, regardless of how you publish your book. Most publishers have very limited promotional resources relative to the number of books they produce.

The true wealth equation in your book comes not from sales or royalties, but from the speeches, media coverage, and consulting assignments that you generate as a published author. Promotion, promotion, promotion is the key to spreading the good word about your new book.

Here are some common promotional techniques to help you publicize your book:

- Issue a press release when your new book is published
- Ask one or more friendly experts in your field to write a book review for publication
- Promote the book on your website, in newsletters, and direct mail campaigns
- Schedule “Meet the Author” events in local book stores and bar associations
- Arrange speaking engagements and other writing opportunities to reinforce your enhanced position as an expert.
- Go on a book tour by scheduling a series of interviews (radio, TV, or newspaper) in selected cities
- Accelerate “word of mouth” referrals by telling everyone you know about your book

Consider hiring a PR professional to help you create and implement an effective marketing campaign to promote your book. The six month window surrounding your publication date is particularly important to gain momentum while your book is fresh and of greatest interest to your audience.

“We wrote the book” is a great way to explain how you differ from your competition. You will gain an ability to stand apart from competing firms that is difficult to achieve in other ways.

Legal Publishers

You can benefit from working with legal publishers in several ways. Getting quoted in the legal press demonstrates that your specialized legal knowledge is worth quoting, thereby enhancing your reputation. Writing a letter to the editor (see below) is another way to demonstrate your expertise in the legal press or local newspapers. You may also want to invest the time to write a guest column or an in-depth article to share with your fellow legal professionals.

How do you start your search for publishing opportunities in your legal field? It is actually fairly simple. First, identify the geographic area you want to target. Your market may be a city, state, region, national or international. Secondly, specify the type of audience you want to reach. You should also consider legal organizations that focus on a particular industry.

If you are trying to communicate your message to Intellectual Property attorneys in Texas, for example, you can reach them through the Texas State Bar, the Dallas Bar Association Intellectual Property Law Section, the Houston Intellectual Property Law Association, the Austin Intellectual Property, the San Antonio Intellectual Property Law Association, or similar organizations. You get the picture!

Plan to publish an article or get quoted on a regular basis—at least once every three to six months—to maintain the momentum of your business development program. There are literally hundreds of places you can publish an article, a book, and/or get quoted in the legal media. Since many attorneys rely on referrals from other legal practitioners, maximizing your visibility in the legal press is an important way to generate new business.

Leading legal publishers include but are not limited to:

- American Bar Association, www.abanet.org
- ALM Media Properties, LLC, www.alm.com
- The Bureau of National Affairs, Inc., www.bna.com
- Daily Journal Corporation, www.dailyjournal.com
- Data Trace Publishing Company, www.datatrace.com
- Dolan Media Company, www.dolanmedia.com
- FindLaw, a Thomson Reuters business, www.findlaw.com
- Juris Publishing, www.jurispub.com
- Law Bulletin Publishing Company, www.lbpc.com/
- Law Reporters, www.lawreporters.com
- Martindale-Hubbell, www.martindale.com
- Mealey’s, from LexisNexis, <http://www.lexisnexis.com/mealeys/news.aspx>
- Nolo, www.nolo.com
- State and local bar Journals, newsletters and “Section” publications
- Skinder-Strauss Associates, www.lawdiary.com
- Thomson Reuters, <http://thomsonreuters.com>
- West, a Thomson Reuters business, <http://westlegaledcenter.com/>
- Wolters Kluwer, including LoisLaw, CCH, and Aspen Publishers, www.aspenpublishers.com
- See also HG.org for a more detailed list of legal publishers, www.hg.org/publishers.html

Write a Letter to the Editor

One way to get your name and firm in the local newspaper is to write a “Letter to the Editor.” Timing is essential, since news opportunities come and go quickly. Keep your letter brief. You only have one to three paragraphs to make your point.

Here are some tips for successful letter writing:

- Respond quickly, citing the referenced article’s title and date
- Keep it short, usually 200 to 250 words
- Provide your contact information (name, phone, email, and city)
- State your credentials
- Express your point clearly
- Identify supporting facts succinctly

Familiarize yourself with the subject publication, the editorial page orientation, and other letters that appear in print. Take note of their length, tone, and timing relative to the news item.

Study how the paper covers your industry, the news “beat” of regular journalists, writing styles, and positioning. If you live in a large metropolitan area with multiple newspapers, consider submitting your letter to more than one publication.

Breaking news is a great time to write a letter to the editor. You can clarify a point of coverage, challenge a position, or add depth to one aspect of a news story. A significant change in an on-going controversy is another good time to share your observations with the editor.

Ask a friend or associate to critique your letter before you submit it. If you are a member of a larger law firm, check internally for guidelines on writing under the firm name. You want to avoid unintentionally offending a reader. Do not feel obligated, however, to generate universal agreement with your perspective.

If your first submission does not make it into print, keep trying. Editors receive large volumes of opinion letters and must choose between competing comments.

Publish a Newsletter

Newsletters are an effective way to stay in touch with clients and prospects. In our attention-deficit working environment, a newsletter can touch the reader with a valuable reminder that you are available to assist them with their legal needs.

Printed newsletters, while traditionally popular, are being replaced or supplemented with email newsletters. You can choose either or both formats as part of your marketing program.

If the thought of publishing your own in-house print newsletter is daunting, consider the use of a legal newsletter publisher. You can get a professionally produced 4-color newsletter for many of the popular practice areas. This is a particularly good approach for solo practitioners or small law firms. Each newsletter carries your name and logo when you reserve an exclusive geographic territory. See the “Resources” section for more detail.

An e-newsletter delivered by email can be a good way to reach busy clients and prospects, because it is fast, inexpensive, and easy to read. You also get a “viral” marketing benefit with “electronic referrals” when a client or prospect forwards your newsletter to their circle of influence.

Enewsletters frequently cost just pennies per recipient versus \$2.00 or more for a single print newsletter. You will be able to see who opened your email, making it easy to monitor your “open” rates over time. Be advised that an open rate of 40% or less is not unusual, though.

Professional marketers adhere to the following guidelines to maximize newsletter success:

- “Branding” is important, as discussed in Chapter 2. Use an HTML format for a pleasing graphic presentation, although some readers will prefer a text version. Your newsletter should be consistent with the look of your website, your logo, and key color schemes.
- Deliver substantive value in your newsletter, since hard facts and in-depth analysis your clients can use in their jobs will improve readership rates.
- Post only the first one or two paragraphs of a story in your newsletter, then provide a link to drive readers to your website for the complete article.
- Include a photo for each attorney-author, along with their email address and a link to their online biography.
- Provide access via links to related resources that your reader will find helpful.
- Never add an attachment to your newsletter, since this will cause your “open” rate to drop dramatically. Instead, post supporting documents on your website and provide readers with the link.
- Publish your newsletter on a regular schedule, like once a month or quarterly.
- Include standard legal disclaimers that are required by your state bar association. You may need to include “Advertisement” in the subject line, for example.

A key ingredient to a successful newsletter is a strong list of email addresses. By law, you need to have “permission” from an individual before you add them to your email marketing list. Use a sign-up page on your website to encourage visitors to register for one or more newsletters. Add client names to your list, and ask new prospects if you can include them on future mailings.

If your newsletter is distributed via email, it should conform to the CAN-SPAM Act of 2003 (Controlling the Assault of Non-Solicited Pornography and Marketing Act), which became effective January 1, 2004 and imposes substantial penalties for failure to comply. Also check with your state bar association for recommendations in your state.

Best practices under the CAN-SPAM Act include the following:

- Always include a physical address for the sender
- False or misleading header information is forbidden
- Subject lines must not be misleading and may require use of the term “Advertisement” or “Legal Advertisement”
- Recipients must be offered an “opt-out” capability

If your firm uses a contact relationship management (CRM) system like those mentioned in Chapter 1, you may be able to use this as a platform for your email marketing campaigns. Check with your vendor for more information.

Over time, your newsletter will help to keep you “top of mind” with customers and prospects. You will find that it is a good source for referrals and new business engagements.

Write a White Paper

A white paper is a “detailed or authoritative report,” according to the Merriam-Webster dictionary. A successful white paper will typically be five to ten pages in length and adhere to the following guidelines:

- Deliver an objective, in-depth analysis of a key issue
- Outline alternative approaches to the issue
- Identify additional resources for the reader
- Contain charts and graphs to educate and add interest
- Employ a pleasing graphic design for ease of reading

Select a newsworthy topic that grabs the attention of your clients and prospects as the first step in writing a white paper. Good subject ideas include industry trends, pending legislation, new legal strategies, or the analysis of controversial issues. Once you have your topic, cover the essential journalistic facts of who, what, where, when, why, and how.

A catchy title for your white paper will draw the reader into your Executive Summary. Outline your key points in a compelling manner to hold the reader's interest all the way through to the closing paragraph. Remember to include your "About the Author" section at the end of the white paper, including your phone number and email address.

Consider publishing a series of white papers, perhaps on a bimonthly or quarterly basis. You will be able to address multiple aspects of your subject matter over time. Each white paper can point to the next issue, keeping the reader's attention level high.

Since you want your white paper to maintain its shelf-life and have good "pass along" value, invest some time and effort in developing a professional graphic appearance to subtly emphasize your professional attention to details.

Distribute your white paper via email, postal mail, on the Internet, and your own website. Check around in your industry to determine if there are third party sites, like trade associations, where you can make your white paper available for downloading.

Some publishers require a visitor to fill in a brief online registration form before they get access to a white paper. There are pros and cons to this approach, and you need to decide which approach is best for you. Registration will give you fewer, more highly qualified leads. Open access provides wider distribution, but you have no idea who is using your material (including competitors).

Remember to ask for reader feedback on the issues you discuss in your white paper. This can be a great way to begin a conversation with a prospective client who has a need for the legal services you offer.

Reed Smith LLP provides an excellent example of an in-depth white paper titled "Network Interference: A Legal Guide to the Commercial Risks and Rewards of the Social Media Phenomenon," now in its 2nd edition as of this writing. This 128-page document, which could also be considered an e-book, provides an international legal overview of social media considerations in regard to privacy, advertising, marketing, employment policies, litigation and insurance coverage. Search the Publications section at www.reedsmith.com to view this white paper.

Write an E-Book

An "e-book" is an electronic book published in a PDF or digital format. Some books are published only as an e-book, while others may be published in both electronic and hard copy format. Growth in e-books is growing rapidly, according to the International Digital Publishing Forum and the Association of American Publishers (AAP).

E-books offer several benefits to authors and readers, including:

- Available for immediate downloading
- Full text searchable (depending on software used)
- No shipping costs
- Easy worldwide distribution
- Growth in reading devices (Kindle, Nook, iPad, iPhone, PDAs, etc.)

You can offer your e-book for sale through online book sellers, or simply make it available on a complimentary basis for business development purposes. One e-book example is "A Roadmap to Business Success in Michigan," published by the Michigan law firm of Honigman Miller Schwartz and Cohn LLP. View a copy online under "Publications" at www.honigman.com

Digital rights management (DRM) is a particular concern for a book published only in electronic format. The Association of American Publishers addresses various digital rights issues at: www.publishers.org.

Legal Article Databases and Self-Publishing Services

In addition to traditional print publishing for articles or books, a category of respected self-publishing services for the legal profession has grown rapidly in the past few years. Attorney authors get the benefit of quick and easy distribution over many Internet outlets like Google, LinkedIn, and Twitter; eliminating delay and creating real-time discussion. Leading services are listed below. Consider these options as an integral part of your overall publishing strategy.

HG.org is an affordable international directory of law firms. A key feature of your premium listing is the ability to publish an unlimited number of online articles, categorized by subject matter and linked to your law firm profile. The HG site attracts more than 850,000 unique visitors each month, giving you the benefit of increased search engine visibility. www.hg.org

JD Supra is an online self-publishing portal serving the legal community. This subscription-based service attracts law firms and legal service providers who upload filings, decisions, articles, newsletters, blog entries, presentations, and media coverage for immediate dissemination. Subscribers get the benefit of syndicated distribution to Google News and third-party resources like Newstex, Complanet, and Justia. Articles are also streamed to LinkedIn, Twitter, Facebook, industry websites, and blogs. www.JDSupra.com

“Legal Library,” available from Martindale-Hubbell, is an online database of over 14,000 articles written by leading lawyers and available to registered users. Subject areas include labor, litigation, intellectual property, health care and more. General Counsel are the target audience for this service, and article coverage can be expanded through distribution in “Counsel to Counsel” email alerts. <http://www.martindale.com/legal-library/>

Legal OnRamp is a Web 2.0 collaboration platform for lawyers. The site, which is available by invitation only, encourages in-house counsel and private practitioners to connect and share information virtually. www.legalonramp.com

Martindale-Hubbell Connected is an online, professional network designed exclusively for legal professionals. Members can respond to questions, participate in blogs, or post documents for a global audience. <http://community.martindale.com/>

Mondaq is a leading international database of articles and advisories contributed by leading professional services firms in the areas of accounting, law, financial services and more. Contributors pay a subscription fee to publish articles, which registered users can read for free. Articles are distributed electronically through major online channels, including Google, Reuters, Lexis Nexis, Bloomberg, FT.com, Factiva, The Dialog Corporation, Factiva, and Westlaw. Article authors can create links between a Mondaq articles and the law firm’s Chambers and Partners listing. www.mondaq.com.

Online self-publishing services are proliferating, with www.Scribd.com and www.SlideShare.com just two examples. See also Chapter 9, “Maximize Your Online Presence,” since there is overlap here with many aspects of Internet marketing.

Online Article Distribution Services

Free or low-cost Internet article distribution sites deserve consideration as part of your communications program, particularly if you cater to a consumer or small business market.

The concept is simple. Basically you write an article, and then submit it online to an “article distribution” service. The service publishes your article on their website and also makes it available (generally for free) to other sites that wish to carry your material electronically.

There are a number of article distribution sites. Find them by searching on Google for terms like “article distribution” or “online article submission.” Articles can be brief, certainly under 1,000 words. Sprinkle your article with keyword search terms to drive traffic to your website. Include an “About the Author” section at the bottom of your article to provide your name, firm name, website and a very brief description of your services. Also state any needed legal disclaimers about the information provided.

Evaluate article distribution services carefully. Some appear to be thinly veiled efforts to capture online ad revenue from site visitors who leave the site by clicking on a prominently displayed Google or Yahoo!-sponsored ad program. A leading disadvantage to this publishing approach is that you lose control over your material. You usually do not know where it is republished or if the republisher respects editorial integrity guidelines.

If you determine that article redistribution is right for you, benefits include dissemination of your article and message to multiple sites across the Internet. Since your website is referenced in your “About the Author” article footer, the sites that publish your article create a network of inbound links to your website. Once this happens you may get a higher ranking on the Google search engine, assuming that the originating article distribution site has a high Google “PageRank.”

Proceed with caution when you choose to use article distribution sites that target a general consumer audience.

Chapter 4 publishing resources:

- ABA Publishing, www.abanet.org
- Amazon Advantage, www.amazon.com
- American Library Association, www.ala.org
- Association of American Publishers, www.publishers.org
- Copyright Clearance Center, www.copyright.com
- Independent Book Publishers Assn., www.pma-online.org/
- International Digital Publishing Forum, www.idpf.org/

5

MAKE NEWS HAPPEN

If you do not exist in the media, for all practical purposes, you do not exist.

Daniel Schorr, Journalist and News Commentator

Ideas for Media Coverage

Getting your name in print, online, or on the airwaves in a favorable context can be very important to your practice. The media automatically gives you an implied endorsement when they determine that what you have to say is important enough to share your knowledge or opinions with their readers.

You should give serious thought to where you want to be quoted, what you want to say, and how you want to position your message. Target the publications and media outlets that your clients and prospects read and watch. This could include a hometown newspaper, trade journal, or the local business press. Additional opportunities include websites, television, radio, blogs, and podcasts.

A mistake many law firms make is to limit their press coverage to the announcement of new hires or an office expansion. You and your PR professional should actively monitor the news to watch for opportunities to get your name in print. If news breaks in your area of expertise, let your local reporters know that you are available for comment. Act quickly, because news opportunities frequently have a very short life cycle.

Once your name appears in an article, be sure to spread the good word. Purchase “reprint” rights to reuse the article in your own marketing materials. Post the article to the “Online Newsroom” of your website, described later in this chapter. Mail a printed copy of the article to your clients and prospect list, along with a cover note indicating that they might find it of interest. Add the article to your press kit and corporate brochure.

You will discover many ideas presented in this chapter to help you disseminate your news. Below you will find a dozen time-tested techniques that will generate additional press coverage for you and your firm.

Tip 1: Arrange to give a speech, and then promote the event in advance. Prepare a 1-2 sentence description of your planned presentation at the event, including the date, time, place, and registration fee. Look up the contact person who handles the “Calendar” section of local newspapers and/or selected trade publications and email them information about your speaking engagement.

Plan to do this at least six weeks in advance of the event, which generally provides enough time to get the event in the paper. List details about your speech on your own website as well as the sponsoring organization’s website to maximize your exposure.

Tip 2: Offer a quote on a breaking news story. If you are an estate planning attorney, for example, you can make yourself available for comment to local business reporters when a national story on living wills or retirement planning becomes news.

Tip 3: Create a news “hook” between your practice and a season, holiday, or local event. A perfect example is a tax attorney who can offer practical advice the week of April 15th. Advance planning is important here, so give some serious thought to how you can offer valuable commentary.

Tip 4: Partner with another service provider (like an accountant, financial planner, or banker) on a project to expand your reach into their professional trade publications. A real estate law firm that partners with an accounting firm specializing in condominium financial management could get coverage of “best practices to protect reserve accounts” in accounting or condominium trade journals.

Tip 5: Issue a trend analysis. The beginning of a new year is an excellent time to offer valuable insight on the business outlook, legislative calendar, or disruptive market conditions. Think of natural cycles that affect your client base and you will begin to identify opportunities for press coverage.

Tip 6: Project upcoming challenges that will be faced by members of your audience, along with possible solutions. Intellectual property rights, for example, are becoming an increasingly important way for companies to measure value as the U.S. moves from a manufacturing to an ideas-based economy. Patent, trademark, or copyright attorneys can use a survey to generate reporter coverage of matters relating to trade secret protection, international IP piracy, or Internet domain name disputes.

Tip 7: Develop some type of statistic or survey that offers value as an indicator of industry activity. A proprietary measure of changing trends in your industry will capture reporter interest when the approach is valid and the results are newsworthy. This concept is best suited to larger firms that have the resources and long-term commitment to data collection and analysis.

Tip 8: Hold a seminar and invite press coverage. Get to know the reporters who cover your industry or interest areas. Read their articles and establish a dialog about their columns. Invite them to attend a seminar or training session that you are offering, for the express purpose of having them write about the material being presented. Provide them with background facts, figures, and photos to add interest to their story.

Tip 9: Take a leadership role in the next fund raising campaign for your local public television or radio station. Local pledge drives are an important part of audience-supported media. Get involved with your favorite station by offering to serve as a commentator or on-air fundraiser. You will get favorable coverage while performing an important public service.

Tip 10: Volunteer your office or practice group for a local walkathon. You will have fun, burn some calories, mingle with others in the community, and create a chance for media coverage. Give each participant a firm t-shirt and hat to maximize your team’s visibility. Have a photographer on hand to take pictures that you can send to the press.

Tip 11: Serve as a spokesperson for a respected local charity. Select a worthy cause that you feel strongly about and get involved as a Board or Committee member. Offer to serve as the liaison with local press, which gives you a good opportunity to get your name in the paper.

Tip 12: Promote your pro bono work. While much of your pro bono work is likely to go unreported, look for ways to share stories when you have a newsworthy outcome.

Think strategically about your media relations campaign. Ideally, you want to be in the news on a regular basis. Map out a plan of action designed to generate news coverage at least once a quarter to keep your name “top of mind” with your audience.

PR Basics

Getting quoted in a respected newspaper or trade journal is a great way to reinforce your legal reputation. Sometimes reporters will find you, but your best chance of getting coveted attention from a respected journalist is to create a strategic PR plan.

Give some thought to working with a local PR agency or freelance PR professional when you seek press coverage. An experienced media relations specialist will have existing contacts, know the deadlines for various publications, and can help you polish your public communications.

Start to prepare your “message” on a particular topic long before you are asked for a quote. You will be fortunate to get one or two sentences quoted, unless of course you are the sole subject of the interview. Identify in advance the key points that you want to communicate during your interview, supported by no more than two or three reinforcing statements.

Establish a Rapport with Reporters

Building a relationship with reporters is important, as discussed earlier. While an experienced journalist will respond to a relevant story that is submitted by even a previously unknown contact, it helps when you are viewed as a trusted source. Upheaval in the publishing industry in recent years makes media relations even more challenging.

One approach to introduce yourself and your legal associates to a reporter or editor is to arrange a “deskside” briefing. This introductory meeting independent of any breaking news gives you and your PR team the chance to tell the reporter key facts and figures about your firm. Inform the news staff of your practice areas and the subjects you are available to address. Provide a copy of your media kit and contact list.

Make yourself available to speak with a reporter when they call you. Reporters are always working on deadline, so you need to respond quickly or they will contact another attorney. Instruct your staff to contact you immediately if you are out of the office when a reporter calls. If a media inquiry arrives when you are in court or making a last minute filing, extend the courtesy of notifying the reporter that you are legitimately not available for comment. Always return reporter phone calls; otherwise you will quickly fall off the journalist’s rolodex.

Try to stay neutral in approaching a subject. If you can objectively demonstrate an in-depth understanding of an issue from multiple perspectives you will avoid charges of bias or favoritism. Ideally you want to be viewed by the press as a legal authority with a quick command of the law who can be relied on for insightful analysis.

The best way to sidestep negative quotes is to maintain a positive perspective in your comments. Negative comments can be quoted out of context, or, if quoted alone, may give the incorrect impression that you are opposed to an issue.

Offer to give the reporter your cell phone number when a story warrants the need for frequent contact. Let them know if they can call you after hours or on the weekend.

Keep a current headshot photo available in the lucky event that the reporter asks for one. Of course, you can simply volunteer to provide a photo when you speak to a reporter. An electronic photo that can be emailed in a 200 DPI (dots per inch) JPEG format usually works for most publications.

Prepare for Your Interview

Reporters want accurate, factual, and reliable information. Give some consideration to the reporter’s type of publication or Internet site. In today’s electronic age the Internet and television are leading sources for breaking news. Journalists with print publications frequently need to look deeper into news stories.

Another way to look at this is that TV, radio, and Internet news channels (including those for leading newspapers) report “what’s happening now.” The print edition of the newspaper that follows the next day may focus more resources on “what does it mean?”

You can help a journalist understand the legal implications of a breaking news story, whether it involves a court decision, a new zoning regulation, proposed legislation, or a business transaction. View your role as educational, by explaining how the news relates to business practices, compliance requirements, or legal rights. Following are a few suggestions to help you speak comfortably with reporters.

Be quotable. Use snappy words, phrases or analogies without being cute.

Be brief and keep your comments tightly focused on the issue at hand. Use simple language so the reporter understands what you are saying and can quote you properly. Try to avoid technical legal terms. When you are finished, stop talking.

Reporters do not have time or space for a lot of details. Anticipate that you will get only one or two sentences of coverage in an article, so your remarks should be as concise as possible. Once you make your main point, back it up with a quick explanation.

Answer every question the reporter asks you. Do not be evasive or try to change the subject. If you do not know the answer to a question, admit it. Say something like: "That's a good question. Let me check on it and get back to you," or "I do not have that information right now, but I'd be happy to get right back to you." If you determine after an interview that you misspoke, call the reporter back with the correct information.

Try not to go "off the record." You are talking to a reporter to be on the record. If necessary, you can speak "on background" or "not for attribution" and not have your name mentioned. If you do not intend to be quoted, you **MUST** establish this in advance.

"Just say no" is a good policy if the reporter closes with "Is there anything else you would like to say?" Do not introduce any new material. The reporter is fishing and you could be lured into a trap. If anything, repeat what you've already said.

If the reporter is doing their job properly, they will also be speaking with your competitors. Do not be surprised or offended if they are quoted as well as (or instead of) you.

Stay Out of Trouble

The reporter is not your friend. You need to be very careful in what you say and how you say it. The reporter may even be fishing for information. Do not stray from your message.

Beware if the reporter asks you to comment on something someone else said; it may or may not be presented accurately or as intended. It is possible that the reporter might try to make you angry or defensive, in which case you want to count to ten quickly and stay as calm as possible.

Finally, never ask a reporter to review what they plan to write before it is published. It simply will not happen.

Create a Media List

Compiling a targeted list of key journalists will help you maximize your press coverage. This exercise should be as comprehensive as possible and requires access to the right PR media databases. A local PR professional will be happy to help with this kind of a project.

Start by researching stories written on topics of interest to you. Create a file (in Excel or Word) with data fields for the reporter name, publication name, website address, email address, phone number, fax number, and some notes about the reporter's articles and writing style. Make a record for each reporter who covers your subject area.

There are many different media channels you can include in your media list. Print publications can range from your local newspaper to magazines and trade journals. TV, radio, and Internet outlets should also be covered. When you go to a client office, take note of the publications on display in the reception area or sitting on an office desk. All of these media sources should be on your list of

key contacts. Resources to help you compile your media list are at the end of this chapter, and Internet searches will help you to find useful web portals on your subject matter.

Create a Media Kit

If you want to get ink, you need to make it easy for reporters to reach you. A popular way to make an initial introduction is to create a “media kit” with key law firm information. A media kit can be a two pocket portfolio that includes key facts and figures about your firm, its leaders and your primary practice areas. Some firms put their media kit on a CD, thumb drive, or post it on the “News” page of their website.

Your media kit should include the following basic items:

- One page law firm fact sheet
- Single sheet biography for each of the key partners
- Digital head shot for each firm leader
- Frequently Asked Questions (FAQ) about the firm
- Copies of recent press clippings
- Targeted list of article ideas

A PR professional can prepare the right kit for your market. You will want to distribute your media kit to leading editors and reporters who cover your field. Let them know they can call on you at any time when breaking news creates a need for your legal expertise.

If you are really serious about getting press coverage, give key reporters access to a designated staff member’s mobile number. Hot news does not just happen from 9:00 a.m. to 5:00 p.m.

Issue a Press Release

Spread the word quickly when your firm has good news to announce by issuing a press release to the publications on your media list. Activities that trigger a release frequently include:

- News about a major case. Notify the press immediately when your firm is awarded a favorable verdict or wins a major motion in an important case.
- New hires or internal promotions. Write a one-page release describing the person along with their new title and job responsibilities. Add a current professional headshot of the person and send the release package to the “People on the Move” columns in your local newspapers, business journals, bar associations, and trade publications.
- Expansion to a new office. Share the good news when your firm is growing so rapidly that you need new office space. A larger office demonstrates that you have created new job opportunities, are contributing to the health of the local economy, and are providing a good service to your clients.
- Receipt of an award or other industry acknowledgment. Recognition by an independent trade association or peer group is an important honor and distinction. Use your press release as an invitation to set up interviews with the person being recognized.

If you need guidance on standard press release format, refer to Business Wire or PR Newswire to see how other firms organize their announcements (more PR resources are identified at the end of this chapter). Typical press release elements include:

- An attention-grabbing headline. Lead with your firm’s name followed by a few carefully selected words for a catchy news description.
- A subhead to reinforce the headline. This is usually one sentence that appears in italics below the headline.
- Date, city and wire service used. If you are issuing an “in-house” release, indicate this here.

- **Availability.** Clearly state the date your release is available for public dissemination; as in “For Immediate Release.” You may want to provide an advance copy to your priority news contacts so they can have the release in print on the issue date.
- A strong opening paragraph that explains the significance of the news. Add new details of your story here to reinforce the importance of the news and how it relates to a client or the marketplace.
- A quote from a partner describing the significance of the release. If another firm is involved, include a quote from their managing partner or chief executive as well.
- A boilerplate closing paragraph entitled “About ABC Firm.” This is an important firm description that you should be using consistently in your website, brochures, and other collateral materials.
- Contact information for more details, including a name, phone and email address. Make sure the contact person is readily available for 48 hours after the release, including evenings and weekends if necessary.
- Provide a high resolution photo if appropriate. Generally a 200 DPI (dots per inch) JPEG format is convenient because it can be easily emailed.

Sprinkle your press release with industry buzzwords and popular Internet key words as appropriate to get better placement in search engines like Google, Yahoo!, or Bing. Inserting search terms in the headline or subhead is very helpful. (See Chapter 9 for details on Internet marketing.)

One of the national “wire” services will distribute your release to literally thousands of media points, depending on the geographic circuit you specify. The cost of a release for wire service subscribers is normally based on the circuit selected and a total word count, with up to 400 words as the minimum. You get more bang for your buck by selecting your local circuit for metropolitan area coverage, then carefully selecting “trade” publications for nationwide distribution within your industry.

If your release is targeted for a small number of local publications, you can issue a “Company Release” on your own and avoid any distribution fee. Simply prepare your release and send it directly to your handpicked list of local print, radio and TV journalists. A phone call in advance of your release will alert reporters and ideally heighten coverage potential. Email is the preferred method of distribution for busy reporters. Place the body of your press release right in the email message to eliminate the need for an attachment. Add a catchy subject line, descriptive opening remarks and you are ready for distribution.

Timing of the release and distribution channels are important considerations for maximum visibility. We recommend working with a PR professional for the best results when issuing a press release, since there are many nuances in working with the media.

Finally, be sure to post a copy of your press release to the “News” section of your website.

Search Engine Optimization (SEO) For PR

Here’s a trade secret that’s well known among PR agents who truly understand how to leverage a press announcement across crucial Internet channels like search engines, web portals, blogs, and online news sites. When you take the time to incorporate powerful keywords into the headline, sub-head, paragraphs, and anchor text hyperlinks of your press release, you may be able to increase your rankings in the search engines (see Chapter 9 on Internet marketing). Also remember to post your release to your website first, and then submit the page to the search engines.

Journalist Connections for Legal Experts

Experts on all subjects are the focus of media databases maintained by the two leading U.S. wire services, Business Wire and PR Newswire. This is a great way to increase your visibility.

It is free to register one or more experts in Business Wire's "ExpertSource" or PR Newswire's "ProfNet" as long as you are a subscriber to the respective service. As part of your basic profile, you can add targeted keywords on industry topics, career highlights, educational background, and even a photo.

Journalists who are looking for an expert on a specialized subject, like the legal rights of corporate pension holders or discriminatory employment practices, turn to these databases when they need to find a source for a story they are writing.

The volume of incoming inquiries will vary in direct proportion to the extent that your subject is in the news. Do not expect a flood of contacts; you might get one every 3 to 6 months.

Consider working with a PR professional to create an expert profile. A good PR pro will have access to the wire services and can easily add your biographical information.

A recent entrant into this field is HARO (www.helpareporter.com), which offers free daily email notifications of reporters looking for sources on legal topics and a wide range of other subjects.

Issue an "Expert Advisory"

Monitor the news regularly for big stories within your area of legal expertise. When you see something of interest, an excellent way to quickly let reporters know of your availability is to issue an "advisory" over one of the wire services like Business Wire or PR Newswire.

A media advisory summarizes a recent news event, and then identifies one or more experts available to provide in-depth commentary on the subject. The wire service will typically write the advisory for you, based on background materials you provide. Two or three experts are generally named in the advisory, so be prepared to stand with the competition.

You can, of course, issue your own independent advisory in the form of a modified press release. Check with your preferred wire service for more information.

Business and Legal News Outlets

Whether you are opening a new office, adding staff, or announcing a major victory for one of your clients, your local business and legal publications are a highly effective way to spread the good word. There are several leading legal and business publishers in the U.S. and chances are good that one of them covers your market.

American City Business Journals (www.bizjournals.com, www.acbj.com) is the nation's largest publisher of metropolitan business newspapers, reaching 4 million readers and 7 million website visitors every week in 40 major U.S. markets. Crain Communications (www.craigslist.com), another publisher of 30 specialized business, trade, and consumer publications, produces influential business newspapers in Chicago, Cleveland, Detroit and New York.

ALM Media Properties, LLC (www.alm.com) is a leading integrated media company, focused on the legal and business communities. ALM owns and publishes dozens of national and regional magazines and newspapers, including *The American Lawyer*®, *Corporate Counsel*®, *The National Law Journal*® and *Real Estate Forum*®. The company is one of North America's largest producers of conferences and trade shows for business leaders and the legal profession. ALM's Law.com® is the Web's leading legal news and information network.

Get to know the editors and the reporters who cover legal issues in your market. You will find them to be hungry for great news stories about the local business community. Let them know that you are available to do an interview when a news story in your area of expertise includes legal

considerations. Ask the editor if you can write a “guest column” about a legal issue facing your metropolitan area.

Of course, you need to subscribe to and read the publication to stay abreast of local business news. Attend the seminars, luncheons, and awards programs sponsored by your local papers. In fact, nominate your firm for awards programs that feature “best places to work,” “best use of technology,” or “best law firm” themes.

Allocating part of your marketing budget to your local business or legal newspaper is likely to be a good investment, assuming that the local corporate community is an important part of your market. Speak with your advertising representative to learn more about event sponsorship or print advertisement opportunities in the print and/or online newspaper editions.

Think of your local legal and business press in terms of a long term relationship that is meant to be actively nurtured. Your return will be more incoming phone calls for legal services.

Conduct a Survey

Imagine fielding incoming calls from the press for quotes and comments in your recognized field of expertise. You can achieve this state of PR nirvana by using targeted surveys to build a strong leadership position. Fulbright & Jaworski offers an excellent example of a highly respected survey with its “Annual Litigation Trends Survey” (see www.fulbright.com).

A survey offers many advantages to the law firm seeking recognition, including:

- Exclusive rights to a proprietary knowledge base
- Increased visibility as a recognized thought leader
- Enhanced lead generation

Even the media acknowledges the appeal of interesting statistics. “Surveys and polls have always imparted an air of factual information borne out by research,” reported *The New York Times* in April 2002.

Think strategically and long-term when developing a survey concept to put your firm “front and center.” Here are seven basic steps to help you plan your PR survey.

Step 1: Start by establishing your business goal. What do you want to accomplish? How will you measure the success of your project? Keep the end goal in mind while you formulate your survey questions. If you want some attention-grabbing findings, you need to ask questions that will generate interesting results.

Step 2: Select a newsworthy subject. The potential industry impact of pending legislation typically makes a lively survey topic, as does the identification of positive or negative trends like privacy rights, the environment, or health care funding that will dramatically alter existing business practices. A survey topic that lends itself to an annual update gives you a chance to establish benchmark results in the first year that can be used as the basis for comparison in future annual survey updates.

Step 3: Select the audience to be surveyed. Take time to identify your ideal audience and the type of information you want to capture. Whether your focus is local, regional, or national, you need a universe of potential respondents that is large enough to produce a data set of approximately 800 responses for a recommended level of statistical significance. Determine if your survey will be random or non-random.

Step 4: Consider using a partner to co-brand the survey. Natural partner candidates include trade associations or industry publishers because they offer an existing distribution channel to the audience you want to reach. Approach your potential partner early in your planning process. If they agree to participate, they will want to play a role in question formulation, results analysis, and promotional

efforts. Outline clearly and in writing what each party is expected to contribute, the benefits they will receive, and how ownership of the survey results will be handled.

Step 5: Create a set of survey questions to collect the desired information. You have so many choices here (rating questions, choose one, select all that apply) that you will want to call in a survey expert. Remember to include demographic questions about the respondents at the end of your survey so you can interpret the results appropriately. Also include at least one full-text question to capture any clarifying thoughts from participants. Ask enough questions to cover your topic but not so many that respondents fail to complete the survey. Ten to fifteen targeted questions that can be answered in 5-10 minutes is best.

Step 6: Conduct your survey. Online survey systems are very popular due to their affordability and ease-of-use for both the survey sponsor and survey participant. Paper-based surveys, which will require time consuming data conversion techniques, can also be used on a standalone basis or in conjunction with an online option. Consider using a test group of respondents before launching the full survey to validate the questions and survey instructions.

Step 7: Publicize the findings in a press release after responses are tabulated. Provide reporters with easy-to-understand charts and graphs. Clearly identify your methodology, including details of when and how the survey was conducted, who was surveyed, whether the survey was random or non-random, a confidence level associated with the results and the margin of error. (If you are not familiar with these terms, hire a research specialist.) It is also a “best practice” to provide access to the actual survey questions and response data upon request for verification purposes.

Conducting a successful survey is an art and a science. Speak to an experienced market researcher and PR professional before you embark on an expensive and time-consuming survey project.

Follow these steps and you will find it much easier to generate favorable press coverage. See the end of the chapter for survey resources.

Create an Online Newsroom

Journalist-friendly web pages increase your chances of getting favorable press coverage. Consider adding a “News Room” to your website if you do not already have one. This is the place to post important information that reporters need in order to write accurately about your firm. Basic information that should appear in your online News Room is identified below.

Key facts and figures about your firm include the number of partners, associates and other staff members. The year your firm was founded is important, as well as the cities in which you maintain an office. Identify if your firm is a member of a national or international legal network.

Press releases issued in the current year should be readily available in a list format that gives visitors the chance to click on a headline for the full release. Present each release in a standard HTML format to make it easy for a reporter to “cut and paste” information. This can also improve your visibility in the search engines.

Old press releases, issued in previous years, should be maintained in an “Archive” folder that is readily available to reporters. Current stories may relate to earlier news, so access to older releases provides historical perspective. Your archive can easily be organized by year.

News coverage in which the firm is featured should be maintained online. An HTML format is ideal, but PDF files can also be used. Display newspaper and magazine articles that mention the firm in reverse chronological order. If coverage of your firm is extensive, you may also choose to provide the current year’s articles separately from previous years. There are copyright issues here in posting newspaper or magazine articles, so check with the publisher on their reprint policy. If for some reason you choose to post coverage articles selectively, indicate that you are providing a partial list.

Articles written by the firm's partners can serve as important background pieces to reporters who need to educate themselves on a particular legal topic. Make these reference materials readily available from your online News Room.

Your online press kit naturally belongs in the News Room section of your website. You will want to provide electronic copies of your firm's fact sheet, a list of staff contacts for the press, partner biographies, partner photos in high resolution suitable for print, and a PDF version of important firm brochures. If partners within your firm publish a blog or podcast, post your RSS feed in the News Room.

It is essential to offer standard "About Us" language that a reporter can use to describe your firm. Surprisingly, many firms fail to do so. Here is an example that you can customize to meet your needs:

"Partner, Partner & Partner, LLP is a ## attorney law firm headquartered in City 1 with offices in City 2, City 3 and City 4. The firm, founded in YYYY, provides legal services in the areas of Subject 1, Subject 2 and Subject 3. Clients include (insert type of clients). The firm is proud to be recognized by (insert ratings and awards here). Additional information is available online at www.YourNameHere.com."

Active law firms that place a high priority on media relations should give reporters a way to register for automatic news updates via email. This will enable you to supplement your media list with journalists who identify themselves as having an on-going interest in your firm. Simply add a sign-up feature in your online News Room to collect a reporter's email, phone number, publication and areas of particular interest. You might also want to add a "search" feature to your website so reporters and other site visitors can find key information quickly.

Take a look at some large law firm sites to collect "best practice" ideas. Talk to an experienced PR professional for guidance on the best way to maintain your electronic news room. Legal sites that offer informative news centers include:

- The American Bar Association, Newsroom, www.abanet.org
- The State Bar of Texas, News and Publications, www.texasbar.com
- LexisNexis, <http://www.lexisnexis.com/news/>

Sponsor an Awards Program

Favorable press coverage is an inherent benefit when you serve as primary or supporting sponsor of an awards program. Evaluate existing award opportunities within your area of interest, or consider starting an entirely new awards initiative. The goal is to get good PR before, during and after the awards program.

As a sponsor, you can gain access to industry leaders, up-and-coming smaller firms, rapidly growing mid-sized companies, and public officials. You may also receive a secondary round of press coverage as award recipients promote their recognition. Awards dinners or luncheons typically attract an executive level audience, giving you a perfect opportunity to become acquainted with CEOs, COOs and CFOs with purchasing authority for legal services.

Check with industry trade associations and local media sources for sponsorship opportunities.

6

NETWORKING AND ALLIANCES

Even if your law firm is small, you can look and act like a larger firm through affiliations with prestigious partners. Legal networks, like those identified below, represent an excellent way to expand your services and geographic reach.

This chapter will also explore the use of a strong referral network, which is another popular business development technique that practically gives you a sales force but without the commissions. You will discover many ideas in this chapter to enlist the help of others in expanding your legal practice.

Law Firm Networks

Law firms of all sizes looking for a competitive advantage are increasingly deciding to join one of the many worldwide networks of firms that band together for business referral purposes. Leading networks are listed below:

- **Lex Mundi** is one of the largest networks, with more than 21,000 lawyers in 160 member firms covering over 500 offices in 100 countries. www.lexmundi.com
- **Terralex** is a global network of more than 155 independent law firms and 15,000 attorneys in 44 states and nearly 100 countries. www.terrallex.org
- **TAGLaw®** is a global alliance of high quality, independent law firms with more than 140 member firms based in almost 100 countries. Founded in 1999, it claims over 7,500 lawyers in 300 offices worldwide. www.taglaw.com
- **Harmonie Group** member law firms serve the legal defense needs of corporations, third party administrators, as well as the traditional insurance, non-traditional insurance and captive insurance industries. www.harmonie.org
- **The International Lawyers Network** is an association of 91 full-service law firms with over 5,000 lawyers worldwide. The Network provides clients with easily accessible legal services in 66 countries on six continents. www.iln.com
- **Lawyers Associated Worldwide** is an association of independent law firms located in over 100 major commercial centers throughout the world. www.lawyersworldwide.com
- **Meritas** is an international alliance of 6,855 attorneys in 172 full-service law firms serving 238 markets. www.meritas.org
- **Multilaw**, founded in 1990, has over 6,000 lawyers in more than 150 commercial centers in over 50 countries throughout the world. www.multilaw.com
- **MSI Legal & Accounting Network Worldwide** was formed in 1990 in response to the need for cross-border cooperation between professional service firms. MSI is a global multidisciplinary network of over 250 independent accounting, law, tax and specialist professional

service providers in 100 countries across Africa, Asia, Europe, the Middle East, Latin America and North America. www.msi-network.com

- **World Services Group** is a global network that brings together leading professional services firms across multiple disciplines. WSG's 130 member firms employ over 15,000 professionals in 400 offices spanning more than 120 countries. www.worldservicesgroup.com

- **The State Capital Global Law Firm Group** is an association of over 145 independent law firms with over 10,500 attorneys located in all 50 U.S. state capitals and in international capital cities, business markets and financial centers. Members are geographically located in the United States, Canada, Europe, South and Central America, the Caribbean, Asia and the Pacific Rim, Africa, and the Middle East. Details at www.statecapitallaw.org.

- **The Bomchil Group** is an association of independent, Latin American law firms with an international full service practice in 17 countries, including Mexico, Brazil, and Argentina. www.bomchilgroup.org

There are literally dozens of law firm networks. As of this writing, Martindale provides a comprehensive list of associations under the heading of "Law Firm Associations" in the "Professional Development" section of www.martindale.com.

Benefits of membership in a legal network include instant, worldwide access to pre-qualified law firms, a commitment to shared business success, training programs, networking and personal contacts.

How do you determine which network is right for you? Let your business goals and practice areas guide your selection. If you are a full service firm, you probably want to join a network with other full-service firms in order to meet the needs of both incoming and outbound client referrals. If international connections are important, evaluate the geographic coverage of a network. Some networks are exclusive, while others admit all interested firms that meet certain criteria.

Determine the ideal level of services you need from your network. The availability of in-depth marketing and attorney training programs, for example, will influence annual membership rates. Joining a network does require a financial commitment. Those who benefit the most from membership devote a meaningful amount of time to meeting fellow network members, attending training programs and forging personal relationships to enhance referrals.

If you are a network member or decide to join one, proudly incorporate this benefit into all your marketing materials. Add the network logo to your website, note it on your business cards, and include it in your presentation and marketing pieces to maximize your investment.

Build Your Referral Network

Professional service providers who are active in your local market and engaged in complementary services can be an excellent source for incoming referrals. Examples include:

- Accountants, bankers, and insurance agents
- Venture capitalists and financial planners
- Vendors and consultants
- Trade association personnel
- Government officials (carefully)
- In-house attorneys
- Non-competing external attorneys
- Clients

Maintain a database of your referral sources, complete with key facts like business affiliations, birthdays, hobbies, and family information. Record the date and location of each meeting, along with

topics of discussion. Refer to your database before each meeting so that you can maintain consistency of communications from meeting to meeting.

A good goal might be to identify and maintain regular communications with 8 to 10 carefully selected referral sources. This could take the form of a quarterly lunch or a round of golf. Referral sources that fail to produce a sufficient volume of leads can be replaced as better contacts are developed.

A base of 8 to 10 referral sources maintained through quarterly luncheons translates to less than one lunch per week for one person, or one lunch every two weeks for two professionals working together in the same firm.

The best way to get referrals is to ask for them! For example, ask friendly clients if they have business associates or acquaintances who might need similar legal services.

Large law firms provide fertile ground to network internally. Surprisingly, many attorneys overlook the benefits of internal marketing. Origination fees may be an impediment, but progressive firms that are serious about business development work through these issues.

Let the attorneys in your in-house practice groups know how your services complement their own. Give specific examples of how your employment law expertise, for example, can assist their Intellectual Property clients in protecting against trade secret theft from within employee ranks. If you work in a large firm, get to know attorneys who work in other cities within your firm, and keep them up-to-date on ways you can mutually help clients who operate in both locations.

Local business referral groups exist, and you can determine if these are beneficial to your practice. BNI (www.bni.com) claims to be the largest business networking organization in the world, with active local chapters across the country and around the world. BNI members generated 6.2 million referrals in 2009, resulting in over \$2.6 billion (USD) worth of business for members, according to the group's website. They also offer a "Referral Institute" that provides networking training. This type of group is probably best suited to attorneys with a consumer-oriented practice.

If you don't want to spend the time on networking meetings but want to build your connections, consider an online referral source. LinkedIn (www.Linkedin.com) is an online international network of over 70 million professionals in 200 countries, including participants from all Fortune 500 companies.

Tell everybody you meet what you do, using the elevator pitch you developed in Chapter 2, since a valuable referral can come from even a casual contact.

When you do get a new account as a result of a referral, be sure to thank the referring source. A personal note or a courtesy lunch reinforces your gratitude and may help to produce another referral.

Like many activities in legal marketing, check with your state bar association for guidelines on client referrals. This can quickly become an ethical issue if any exchange of a monetary value is contemplated.

Join the Chamber Of Commerce

The Chamber of Commerce is "the" meeting place for key business and civic leaders in many communities. It is a great way to interact with influential bankers, stock brokers, accountants, consultants and other professional service providers who can share valuable leads and referrals with you. Elected officials frequently attend many of the meetings also, giving you access to the inner workings of local regulatory and business development initiatives.

Getting involved in a committee is a productive way to benefit from your Chamber of Commerce. Volunteering for the Membership Committee gives you an excellent reason to reach out to new and prospective members in a neutral civic setting. The Programming Committee is another effective platform for contacting local business and government leaders to create a personal relationship in a community context.

Membership in your local Chamber of Commerce can also give you an easy entrée to important speaking engagements and publishing opportunities. Inquire about the possibility of offering seminars to Chamber members, or writing a column for the Chamber's monthly newsletter.

Many Chambers offer a "trustee" program for local leaders, usually for a higher membership fee. This investment may yield a high return if you are looking for ways to develop quality working relationships with corporate presidents, leading vendors, and local officials.

You may want to sponsor a Chamber activity to increase your visibility. An annual golf outing, a community development initiative, or a charitable event are examples of how you can associate yourself with a good cause while building your brand recognition.

It is easy to get lost in large Chamber meetings frequented by vendors seeking to sell you office supplies, copiers or telephone services (with all due respect to these important offerings). Plan your Chamber participation strategically so your time is best devoted to high-return activities and relationships.

Adopt a Charity

Perhaps you have a family member who suffers from an unusual illness, or your passion is to help disadvantaged kids learn to read better. Whatever your interests, "giving back" to your community can also have very positive business benefits.

You can strengthen your firm's image when you make time to support a charitable cause. The day-to-day practice of law may not attract much news coverage, but your efforts to help a charity can change this. Promote your charitable involvement on your website and in your newsletters. Invite your clients, suppliers and partners to join you in supporting the organization. Local reporters are always looking for a good "human interest" story, so keep the press informed of your charitable initiatives also.

Employee morale can increase when you encourage staff members to participate in a worthy cause. Collaboration on a project that extends beyond work roles may open new channels of communication between attorneys, associates and support staff. Employees will have upbeat news to share with their family and friends, instead of the sometimes mundane details of the daily workplace.

Clients who learn of your charitable activities will appreciate your efforts to give something back to the community. This sense of respect will contribute to long-term client loyalty.

The powerful combination of a stronger image, better employee morale and long-term client loyalty will likely have a positive influence on your firm's profitability. Your volunteer efforts may make it easier to attract new clients and employees, while also retaining these important relationships longer.

You contribute to the health of your local community when you make a commitment to improve the condition of others who are less fortunate. Skills learned or supplies received through your charitable contributions can strengthen the local labor force or create safer neighborhoods as people gain the resources they need to improve their personal condition.

Getting involved in a local charity can be accomplished at several levels, from the donation of funds to hands-on participation by one or more members of your firm. Think strategically. Depending on the size of your firm, carefully select the right number of charities so that your participation can be meaningful.

Your charitable activities may or may not fall into the context of "pro bono" work, which is historically defined as providing legal services to the poor. The ABA Model Rule 6.1 on Voluntary Pro Bono Publico Service recommends an attorney aspire to providing 50 hours of annual service to those unable to pay. Check with your own state bar association to identify relevant pro bono guidelines.

Join a Non-Profit Board

Establish valuable business contacts at the same time you contribute to the betterment of your community by joining a non-profit board of directors. This is typically a serious multi-year commitment. Be prepared to devote a few hours every month to attending board meetings, speaker programs, and other events.

Carefully select the organization that best meets your business development needs. You can choose from the local chapter of a well recognized national organization or a locally chartered group.

Ask many questions before you commit to a board. Listed below are a few items that you may want to take into consideration.

Read the by-laws to understand the governing rules. A non-profit group may be organized as a 501(c)(3) or a 501(c)(6) entity, among other forms, under IRS regulations. A 501(c)(3) organization may be focused on events relating to charitable, religious, educational, scientific, literary, public safety testing, amateur sports purposes or the prevention of cruelty to children or animals. A 501(c)(6) organization is a form of business league, chamber of commerce, real estate board, board of trade, or professional football league. You should understand the form of organization, key purposes, and the ability or inability to conduct lobbying activities.

Ask about the availability of Director and Officer (D&O) insurance. Non-profit organizations and their board members can face liabilities in many areas, including personal injury, employment, tax matters, or breach of fiduciary liability. You will want to protect yourself and your firm by only serving on a board that carries adequate insurance coverage issued by a reputable carrier. This represents an annual cost to the non-profit organization that is well worth the investment.

Review the non-profit's financial statements for any accounting irregularities. Speak with the treasurer to evaluate the soundness of the system to collect, deposit, and report on revenue and expenses. Confirm that annual tax returns and other required government filings are made in a timely manner. The presence of a respected local or national accounting firm on the board is a positive indicator of financial strength.

Assess the effectiveness of current board members and any paid staff. Does the non-profit produce high quality programs on time for its members? Try to determine how much of the monies generated by the non-profit flow through to services and programs for members. If a high percentage of funding is directed to staff salaries, this could be a red flag and an indicator to look elsewhere.

Check for any unfavorable press coverage about the organization in the past few years. A simple LexisNexis or Google search should reveal positive or negative stories about a non-profit. In fact, a well managed non-profit generates a flow of press releases announcing their regular membership meetings and other accomplishments. Check also with members of your referral network to see if there is any news on the grapevine that you should know about before deciding to affiliate with a non-profit.

Be prepared to prove yourself by joining a committee first. You may need to roll up your sleeves and spearhead some programs before the board will grant you a seat. This is actually a good way to take an organization for a test drive to make sure it meets your business development goals.

Chapter 6 resources:

- BNI, www.bni.com. Entrepreneur Magazine www.entrepreneur.com publishes a networking column written by BNI Founder Ivan Misner at <http://networking.entrepreneur.com/>
- Chronicle of Philanthropy, www.philanthropy.com
- Council on Foundations, www.cof.org
- Directors & Boards Magazine, www.directorsandboards.com

- “Endless Referrals,” by Bob Burg, McGraw-Hill, 2005, www.burg.com
- Independent Sector, www.independentsector.org
- IRS Publication 557 on Tax-Exempt Status, www.irs.gov
- LinkedIn, www.linkedin.com
- Pro Bono Institute, www.probonoinst.org
- U.S. Chamber of Commerce, www.uschamber.com

7

MINE YOUR CLIENT LIST

Because its purpose is to create a customer, the business enterprise has two—and only these two—basic functions: marketing and innovation. Marketing and innovation produce results; all the rest are “costs.”

“Management: Tasks, Responsibilities, Practices,” by Peter F. Drucker. Harper Business, 1973.

Your best source of new business is likely to be within your own client list. This chapter identifies a number of techniques you can use to generate additional revenue from current and past clients who already know and trust you and your law firm.

Increase Client Retention

Acquiring new clients can cost five times more than retaining current clients, and the average company loses a staggering 10 percent of its customer base each year, according to the American Marketing Association.

Once you have signed a new client, your next challenge is to foster a successful long-term relationship that will withstand the effects of a competitive marketplace.

Successful firms develop a client service model that maximizes the life of the account. New business obtained from current or past clients tends to be more profitable, due to a lower cost of acquisition and a higher likelihood of successful completion. This is true even for transactional firms that focus on personal injury, divorce, or contracts. Past clients can return periodically, and also provide a steady stream of referral business.

Client retention rates can be fairly easily calculated using a year-to-year comparison. Print out a copy of your 2008 client list as of December 31, 2008. Then generate a similar 2009 client list as of December 31, 2009. If you served 100 clients in 2008, determine how many remained active during 2009. If 10 of the 100 clients did not return to do business with you in 2009, you have a 90% retention rate. While a 10% loss may not sound bad over the short run, at that rate you will need to replace all of the 100 clients you served in 2008 over the course of 10 years!

Your retention rate is extremely important, since it has a direct impact on your firm’s profitability. Let us say, as an example, that your firm’s total annual billings are \$3 million. If you have 100 clients, that translates into an average of \$30,000 in annual revenue per account. When you lose 10 accounts per year, you need to replace \$300,000 in annual billings just to protect your base.

If you can increase your retention rate to 95%, theoretically you can retain an additional \$150,000 in revenues using the above example. Of course, some account loss is normal due to mergers, acquisitions, client relocations, or other factors. Obviously, the longer you can retain an existing client the more profitable your law firm will become. Even a small increase in client retention can yield significantly increased profits.

A related client retention concept is “share of wallet,” meaning the percent of your client’s legal business that you currently serve. If the answer is 100%, that’s great. However if your client spends \$500,000 annually on legal services and your firm is only getting \$100,000 of that business, you may discover that what once looked like a great account can actually be at risk. Find out what you need to do to expand your “share of wallet” by getting more of the other \$400,000 in legal services being purchased by this potentially more lucrative client.

The lesson here is to pay close attention to the quality of legal services you offer, client satisfaction levels and competitive factors in order to increase the lifetime value of your clients. Consider establishing a “Client Advisory Panel” to foster good relations, and also take special steps to restore confidence with “at risk” accounts.

Take a Client to Lunch

The practice of law is a highly personal business, meaning that a purchaser of legal services generally hires the attorney rather than the firm. This attorney-client relationship is built on trust and goodwill.

Keep the “personal” in personal service by making a point to treat your key clients to lunch at least every three to six months, even if you have to get on an airplane. Spending time with your client “off the clock” is a great investment, particularly since current clients represent an excellent source of potential new business.

Select a popular white-tablecloth business restaurant to let your client know that they are special. Request a table location that is quiet and conducive to business conversation. If many of your clients are in the same geographic area, establish yourself as a frequent client at one of the nicer business eateries. The warm reception you receive from the maitre d’ will impress your guest and reward your table with special attention.

Other forms of client entertainment are time-proven ways to strengthen relationships with existing accounts and new prospects. As you get to know the likes and dislikes of your key contacts, schedule entertainment opportunities that match their interests. Sporting events, a golf outing, cultural activities, or a nice dinner with spouses/guests at one of the city’s leading restaurants all work well to reinforce a business relationship.

Cross-Sell More Legal Services

“Cross-sell” is a direct marketing concept that means selling more services to an existing client.

Say, for example, that you provide affluent families with a range of tax and estate planning services. You might want to identify those clients who retain you only for tax planning purposes, and ask them if they also need a will or an advanced health care directive.

Intellectual property provides other unique cross-sell opportunities, like developing HR policies that protect the “trade secrets” for new corporate clients who recently filed a patent or trademark application.

Each practice area offers different cross-sell opportunities. Spend some time to think of complementary services that will enable you to offer greater legal benefit to your clients.

“RFM Analysis” is another direct marketing technique that analyzes the recency, frequency, and monetary values of customer purchasing patterns for the purposes of generating additional sales. While best used for large consumer lists, a simplistic interpretation is that every account be coded on a scale of 1 to 5 for each of the three RFM variables. Certain client clusters that share common characteristics based on RFM classification are found to generate a significantly higher response rate when offered new or additional services. The analogy for the legal market is that you may find a subset of your client base to be particularly responsive to carefully targeted up-sell or cross-sell offers.

Create special campaigns, such as direct mail or a series of seminars, to educate existing clients on the benefits of related legal services. Establish revenue goals for your campaigns and measure your success rate.

Up-Sell Your Legal Services

When your client makes a purchase decision based solely on price or limited knowledge, you have an opportunity to “up sell” the client to a higher level of legal service. The legitimate delivery of added value is important in this situation, since the client must understand how a premium service may be more cost-effective long-term.

Give some thought to how you might create tiered service levels with differing price points to encourage clients to choose a service package that best meets their needs. Examples might include:

- Establish clearly-defined but varying levels of retainer services
- Create geographic territories for your services, like a legal audit that measures compliance in a regulated industry, with pricing on a per state basis, and encourage clients to retain you for multiple territories
- Invite a purchaser of a basic service (like a will) to upgrade to estate planning as well

By moving your clients up the value chain from a basic level of legal services to a higher performing category, your client benefits and your law firm gains additional revenue.

Client Anniversary Notice

A personal birthday or wedding anniversary is a cause for celebration. Think of the anniversary of a client engagement in the same way.

Make a note on your calendar or customer relationship management software of key account dates, like the day you signed a new client or achieved a special legal milestone for them. Send the client a “thank you” card or make a special phone call to let them know that you appreciate their business.

Your client is not expecting this level of personal attention, and is likely to be favorably impressed with your thoughtfulness.

Client Appreciation Party

Thanks! How often do you remember to say this to your clients? If the answer is “not often enough,” consider hosting a fun-filled client appreciation party. It is a great way to recognize your clients for their business and loyalty. Invite prospective clients too, so they can see for themselves how much you value both professional and personal relationships. Add former clients to the invitation list as a way to encourage their return.

You can reserve a restaurant, book a museum, or head for a local point of interest, depending on the size of your firm and the “experience” you want to create. Generate an advance buzz about your party so employees and guests view it as an occasion they won’t want to miss.

Planning a party can take a lot of time, so start early. Determine your budget, the location, food to be offered, entertainment, and party favors. Appeal to a broad age range so everyone feels comfortable.

Check the local community and sports calendar to avoid scheduling conflicts. If you have some hesitation about mixing clients for any reason, consider holding multiple smaller events. Start sending out invitations 2-3 months in advance, encouraging clients to “save the date.”

Have a photographer on hand to capture the activities. Use your photos in follow-up client mailings to reinforce the “feel good” attitude from your special day.

Focus on fun and interaction. A successful party can create a glow through lasting memories.

Measure Client Satisfaction

What is your typical response if you are unhappy with a service provider? Say, for example, that your real estate agent did a poor job of selling your home or your local auto mechanic was late in completing a repair job. Chances are that instead of lodging a formal complaint, you simply switch providers and tell your friends about the poor service you received.

The same thing can happen to your law firm. Ignorance of client dissatisfaction can seriously harm your practice. One perennial client complaint is failure to return phone calls. Research indicates that an unhappy client will complain to nine or more people. Ironically, a client complaint can positively influence your practice if you identify the cause of unhappiness quickly and take steps to repair the situation.

Conducting an annual client satisfaction survey and/or an “end of matter” questionnaire can help to reinforce client relations. Try to identify key client expectations at the start of an engagement, so you have a better likelihood of satisfactory performance. Chances are that your client is grading you also. Here are several ways to conduct a survey:

- In-person meetings are recommended for your best accounts, since the interviewer can not only hear how the client responds to a question but also observe their body language. This research can be conducted by an experienced independent consultant or an impartial representative from within the firm.
- Telephone surveys conducted by an independent third party offer a value-added benefit of having a qualified interviewer probe for subtle differences in satisfaction levels.
- Internet-based surveys are becoming increasingly popular, due to the convenience of online response forms and the immediate electronic availability of respondent data.
- Traditional paper-based surveys can be circulated by mail, email or fax. These tend to be cumbersome and expensive because of the tedious production, distribution, and data entry requirements.

The survey format you select may vary with the size of the account. You may choose to conduct in-person interviews for your largest and/or strategically important accounts, for example, while using a less expensive method for smaller clients. A research expert can help you determine the best approach to effectively evaluate client satisfaction levels.

Survey results will provide you with important insights into your areas of strength and weakness. Your initial survey can serve as a “benchmark” for measuring future improvement. On a related note, an in-house employee survey may also yield some productive suggestions for improvement.

Send a “Thank You” Note

An old-fashioned, hand-written thank you note stands out distinctly in today’s fast paced email world. Who has time to write a letter these days? That is exactly why the recipient of your personalized note will stop and realize how thoughtful you are.

The truth is that it takes very little time to write a personal note. Keep a supply of note cards in your desk, car, or briefcase to make the most of time spent waiting in line or commuting. Insert two business cards with your note and encourage your client to use one for referral purposes.

It is easy to order personalized stationery from an online store or your favorite legal stationer. Imprint the card with your name and/or firm name, and the envelope with your return address, for maximum benefit. Select a fine quality paper to emphasize your attention to detail.

Increase Client “Switching Costs”

Are you offering cookie-cutter legal services to your clients? Think about it for a minute. If you are, chances are that your client can easily go to a competitor who promises lower rates and/or higher service levels.

If, however, you can integrate your legal services with your client’s business operations, it will be much more difficult for your client to leave for another law firm.

Situations that increase your clients’ switching costs include:

- Technology platforms that give clients convenient online access to important legal documents

- Specialized country or industry expertise, even if achieved through a legal network
- Annual or periodic legal audit services to measure industry regulatory compliance
- Access to a highly credentialed legal expert
- Jointly-developed custom legal programs that save the client time and money
- Pricing or bundling packages that encourage multi-year services

Evaluate switching costs from your client’s perspective. The higher the perceived cost, the greater the pricing and profitability leverage you can reasonably achieve.

To summarize this chapter, mining your client list is one of the most important concepts in this book. Every business development program will benefit from strategic attention to retention and account cultivation.

Chapter 7 resources:

- ABA Law Practice Management, www.abanet.org
- Legal Marketing Association, www.legalmarketing.org
- Legal Sales & Service Organization, www.legalsales.org
- Strategic Account Mgt. Assn., www.strategicaccounts.org

MASTERFUL MARKETING

Marketing is the ability to get the right message to the right prospect at the right time. Author and marketing guru Philip Kotler coined the term "Four Ps of marketing," which include product, price, promotion, and place. Positioning has since been added to make the "Five Ps of marketing." These are the five dimensions on which your law firm typically competes. Since many law firms offer similar services, it is your marketing and business development success that can set your firm apart from the competition.

Strategic Planning

While the focus of this book is law firm marketing and not strategic planning, the two activities do go hand-in-hand. Consequently, it is appropriate to mention that successful marketing takes place in the context of a detailed firm-level strategic plan based on internal strengths, external market conditions, and clearly defined long term goals.

Activities to be addressed in the strategic planning process include practice group resource allocation, billing rates, mergers, acquisitions, lateral and associate hiring, client selection methodology, geographic locations, outsourcing, profitability analysis, competitive positioning, and other growth factors.

Many mid-sized and larger law firms find it helpful to include outside consultants in the strategic planning process. External experts can help guide the firm's key decision makers in questioning assumptions, challenging the status quo, and considering "what if" scenarios. The firm benefits when an independent moderator is able to navigate around natural internal biases and political considerations in favor of a neutral evaluation of market and client conditions.

Marketing the Practice and the Firm

"Branding," as discussed in Chapter 2, is the proper firm-level approach to use when you want to distinguish the services of your law firm from your competitors. Your brand supports and encourages the ultimate purchase decision. Advertising (and a lot of it) is the main communication vehicle used to conduct a branding campaign. The goal of a branding initiative is to increase the recognition of and respect for your firm within your desired audience.

Marketing a single practice group within a firm involves a different approach. The goal at the practice group level is to identify and reach targeted market segments that require specialized legal services.

Let us use the example of a 200-attorney full service law firm with multiple practice groups, headquartered in Chicago. The firm's Health Care practice is best served by getting actively involved in medically oriented organizations like the Chicago Medical Society, the Chicago Surgical Society,

the Illinois Association of HMOs, the Illinois College of Optometry, the Illinois Council on Long Term Care, the Illinois Primary Health Care Association, and the Illinois State Medical Society.

The business development needs of the firm's Trusts and Estates practice group are very different. Their business development efforts will focus on groups like the private wealth management groups in leading Chicagoland banks, the Chicago Council on Planned Giving, the Financial Planning Association of Greater Chicago, and the Greater Chicago Chapter of the Society of Financial Planning Professionals.

At the same time, the firm's Real Estate practice group needs to be in front of all the major developers in the area, as well as organizations like the Building Owners and Managers Association of Chicago, the Apartment Building Owners and Managers Association of Illinois, Southern Illinois Builders Association, Chicagoland Apartment Association, Chicago Area Real Estate Investors Associations, Central Illinois Builders of AGC, Illinois Construction Industry Committee, Home Builders Association of Illinois, and the Home Builders Association of Greater Southwest Illinois.

Suddenly the job of developing new business for the 200-attorney law firm becomes not one marketing project, but several equally important yet independent business development initiatives all to be managed simultaneously!

"Market segmentation," the focus on distinct client groups, is a critical marketing concept when it comes to developing new business for a law firm. The American Marketing Association defines market segmentation as:

"The process of subdividing a market into distinct subsets of customers that behave in the same way or have similar needs. Each subset may conceivably be chosen as a market target to be reached with a distinct marketing strategy. The process begins with a basis of segmentation – a product-specific factor that reflects differences in customers' requirements or responsiveness to marketing variables (possibilities are purchase behavior, usage, benefits sought, intentions, preference, or loyalty).... To be of strategic value, the resulting segments must be measurable, accessible, sufficiently different to justify a meaningful variation in strategy, substantial, and durable."

Demographic characteristics relevant to a consumer-oriented law firm include gender, age, income, education, zip code, the presence of children, own/rent, and similar factors. Business-to-business demographics include industry, geography, annual revenue, number of employees, years in business, job title, number of locations, and international presence.

Your marketing return on investment will improve as you focus your business development efforts on a carefully crafted message delivered to a well-defined audience. Response rates will increase when industry-specific brochures, direct mail, and website copy address key areas of concern facing a prospect. Wasted marketing dollars will be reduced when you purge your prospect list of unlikely candidates, saving you money on postage, printing, and labor. Your brand recognition will grow when marketing resources are spent more effectively reaching a narrowed prospect base on a more frequent, focused basis.

What type of business development program do you have in place now? Perhaps you rely on individual rainmakers to bring in the majority of new business. Or your approach may be reactive, taking the business that comes your way but not strategically targeting an agreed-upon prospect list for your legal services.

A properly focused business development program enables you to identify the top 25-50 firms in your chosen market segments, supplemented by a list of prospective middle-market firms and small firms. The same is generally true, albeit more difficult, if your audience is consumer based. Ideally, you want to "attract" prospective clients to you through your connections, the prominence of your practice, and your outbound communications programs. The more successful you are in "pulling" clients toward the firm, the less emphasis you need to place on "pushing" your services in aggressive sales or marketing campaigns.

Start to clarify your ideal market segments now by creating a prospect profile that specifically details the characteristics of your ideal client. Once you clearly define who you want to reach, you can determine how, when, and where to reach them effectively. Key considerations to help you send the right message to the right audience at the right time are outlined below.

Begin by identifying the trade associations that serve your prospects. If your law practice covers multiple states, look for large organizations that offer involvement at national and regional levels.

Research the conferences and trade shows that attract the largest number of attendees within your target audience. You can get this information by speaking with industry insiders, searching the Internet, or calling relevant trade associations. Once you identify the conference, study the speaker and exhibitor lists to understand the competitive environment. Think strategically about how you can position yourself within the market segment in a way that differs from other legal service providers. Start to attend these conferences to build your knowledge base and industry connections.

Determine which newspapers, magazines, newsletters, and websites are read by your target audience. Contact the appropriate advertising representative for each publication to request a free media kit, which will provide you with a sample publication copy, audience demographics, advertising rates, and an editorial calendar. Look for other attorneys and law firms who are advertising in or writing for the publication.

Every industry has “gatekeepers” or key influencers who can open doors for you. Find out who these leaders are in your target audience, then find a way to meet them. A personal connection arranged by a mutual acquaintance will help you to establish yourself quickly, facilitate important speaking or writing opportunities, and understand the competitive landscape.

Study the current issues, concerns and threats facing your targeted market segments. There is opportunity in change; and early movers can customize legal services to address emerging market needs. The Sarbanes-Oxley Act of 2002 is the ultimate example of legislative change that spawned an entire multi-billion dollar industry of professional consulting services.

In summary, developing qualified business for your practice should be strategically planned. Create an integrated marketing program with goals and timelines. Develop distinctive messaging, maintain high visibility, and develop a network of strong personal relationships.

Conduct a Marketing Audit

A quick way to evaluate the strength of current marketing and business development programs at the firm level is to conduct a “marketing audit.” A highly simplified audit form, based on the *Courting Your Clients* recommended business development tools outlined in Chapter 1, appears below:

| Marketing Tool | In Place | Action Needed |
|-----------------------|-----------------|----------------------|
| Marketing plan | | |
| Industry speeches | | |
| Article publishing | | |
| Public relations | | |
| Referral network | | |
| Memberships | | |
| Client marketing | | |
| Brochures; materials | | |
| Website | | |
| Internet marketing | | |
| Advertising | | |

Customize an audit program that works best for your law firm. A more detailed checklist could include all the Internet marketing techniques identified in Chapter 9, for example. A good way to improve your current situation is to prioritize the work that needs to be done. Schedule a Phase 1 round of immediate improvements, followed by a Phase 2, until the process is complete. Consider the assistance of an experienced legal marketer to facilitate this process.

Legal Awards

Literally hundreds of legal awards are available annually from state bar associations, legal publishers, legal trade associations, and international sources. In addition to the traditional awards for exemplary legal service, look for specialized awards like:

- “40 under 40” awards open to all companies
- “Best Places to Work” awards
- “Best Use of Technology” awards
- Local community service awards

Winning an award is big news! If your firm succeeds in receiving an award, issue a press release to publicize your recognition and send an announcement to your clients. Add information about the event to your website and biography page.

Select Your Clients

Prospective clients may present themselves as a result of the many marketing initiatives described above. Make a note of the source for each new client, and then begin the process of determining if this is the right account for your law firm. The prospect, of course, is conducting a similar evaluation of your services.

Ideally you want to have a sufficient volume of prospective clients so that you can choose those prospects who represent the best growth opportunities for your law firm. One way to do this is to create a “customer profile” of your best current clients. Identify the account criteria that are most important to you in evaluating new accounts, which may include factors like profitability, size, budget, service needs, and long term outlook. Personality is another factor that merits consideration. Shared values and a mutual respect for business etiquette will tend to create a more successful long-term relationship.

Now that you know the characteristics of your best clients, translate this knowledge into a “Client Evaluation” sheet like the sample provided below. You automatically check for conflicts when accepting a new account, so simply make this another step in the evaluation process.

| Evaluation Criteria | Low | Medium | High |
|----------------------------|------------|---------------|-------------|
| Growth potential | | | |
| Ability to pay | | | |
| Targeted industry | | | |
| Solid reputation | | | |
| Shared business values | | | |
| Executive commitment | | | |
| Ability to refer business | | | |

Ask members of your business development team to individually rate a prospective account based on your selection criteria, using your own “Client Evaluation” sheet. Assign a numeric value to each rating, like Low = 1, Medium = 2 and High = 3. The above example presents a rating range

from 7 (all low ratings) to 21 (all high ratings). Perhaps you choose to accept only those clients who rate a 14 or better, based on the consolidated votes of all your team members. Major rating variations among team members may suggest a red flag; debate the merits of these accounts in more detail with the goal of reaching a consensus.

It is easy to envision the benefits of being able to select your clients. You will be able to work with people you like and who presumably will pay you on time. Your employees and associates will be happier while performing services for respected clients they feel good about helping.

Chances are that you have current clients who are not a good fit for your firm. Their work may not match your firm's core competencies, the client may be experiencing financial hardship, or perhaps they are simply difficult to please. You may even find yourself procrastinating on the account in order to avoid contact with the client. This is a bad situation that increases your risk of professional malpractice charges. It is better to take control of this situation sooner rather than later.

Consider dropping the bottom 5% of your clients annually through a deliberate process of raising rates or transferring them to a more suitable firm. You will achieve greater profitability by redirecting your limited resources to more strategic accounts with longer-term growth potential. (Be sure to check with your state's code of professional conduct first.)

Brochures and Marketing Materials

As we saw with the 200-attorney firm example above, firm-level marketing material serves different needs and purposes than practice group materials. While brochures and supporting materials typically don't make the sale, they do contribute to creating an overall favorable impression. Here are some ideas on how you can achieve an agreeable and complementary balance of interests.

Centralized marketing resources in a large firm can coordinate the essential branding elements surrounding the firm's logo, website, tag line, positioning statement, color selection, font guidelines, and paper stock. Responsibility for development of common firm materials (including two-pocket portfolios, stationery, business cards, personal note cards, premium products, firm fact sheets, firm-level brochures, PowerPoint formats, proposal layouts, and attorney biographies) also resides with the centralized marketing team.

Brochures created at the Practice level, either by the central marketing team or a distributed marketing team member, can take advantage of the firm-level branding (logo, color, format, etc.) while also incorporating industry-specific artwork and copy that reflects the practice. The Health Care practice group, for example, can add medical-theme graphics and speak to hospital administrators about Medicare reimbursements while Real Estate group materials can address developers on topics relating to land acquisition or multi-use real estate developments.

Today's accelerating rate of change translates into faster product cycles and unanticipated employee turnover. Structure your promotional materials in a way that fosters flexibility. For example, an attractive two-pocket firm portfolio is a great way to accommodate the needs of multiple practice groups, who can then insert their own industry-specific materials. Keep print runs short if you anticipate changes. Employee photos are important, but you might want to minimize the heavy use of group photos that become outdated as soon as one featured member leaves the team. Discard out-of-date promotional pieces to avoid the embarrassment of continued usage.

Rather than printing elaborate and expensive firm brochures, more firms are moving to adopt the use of customizable desktop-generated presentation materials. A personalized PowerPoint, in full color with a spiral binding and plastic cover, can work very well to create a favorable impression. Digital printing technologies have also advanced to the point that a short run of 100 to 250 pieces can be cost-effective.

Current fact sheets, brochures, newsletters, client alerts, and other collateral materials should be posted to your website in HTML and/or PDF format for search engine visibility and easy self-

service. Invite inquiries from prospects visiting your website by providing a partner's name, phone number, and email on every piece of literature and practice group page.

Make frequent online offers of a complimentary consultation, a free training seminar, or an industry white paper as a way for prospects to identify themselves. Website "call to action" offers accompanied by a specific response mechanism will enhance your overall campaign response rate. Navigate respondents to a special page on your website for fulfillment, where they simply complete a brief visitor profile before gaining access to the desired promotional incentive.

Finally, as a practical matter, remember to check the need for any legal disclaimers and/or "Advertisement" language before finalizing printed and electronic materials.

Stationery

The old adage is true; you only get one chance to make a good first impression. Fine quality paper remains a valued and distinctive differentiator in the legal market. A consistent, quality appearance is essential across letterhead, envelopes, business cards, note cards, and 2-pocket portfolios.

Direct Mail Campaigns

Direct mail in the legal market must be handled in strict accordance with the attorney advertising guidelines published by state bar associations. The ABA Model Rules of Professional Conduct address written and other communications in Rule 7.3, "Direct Contact with Prospective Clients." Check with the state bar associations in the states where you are advertising to determine the relevant professional requirements. Some states, like Florida, may require advance approval of certain campaigns.

Letters and other forms of direct mail are a powerful tool that can play an important role in your law firm's integrated marketing program. This can be particularly true for law firms serving a consumer marketplace where "trigger" events—like a foreclosure filing, traffic ticket, or an arrest—indicates the need for legal services. Do not let state bar guidelines discourage you from taking advantage of this opportunity to expand your client list. Simply comply with the requirements and determine if these campaigns are right for you.

Like any marketing campaign, the first rule of direct mail is to clearly establish your goals and objectives. What do you want your mailings to accomplish? Determine in advance how you will measure success.

A regular newsletter or periodic white paper is a substantive way to demonstrate your industry knowledge, deliver real value to your readers, and reinforce your customer service commitment. They also work well in your efforts to convert prospects to clients, since prospects can use your newsletter as a way to become more familiar with your firm, individual attorneys, and your subject matter. A client alert can be used when breaking news warrants a special single-topic issue that will help your client or prospect save money, avoid litigation, or protect their business from a potential threat. Always attach a brief cover letter or courtesy card with a short note as a transmittal.

When you get an article published, mail a copy to your client list after gaining reprint rights. Your client will benefit from the knowledge gained from your article, and will also be impressed with your publishing acumen.

Maintain an attractive, consistent appearance across all your direct mail and marketing pieces. Your law firm logo, color scheme, and graphical style reinforce your attention to detail and commitment to quality. Invest in graphic design services to add professional polish. A nicely designed masthead invites readers to devote some time in their busy schedule to study your legal commentary. Your graphic designer and printer can help you create the right mix of color, paper

stock, and artwork to maximize your budget. Speak with them both early in the planning process of any major direct mail campaign.

Determine in advance how much postage will cost you, since this will vary considerably with the physical size and weight of your mailing. High volume mailings may warrant the use of a direct mail house, which will help you understand production and postage pricing options for a successful outcome. Mailing your campaign pieces with first class postage gives you the benefit of getting returns for any undeliverable addresses, which will help you keep your list current.

The direct marketing industry has a “40/40/20 rule,” which basically states that the success of a direct mail campaign will be determined by the list (40%), the offer (40%), and the creative (20%). While this may not apply in its entirety to the legal market, you can see that the list and the information provided are the two most important elements in a direct mail program. Plan accordingly.

Business Development Proposals

Responding to a Request for Proposal (RFP) or preparing a targeted proposal for an important new account can consume a great deal of time and effort; time that is better spent in understanding the client’s needs. One way to streamline the mundane aspects of the proposal development process is to use a software program that enables you to standardize graphics elements, practice group descriptions, attorney biographies, and the firm’s diversity profile in a consistent proposal format. Use the time you save for strategic thinking about how to set your firm apart from the competition.

Testimonials

An independent testimonial offered by a current or former client may serve as an excellent endorsement. Proceed with caution, however, since many state bar associations regulate or forbid the use of testimonials.

Satisfaction Guarantees

While you can not guarantee the outcome of a case or transaction, you may be able to guarantee that a client will be satisfied with your service. Check with your state bar association for guidance. The Chicago law firm of Ungaretti & Harris (www.uhlaw.com) pioneered the use of a guarantee in 1995 and reaped significant benefits in terms of new business, client retention, and press coverage,.

Trade Shows

Trade shows can be a very effective way to generate new business and renew acquaintances with existing clients. They can also be very expensive, particularly if travel is required. Thorough advance planning is important to maximize your success at a trade show.

Start by selecting your shows carefully to reach the right audience. Understand how many attendees are expected, exhibit hours, and activities scheduled for the exhibit hall. Once you commit to exhibit at a trade show, pick the best available booth space. Study the exhibit floor layout to evaluate your location options relative to expected foot traffic, access doors, the food court, and competitive booths. Plan a booth that is attractive and clearly highlights your services. Your signage must be visible from a distance, since people walking by may not stop to read your literature.

Ideally, try to arrange for one of your law firm partners to speak at the educational portion of the conference to enhance your firm’s visibility. You will want to plan this at least six to twelve months in advance.

Publicize your trade show participation by mailing an invitational postcard or letter to the list of early registrants. Offer a prize or free gift to attendees who bring the invitation to your booth.

Study the attendee list two to three weeks before the show. Identify attendees who you want to meet, and try calling them in advance to set up a meeting at your booth or elsewhere.

Once you are on-site at the show, there are many techniques you can use to generate interest and enthusiasm. Several ideas are listed below to help you plan a successful show.

Give away fun promotional products with your law firm logo, URL, and phone number. The Promotional Products Association International reports that 92% of meeting planners surveyed in 2009 use promotional products at trade shows. Premiums help to increase brand recognition, generate goodwill, increase traffic at the booth, and acquire new clients.

Speak to your promotional products representative to learn about current popular items. Cost per item is always an important consideration, but so is weight if you have to ship large quantities of premiums to a distant trade show.

A daily drawing is an effective way to attract visitors to your booth. Ideally you will be able to establish personal contact with these prospects, which is the first step in creating a longer term business relationship. A drawing also helps you to collect business cards for your mailing list. Choose prizes that offer widespread appeal to men and women, old or young. Check with the conference planner to get some ideas on what other exhibitors are planning so you can avoid duplication. Gift cards are always popular.

You spend so much money on a trade show that you want to make sure your booth is staffed at all times. Create a friendly script for staffers that will draw visitors into your booth by engaging them in a conversation requiring more than a “yes” or “no” answer.

Many trade shows feature a daily newsletter with advertising. See if you can write an article or submit an ad for extra visibility. Also consider hosting an event or a reception (public or private) to generate quality time with show attendees.

Trade show organizers frequently host an on-site “press room” for the many industry journalists in attendance. This could be a great time to issue a press release on a new service or accomplishment, particularly if the named partners from your firm are in attendance. Try to set up an interview with an influential reporter; your trusted PR expert can help.

Schedule a photographer to take pictures of your booth and visitors, or do it yourself. You can use your photos for follow up mailings to trade show attendees. The firm’s employee newsletter and website are also good places to publish your photos, so staff members can see the results of your trade show investment.

The true measure of your trade show success is the amount of new business you generate. Start the client development process immediately by sending a “thank you” letter to everyone who stopped by the booth. Add all prospects to your mailing list for on-going correspondence. Offer a “call to action” encouraging the prospect to try your services within 90 days of the trade show, if appropriate.

Make personal phone calls to key prospects after the show to reinforce the event and request a personal meeting. Begin to establish a relationship with the prospect and create a series of steps designed to convert the candidate into a client.

Of course, you will want to check with your state bar association to make sure that you are in compliance with all ethical marketing guidelines when planning your trade show participation.

Premium Products

Promotional products are the pens, coffee mugs, key chains, notepads, shirts, hats, or hundreds of other products that can be imprinted with your firm’s name, logo, URL, and phone number. You

can spend anywhere from pennies per item to \$100 on high quality gifts. They are popular because they work. Let's face it; we all like to get things for free.

Research shows that promotional products should have a place in your integrated marketing program. Premiums have a long shelf-life, stay on your client's desktop, and tend to be used on a regular basis. Recipients of promotional products hold a more positive impression of the corporate provider than non-recipients, according to a 2005 study by Georgia Southern University.

The Promotional Products Association International recommends that you start by defining the goals for your promotional campaign in order to maximize ROI. For example, do you want to generate leads for a trade show or improve customer loyalty among your firm's existing clients?

Create a central theme to your campaign. Tie the multiple promotional products together with the use of color, appearance and a tag line. It is important to select a range of products that correspond to the style and quality emphasis of your law firm practice.

A law-oriented promotional product you might consider is a colorful booklet containing the U.S. Constitution, the Bill of Rights and the Declaration of Independence, available from Oak Hill Publishing (www.constitutionfacts.com). This handy pocket-sized guide with 96 pages of text is a great way to offer value tied directly to your legal practice. Make labels that read "Compliments of [Your Law Firm Name]" with your address and contact information and adhere one to the inside cover of each booklet. Adults appreciate the Constitution's patriotic importance, and it is a great educational pass-along to the kids. When you place your order, let the publisher know that you intend to give the booklets away for free.

If your law firm is large, with hundreds or thousands of attorneys working internationally, consider creating an internal "online store" of approved promotional products. Select a range of law firm branded shirts, hats, pens, portfolios, notepads, and other premium products that are available for centralized ordering via your firm's intranet. You get the benefit of volume discounts, consistent presentation, and ease of ordering. Speak with your premium products sales rep for more information.

Determine how you can best use promotional products in your marketing program. You can leave behind a candy dish or office item when you make a sales call or visit an existing client. Nice pens or calendars are always useful. Talk to your local sales rep to get ideas on what will work best for you within your budget.

Seasonal Marketing

New Year's Day represents a time of hope, anticipation, and a sense of fresh start. Consumer marketers are busy at the first of the year launching new sales offers after the holidays, but it tends to be a quieter time on the professional services marketing front. A New Year's greeting from your law firm will stand out when it arrives in your client's hands. Let your clients know that you look forward to serving them. You can accompany your good wishes with an industry outlook for the year.

Seasonal marketing is a matter of giving some thought and careful planning to campaigns that logically fit into the calendar cycle. Find special occasions or holidays each year that give you an extra incentive to communicate with your clients and prospects.

Independence Day is a natural day for legal professionals to celebrate. When our founding fathers signed the Declaration of Independence on July 4, 1776 they created a legal framework and a set of political values that continue to serve the country over 230 years later. Reach out to your clients and mark the occasion in writing or in person.

Labor and Employment lawyers may want to recognize Labor Day with a special mailing that addresses the significance of the holiday and how it relates to the current industry climate.

Attorneys who work with veterans can use Memorial Day and Veterans Day to commemorate their clients' service to our country.

Thanksgiving is a frequently overlooked holiday from a marketing perspective. A card or message sent at this time of the year has a much better chance of standing out in a meaningful way when compared to the deluge of cards and gifts that start pouring into offices during the holiday season of Hanukkah, Christmas and Kwanzaa.

Holidays are a joyous time, so add some fun and festivity to your seasonal marketing.

Chapter 8 resources:

- Advertising Specialty Institute®, www.asicentral.com
- Center for Exhibition Industry Research, www.ceir.org
- Oak Hill Publishing, www.constitutionfacts.com
- Promotional Products Association International, www.ppa.org
- The Association for Exhibit and Event Professionals, www.tsea.org

MAXIMIZE YOUR ONLINE PRESENCE

Your law firm must be present to win in today's rapidly evolving online world. Consumers and businesses alike naturally turn to the Internet when researching purchase decisions. Your law firm needs to appear when a prospect is looking for your legal expertise, otherwise a competitor is likely to capture the engagement.

Americans conducted 15.9 billion searches online in May of 2010, according to comScore Networks. Google is the most popular search engine, with 63.7% of current search traffic, followed by Yahoo! sites with 18.3%, and Microsoft sites at 12.1%. Worldwide, there are 1.8 billion Internet users (26.6% of the world's population) according to Internet World Stats.

The majority (74%) of all American adults ages 18 and older use the Internet, according to a December 2009 survey by the Pew Research Center, with 55% of Americans connecting wirelessly at least on occasion. Common usage activities include email, online research, and news updates.

Referrals from trusted sources remain the most popular way that consumers find an attorney, as evidenced by the 2009 LexisNexis Martindale-Hubbell Ratings Survey which found that 66% of small business owners rely on referrals from peers or trusted colleagues when looking for a lawyer. Nevertheless, 82% of small business owners and 49% of consumers surveyed report that they use review and ratings websites when they are in need of a personal or business service provider.

Word of mouth from family and friends was also found to be the most important source (75%) of attorney referrals in a 2008 Yahoo! survey of 2,500 consumers. Yahoo takes this research a step further to say that independent reviews posted online can also play a role in attorney selection.

While word of mouth advertising is the most common way consumers or business owners find an attorney, the Internet is the second most popular referral source. The 2008 Yahoo! survey found that 62% of those surveyed used the Internet when looking for an attorney. This online attorney research consumed up to eight hours for some prospects, who typically selected an attorney within a week.

Actual search terms used by these prospects can help you refine your own online advertising campaigns. According to the Yahoo! survey, search terms include: the type of attorney sought (85%); city and/or zip code (57%); general category keywords (37%); or specific business name (23%).

Based on this research, Internet marketing is now a critical component of your integrated business development program. The effectiveness of your Internet and social media marketing campaigns can make or break new business opportunities. Even worse, you risk falling completely off the competitive horizon if your digital campaigns do not contain the right ingredients to present your firm as a contender when an online user is looking for the exact services you offer.

Small law firms can benefit by taking advantage of the local neighborhood search features available from Google, Bing, Yahoo!, and other search engines. Just go to Google Maps

(<http://local.google.com>), for example, type in your city and state, and then search for a divorce attorney in your city. You will see a map with markers for local attorneys who meet your search criteria.

Read this chapter to discover the secrets that your webmaster may not even know about to improve your online presence. You will learn many valuable tips to help you turn your Internet presence from a “ho-hum” online brochure into a dynamic business generator that delivers online prospects to your electronic doorstep.

Best Practices for Your Website

Prospective clients knock on your digital door 24/7 in today’s electronic environment. Keep your website welcome mat ready!

Here are 10 ways to add selling power of your website:

1. Display your phone number “above the fold” and provide access to your email address. Make it easy for prospects to get in touch with you. Add a “call to action,” like a newsletter sign-up or online inquiry form, to begin a relationship with your web visitor.

2. “Keyword density” is a consideration, meaning that key words and phrases should appear in the text on every page of your website copy, especially headlines, to reinforce correct search engine categorization. Avoid “keyword stuffing,” however, or you may be penalized by the search engines.

3. Make each attorney biography page as user-friendly as possible. Include a photo, of course, along with complete contact information. Also include awards, speeches and publications. Give the visitor the option to save the page as a PDF, download a v-card, print the page, or email to a friend if possible. (See Appendix 5 for a sample attorney bio page.)

4. Minimize the use of moving parts created in “Flash,” since it can interfere with search engine visibility and website performance. Also, every page on your website should have a unique, static URL for easy linking.

5. Meta tags are an important factor in search engine placement. (Read more details in the following section.)

6. Present all text in HTML format, never as a graphic. Search engines need to be able to “read” the HTML version of your web pages.

7. Every photo and graphic should carry an “ALT” tag with appropriate keywords. This will display a text box when the visitor positions their cursor over an item.

8. Establish in-bound links to your website from independent third parties, like publishers, clients, directories, or industry portals. Google values incoming links from relevant, highly ranked pages.

9. Test your Google “PageRank.” Search the Google website for details.

10. Add an XML and HTML site map to your website, especially if it is large, to improve search engine rankings and make it easy for visitors to find information. On a related note, consider adding a “search” feature for full text searching if your website features a lot of copy.

Create carefully worded “anchor text” links, also known as hyperlinks, in the Site Map and on other pages throughout your site to increase search engine visibility. As mentioned earlier, these are the words that appear in clickable format to direct a visitor to another page. Anchor text links in a site map might include the following:

Our Practice Areas:

- [Business Litigation](#)
- [Employment and Labor Law](#)

Keep your website current, both in terms of appearance and the timeliness of information offered to clients and prospects. Add fresh content like articles, news releases, or client alerts to your

website at least monthly if not weekly or daily. Always adhere to the advertising guidelines and disclaimer requirements established by your state bar association.

Attorneys who serve the consumer market and/or have an international practice should consider translating some or all of their web pages into other languages now that the U.S. population exceeds 308 million, fueled in large part by immigrants. The largest minority group today is Hispanic, representing almost 15 percent of the population. Before you translate your site into Spanish, however, stop to determine the appropriate dialect for your market. Cuban Spanish, Puerto-Rican Spanish, or Mexican Spanish are just a few of the many distinct Spanish dialects spoken in the U.S. Many firms offer Spanish-language website translation services.

Investing in website enhancements can definitely generate a strong return in new business development. Take an objective look at your website today, in conjunction with your webmaster and/or an Internet marketing specialist. Identify opportunities for improved site performance based on the recommendations included in this chapter. Overall, it is beneficial to review your site performance on a regular basis (monthly for large sites, or every 3-6 months for smaller sites).

Mind Your Meta Tags

A meta tag is a line of HTML code built into your website. Meta tags should appear on every page of your website, with tags unique to each page, and are particularly important on your home page.

Meta tags are like a roadmap; they give directions to the Internet search engines that catalog your website. Properly structured meta tags, among other factors, contribute to more effective website rankings in the natural search results displayed by a search engine. It should be noted, however, that Google does not use the “keywords” meta tag for its main search results.

Leverage your most valuable keywords by including them in the title, description and keyword tags as well as the body of the web page text.

You can easily view your meta tags (in most cases) by following these simple steps:

- Open an Internet browser window
- Go to your home page or any web page you want to evaluate
- Select “View” from the top menu bar
- Select “Source” from the drop-down list of “View” options

Meta tag standards are established by the World Wide Web Consortium (www.w3c.org). A web page “document head” and “metadata” are addressed in Section 7.4 of the W3C Recommendations. The technicalities of meta tags are best discussed with your webmaster or an Internet marketing specialist. A list of sample meta tags is online at

www.legalexpertconnections.com/resources.html.

Keywords Remain Critical

Keywords are the currency of the digital economy, convertible into cash when online prospects become clients.

Internet-savvy legal marketers know the important keywords that drive traffic to their website, blog, or social media profiles. Finely-tuned descriptive terms and phrases can increase both the quality of the leads you receive and the likelihood of converting the lead to a client.

The concept of “population density” is a good analogy when thinking of “keyword density” for your website. In terms of population, we refer to the number of people living in a unit of measure (like a mile). Keyword density in web lingo means the number and frequency of keywords that appear on a single page in your website. The density ratio analyzes the correlation between the keywords

identified in your HTML meta tags and the frequency of keyword use in the copy headlines and the descriptive text appearing on your web pages. Don't go overboard in your use of keywords, however, or you might be penalized.

What is a "keyword"? A keyword is any single word, phrase or term that a user might enter when researching a topic on a search engine like Google or Yahoo!

A person looking for a divorce attorney, for example, might search on a number of keywords. If you are a divorce attorney, you need to know what terms people use to find a divorce attorney on the Internet. Here are some of the commonly used terms:

- Divorce attorney
- Divorce attorney California
- Divorce attorneys (note misspelling)
- Divorce lawyer Los Angeles
- Divorce lawyer NY
- Custody lawyer

Generalized keywords are likely to deliver a high volume of traffic to your website, but the visitors may not be sufficiently qualified. When this happens you end up wasting your pay-per-click budget on low value leads. If you are a copyright attorney, for example, you might want to test the following terms to see which phrases deliver the best results:

- Intellectual property attorney
- Copyright attorney
- Copyright lawyer
- Software copyright attorney
- Entertainment copyright attorney
- Fashion copyright attorney
- Los Angeles copyright attorney

Use a variety of carefully selected keywords in the copy on your web pages or social media profiles to help search engines to categorize your services. Search engines send "spiders" to read these keywords when they visit your website. Spiders follow the site's page links and catalog your site according to many factors, including the copy text on each page, headlines, "ALT" tags that describe photos, and meta tags. All web page elements need to consistently reinforce each other in order to maximize your search engine ranking.

Pay attention to the use of keywords when writing your website copy. Use the term "divorce attorney" instead of just "attorney," for example. Many people also search on the term "divorce lawyer," so use both terms in your online advertising campaigns or web pages.

While divorce is used as an example, simply substitute the words that describe your particular practice area to make this work for you. Think of your site from the perspective of an end user in addition to a purely legal sense. A person looking for a "patent attorney" may inadvertently search for a "trademark attorney," as another example. Similar terms like these should appear on your site in a way that clarifies the services you do or do not offer.

A fatal mistake frequently made on websites is to place the words describing your legal service in a graphic format, resulting in no words of text for a search engine spider to read. Here's an easy way to test for this condition. Simply left click over the copy on your web page. If you can copy and paste the wording, then the search engines can read your web page. If you can not do this, ask your webmaster to update the web pages so that the wording is in an HTML format.

Leverage your most valuable keywords across all your business development efforts. Plant keywords in the headline of your press release, and post the release to your website. Sprinkle keywords in attorney biography pages as well as journal articles, social media profiles, and blogs.

Repeat keywords at least 3 to 5 times on appropriate pages within your website. Include keywords and phrases in headlines, subheads and photo captions.

Keyword density is very important in driving potential clients to your website. Investing a few hours of your time here will definitely enhance your online presence.

Search Engine Optimization / Marketing

Search engine optimization (SEO) is a set of techniques designed to increase the visibility of your website in the “free” or “natural” search engine results that typically appear on the left side of the search results page below any banner ads. Appearing on the first page of the natural search results for your primary keywords is extremely valuable in driving traffic to your website, since the majority of users prefer to click on a free listing rather than a sponsored ad.

An entire industry of search engine “optimizers” has developed to help companies achieve high rankings in the natural search results. This is very different from “pay-per-click” advertising, where you pay a predefined bid price to present a text ad when a web surfer is searching on keywords you specify.

Legitimate ways you can improve your natural search engine results include:

- Establish inbound links from relevant independent sites; 100 links is a good goal. Identify who links to your site now by searching on the term `link:www.yourURLhere.com` on Google (with the caveat that this is an imperfect science). Google Webmaster, when applied to your website, offers the ability to identify inbound links.

- Keep website content fresh with articles and copy that contain a high keyword density quotient

- Use a distinct title tag for each web page

- Take advantage of “ALT tags” that present a small text box when the mouse is placed over a graphic, like displaying an attorney’s name when the mouse is placed over their photo

- Maintain long-term URLs in regard to the number of years in service

Another factor that a search engine evaluates when categorizing a web page is the use of “anchor text” links or hyperlinks. This refers to the wording used in a clickable link that directs the page visitor to another page. For example, if you used a link named Business Litigation on your home page to take a visitor to the Business Litigation section of your website, the wording in the link can enhance your home page visibility in Google for that term.

Shady techniques have been used in the past to try to trick the search engines. If you choose to work with a search engine optimizer, make sure their methodology is consistent with industry best practices or you may be penalized.

One measure of search engine visibility is the Google “PageRank.” A numeric rank of 1 (low) to 10 (high) is calculated based on up to 200 factors. Considerations include the number and quality of inbound links to a page; page-based factors like words and images; and the history of page updates. Ask your webmaster for PageRank details.

Pay-Per-Click Advertising

Imagine being able to present your ad to a prospect precisely when they are searching for your services. Add to this dream the need to pay for your ad campaign only if you generate a website visitor.

Google AdWords and other search engine services put these features right at your fingertips. Known as “pay per click” (PPC) or “pay for performance,” you can present ads when a searcher is

looking for the exact key words that you specify. These are the ads that appear on the right-hand side of a Google page under the “Sponsored Links” heading.

More and more attorneys are discovering the benefits of online advertising. It is easy to see how this service is used. Just go to www.google.com and pretend you are looking for an attorney with searches like “Chicago employment lawyer” or “Texas patent attorney.” Text ads that appear on the right side of the screen under “Sponsored Links” are bids for new clients placed by enterprising attorneys.

Start your Google advertising campaign by setting up an AdWords account for only \$5.00. Click on the “Advertising Programs” link on the Google home page under the search box to get started. As a note of caution, be advised that Google AdWords has become much more complex in the recent past as it has added new features and reporting capabilities. You may wish to confer with an AdWords consultant for the most cost-effective use of your advertising budget.

Here are some answers to frequently asked questions about AdWords:

- You specify the bid price you are willing to pay per keyword (usually \$.50 and up, up, up)
- You can establish a daily budget to control costs
- Select very specific terms and phrases to improve performance
- Screen out unwanted terms with a “-“ (i.e., –contingent)
- Geographic targeting is available and suggested
- Ad campaigns can be automatically programmed to run at certain days / times
- Campaigns can also be “paused” at any time

You owe it to yourself to at least test ads on Google. Of course, check with your state bar association first to make sure your proposed ad campaign conforms to advertising guidelines. Generally speaking, online ads are frequently treated like any other form of attorney advertising.

Other pay-per-click services are offered by the 2010 Yahoo! Microsoft Search Alliance, as well as other providers. Google is the search engine leader, however, with 72% of the search market in December 2009 according to Experian® Hitwise®. Yahoo! is a distant second with a 15% share, followed by Bing with 9%. This explains why Google is the recommended starting point!

Explore opportunities to focus your pay-per-click advertising program geographically. Many online services now offer targeting at the local, state or regional level. You can even display your office location(s) on local maps offered by Yahoo! or Google, so prospective customers in your vicinity can easily view your location and contact information.

Social Media Publishing Strategies

“Social media” refers to a class of Internet and mobile-based tools for online networking, collaboration, and information sharing of user-generated content among web-based communities. These robust self-publishing opportunities reflect the second generation of the World Wide Web (“Web 2.0”), which is moving away from static web pages to more dynamic interaction between people and businesses around the world.

The expression of ideas now moves freely across text, audio, video, multimedia, and other digital forms. While social media users tend to be younger – 73% of online teens and 72% of young adults in the fall of 2009, compared to 40% of adults 30 and older, according to the Pew Internet Study – the movement will extend rapidly to all age groups.

Your law firm is likely to find that starting with a social media strategy will result in a more coherent, professional presentation for your online communications. Here are seven best practices that can make your social media campaign more manageable:

1. **Establish your goals.** Identify the purpose of your online publishing campaign, your ideal target audience, your messaging strategy, and your pre-determined definition of success.

2. **Assign a social media manager.** Put your marketing department, another internal person, or a consultant, in charge of your campaign. Avoid the temptation to give this responsibility to an attorney, since their priority needs to be with clients and courts.
3. **Create an editorial calendar.** Select your topics 6-12 months in advance. Pick one main topic per month, and then break it down into weekly articles. Assign copywriting to appropriate attorneys (or freelance writers) based on their expertise. This gives you the ability to meet your publication schedule by preparing materials at your convenience. Of course, your calendar can be interrupted for breaking news as needed.
4. **Leverage your editorial content.** The RSS feed on your blog can be used to automatically populate your Twitter, LinkedIn, and Facebook accounts. Free online tools like HootSuite, TwitterFeed, or TweetDeck make it easy to manage these data feeds, freeing you from creating new content for each social media outlet.
5. **Engage your audience.** Social media is, well, social. Readers will comment on your posts, “retweet” articles of interest, and generally add a viral element to your campaign. Your social media manager can monitor and respond to this activity on a daily basis.
6. **Build your audience.** Attracting followers to your social media campaigns takes time and perseverance. Add a button featuring your blog, Twitter, LinkedIn or Facebook applications on your website, emails, email signature lines, and other relevant places. The more active you are online, the faster your audience will grow.
7. **Monitor and evaluate your results.** Common success measures include new clients, requests for proposals, positive feedback from existing clients, an increased number of online followers, favorable press coverage, requests for speaking engagements, and better search engine visibility.

Finding the right internal management practices for a social media campaign can be a sensitive topic. Ideally attorneys should personally manage their social media communications, online profiles, and topical blog posts. In the real world, however, this is not always possible or practical. Your firm will need to seek a professional and ethical balance between attorney involvement and needed marketing support.

There are many ethical issues associated with social media marketing, and you will want to be properly informed. An attorney licensed in one state who answers an online question from a consumer in another state may be acting improperly, for example. Check with your state bar association or resources listed at the end of this chapter for guidance.

Is social media right for your firm? You will need to decide, keeping in mind that social media will move forward with or without your participation. Why not join the conversation?

Start a Blog

What is a blog? It is short for “web log,” and a popular way to self-publish online. You can actually syndicate your articles using an “RSS” (really simple syndication) feed, making this an effective way for experts to showcase their specialized knowledge.

Think of a blog as a form of an online journal, with frequent postings and observations on items of interest. Most blogs focus on a narrow subject area, which is ideal for attorneys. Hyperlinks to articles, websites and other blogs make this a very interactive medium that encourages audience participation.

The best way to understand a blog is to study a few of them. The ABA maintains a directory of over 2,500 legal blogs at www.abajournal.com/blawgs/. Technorati, a leading blog search engine at www.technorati.com, indexes millions of blog posts in real time for high search engine visibility.

Here are five good reasons to start a blog:

1. Blog software is frequently free or nominally priced

2. Blogs can increase your search engine rankings
3. Reporters can find you online
4. Postings can get widespread distribution through syndication
5. Prospects can get to know you better before retaining you

If you like to write and have information to share about your area of expertise, a blog can be a useful marketing tool. If you do choose to write a blog, be sure to moderate any blog posts to prevent spammers from posting unwanted links or comments.

Look before you leap into a blog; it is deceptively easy to start blogging but extremely difficult to maintain momentum over the long term. Launching a professional looking blog requires careful advance planning. Most importantly, make sure you are willing to devote the time to maintain your blog with high quality and timely information. Just because you get busy is no excuse to neglect or abandon your blog.

Create a strategic framework for the type of information you intend to publish; it is best to focus your blog on a specific topic. Post new content frequently to keep your blog fresh. Take advantage of syndication features to expand the reach of your blog. Establish reciprocal links with other legal or industry bloggers.

See www.legalexpertconnections.com/resources.html for a current list of blog service providers. Also check with your website hosting service. Visit the author's blog at www.rainmakingclub.com.

LinkedIn

LinkedIn (www.linkedin.com) is an online networking site for business professionals, encompassing 150 industries and 200 countries. In addition to helping people find you online by name, location or title, LinkedIn enables you to connect and collaborate with your peers and prospective clients.

The basic LinkedIn service is free, and designed to meet most if not all of your initial online networking needs. You can upgrade to paid subscription levels if and when you wish to take advantage of the InMail™ and other advanced features.

You can set up a LinkedIn profile for yourself individually and also for your law firm. Key features of your listings include the ability to post short real-time messages, and add links to your website, blog, and Twitter account. You can also feed in your blog posts or JD Supra articles, upload a PowerPoint presentation, list your upcoming speaking events, recommend people, and indicate books you are reading on your LinkedIn account.

Making connections, both online and offline, is the primary purpose of LinkedIn. Invite your clients, colleagues, and friends to link to you. In most cases you will want to extend these invitations one by one. You can also open your email address book to LinkedIn to automatically extend invitations, but this author does not recommend this approach.

Martindale-Hubbell now offers a LinkedIn connection within attorney and law firm profiles. When a LinkedIn logo is displayed on a Martindale attorney profile, a visitor can click on it to discover any mutual acquaintances by allowing Martindale to compare the respective LinkedIn contact lists.

LinkedIn can help you build new business in several ways. First, you will be more visible among your contact list. This can be particularly important when you need to stay in touch with people who are geographically distant. Second, you can arrange a personal introduction to a potential client by tapping into shared acquaintances. Third, you can become active in a LinkedIn “group” or answer questions posted by prospective clients.

Learn more at www.linkedin.com, where you can sign up for a free weekly webinar titled “LinkedIn 101: The basics of LinkedIn: Your Profile, Joining Groups, Settings, Search and more.”

Twitter

Twitter is a free, real-time messaging system that lets users send and receive 140-character messages. Popularity has soared since its 2006 launch, with 106 million Twitter users (as of April 2010) now sending 55 million “tweets” per day. The original Twitter concept was to ask “what are you doing now” as a way to stay up-to-date with members. Make sure that your tweets offer value to maximize your effectiveness.

Is Twitter right for your law firm? The answer depends on your clients, practice areas, and your willingness to devote some time to learning a new application. Here are three ways you can make Twitter work for you, whether or not you choose to build a highly visible Twitter profile.

First, monitor your clients, prospects, and competitors. You can actually do this with or without a Twitter account. Since Twitter profiles are public, you can visit Twitter accounts of interest on a regular basis. If you do have your own Twitter account, following someone else is as easy as clicking on the “follow” function available from each member’s Twitter page.

Second, search the Twitter stream for mentions of your name, client names, or topics of interest to you. Mining the Twitter feed is simple to do at <http://search.twitter.com/>, which acts like a typical search engine.

Third, stay on top of breaking news. Follow a specific topic on Twitter once you learn which “hashtags” apply. Examples include #SupremeCourt, #SCOTUS, or #techshow. Conferences are frequently assigned a hashtag, giving you the opportunity to follow breaking news and events tweeted by audience members without being present. See: <http://hashtags.org>.

Build your Twitter following in several ways. Most importantly, your Twitter following will grow naturally as you increase your online communications with interesting tweets. Invite your clients and friends to follow you by adding a button to your website, blog, and email signature line. As you start to follow others, many will follow you in return. One easy way to get started is to view the list of Twitter followers for some of your favorite legal publications or court-related sites. Follow those of interest to you, and many will return the favor.

Follow the author on Twitter at <http://twitter.com/rainmakinglady>. Learn about the basics of Twitter at <http://business.twitter.com/twitter101/>.

Facebook

Over 500 million people are active Facebook users, and many of them may need legal services! Lawyers with a consumer practice in particular (personal injury law, family law, trusts and estates) will want to take a close look at Facebook to see if it is the right for them.

Users spend over 500 billion minutes per month on Facebook, according to the company, and the average user has 130 friends. Half of Facebook’s active users log on to Facebook in any given day. Over 100 million active users access Facebook through their mobile devices.

Facebook started as a personal networking site, and has expanded to accommodate businesses also. As a result, it can be a bit confusing when you first try to set up a Facebook page for your law firm. Some important points to consider are listed below.

Facebook’s policy only allows one account per user, which means that if you want to set up a firm account it will be in two parts: 1) your personal “user profile;” and 2) a separate “page” for your firm.

A Facebook “page” for your business is a public profile that enables you to promote your legal services with Facebook users. This page is visible to unregistered people and also indexed in the search engines, which is an important search engine marketing feature.

What you see when you log in to your account as the administrator can be very different from what a visitor sees. You define the user experience based on privacy and other account settings that you specify.

Look at what other law firms or bar associations are doing on Facebook before you take the plunge. Online advertising within the Facebook platform is also available for your consideration. You may want to consult with an experienced Facebook or social media consultant as you plan your Facebook strategy.

Keep in mind that your Facebook page is designed to be highly interactive, with designated friends having the right to post information and comments to your “wall.” It is not the sort of undertaking that you should start casually and then abandon, since you will face potential risk to your online reputation.

Online Reputation Management

A downside to social media and user-generated content is that anyone can publish anything at any time, including false accusations, negative product reviews, or employee complaints. Proactive law firms will want to monitor the Internet continuously for mentions of their own and client firms, and take immediate action where needed.

One free and easy way to do this is to use “Google Alerts” for notification of breaking news. You will need to craft your search terms carefully in order to filter out extraneous material.

If you encounter questionable data online, the best policy is to respond quickly before the information in question becomes circulated more widely. Many sites now allow you to post a comment, or you can respond on your blog or other social media outlets. Responding on the same media platform is ideal (i.e., respond on Twitter to Twitter-based complaints).

Removing negative information once it is published on the Internet becomes very difficult and expensive, but there are firms that specialize in this work.

Overall, the best way to protect your online reputation is to make this part of your law firm’s social media strategy. Have a plan available in advance to determine what steps will be taken by whom if your online reputation is harmed in any way.

Podcasts

A “podcast” is an MP3 audio file posted to the Internet for broadcast distribution and downloading. Reflecting the ubiquitous nature of iPods and other mobile audio players, podcasts are quite popular among all segments of consumer and business markets.

Should you consider podcasting? The answer depends on your audience. If the majority of your clients are digitally dependent and tech savvy, it may be worth your while to test podcasting. Do not feel obligated to try podcasting if your client base does not warrant the investment of time and effort. See examples of online podcasts at www.pepperpodcasts.com hosted by the law firm Pepper Hamilton and also the Hellmuth & Johnson PLLC newsroom at www.hjlawfirm.com.

Podcast portals include PodcastAlley (www.PodcastAlley.com) and Podcast Pickle (www.podcastpickle.com). Justia.com offers podcast searches as of this writing at <http://blawgsfm.justia.com/blogs/categories/podcasts>.

Website Analytics

You can easily monitor key website performance metrics like your geographic sources of web traffic, keyword effectiveness, referring websites, user navigation patterns, and more with the use of

Google Analytics (www.google.com/analytics). This is a free service for up to several million page views a month.

When you sign up for an account you will receive about 5 lines of HTML code that your webmaster can quickly add to every web page you want to track. The program integrates information from your Google AdWords campaigns also.

Enterprise level services are available for larger websites, and a network of Google partners offers specialized consulting. Other firms also offer a variety of high quality website analytics services.

Add Video to Your Website

Streaming video on the web is now commonplace. Increasingly, law firms are finding that online video clips add value in the areas of seminar delivery, attorney interviews, practice development, recruitment or firm introductions. You can also integrate video with your press releases. YouTube (www.youtube.com), founded in February 2005 and now owned by Google, is a popular place to post your law firm videos. A 2009 test by research firm Forrester found that on the keywords for which Google offers video results, any given video in the index stands about a 50 times better chance of appearing on the first page of results than any given text page in the index. Talk to your webmaster and a local videographer about adding video to your site.

Submit Your Website to Google

Google is the #1 search engine in the U.S. and one of the five most popular Internet sites. Millions of people conduct over 10 billion searches on Google every month to find business and personal information.

It is free and easy to submit your website to Google's massive search engine. Simply go to www.google.com/addurl and enter the full path name and a brief description. You can enter your primary home page and/or specific pages within your website.

If your site is large as measured by the number of pages, speak to your webmaster about automation opportunities for full site indexing.

DMOZ

DMOZ is a well kept secret on the Internet. This authoritative directory at www.dmoz.org contains millions of URLs, all neatly catalogued and maintained by a community of volunteer editors. Also known as the Open Directory Project (ODP), it is called DMOZ because of its original domain name, directory.mozilla.org.

Google and other major search engines refer to DMOZ listings when locating and presenting search results, so a presence in DMOZ is important for your Internet marketing strategy.

Here is how you can use this free service:

- First, look up your firm name at www.dmoz.org to see if you are already listed. If you are, that's great and no further action is needed. If you are not listed, go to the next step.
- Find the appropriate category for your law service. In many cases this will be under the appropriate practice section for "Lawyers and Law Firms."
- Once you are in the category where you want to be added, click on "Suggest URL" in the top right banner. You will be presented with a simple registration page. Just fill in the blanks as directed and submit your information.

While DMOZ is free and can help your site gain exposure on major search engines, it can take weeks or months for your site to appear. Why? There are thousands of sites submitted every week, and it can take the editors a while to sift through everything. If you do not see your site listed within 60 days of submission, try again. www.dmoz.org.

Email Marketing

Email, frequently in the form of an enewsletter, is an effective way to stay in touch with clients and prospects on a regular basis because it is fast and flexible. Recipients can choose to open or ignore your email based on their interests and schedule. The cost of email is almost negligible when compared to direct mail, although each medium plays an important role in an integrated marketing campaign.

The ideal role for email is client retention; it is not recommended for client acquisition. Enewsletters and email updates are an easy way to distribute valuable white papers, client alerts, legislative updates, and other firm communications. Build your “permissioned” email list over time from client files, prospects who have expressed an interest in your firm, and website visitors.

Consider categorizing your email list so that you can send targeted messages to recipients based on their specific interests. A law firm with a large email list and/or many practice areas will want to maintain some type of a practice group category field in their email address database, for example. This enables you to select a carefully targeted practice group list for specialized industry messages, when needed.

You can choose to configure your email messages using either a text or HTML format. Some recipients may prefer one format over the other, so you might want to offer a choice. An HTML format delivers an inviting visual appearance that typically increases readership and response rates. A text format may be more effective if your message is particularly urgent. Whichever style you use, make the appearance of your email messages consistent with your overall firm branding.

Encourage interaction in your email campaigns by offering special features like “forward this email to a friend.” You will discover the leverage of “viral marketing” when you do this, meaning that you benefit from a “pass-along” value that increases your circulation.

Keep your email articles short and snappy, with an enticement to read the expanded article on your website. Interested readers will “click-through” to read the full version; monitoring the click-through rates will help you evaluate article popularity. You may even want to create special “landing pages” on your website to support email campaigns with the offer of additional information, like white papers on related topics.

Relevant statistics and the ability to track visitors to your website abound in the email world, so it is very easy for you to measure the success of your email or enewsletter campaigns. Open rates, click-through rates, forward rates, and response rates are just a few of the many ways you can evaluate the effectiveness of your email communications. Establish a set of benchmark metrics with your initial campaigns, and then monitor campaign performance on a regular basis.

Avoid sending attachments with an email broadcast. A best practice is to provide the first one or two paragraphs of a detailed article in the body of the email, then give a web link to the full article on your website for readers who want more detail. You will be able to monitor who clicks on the link with most reporting packages.

Be careful not to abuse your email list; the greatest concern is always over-use. Establish a regular schedule for your emails that is agreeable to recipients. Generally a monthly publication cycle is acceptable, with intermediate alerts if they are newsworthy.

Email is not recommended for customer acquisition for two primary reasons. The first reason is that email marketing is a “permission-based” activity. By law, you must have a relationship described

in the federal guidelines before you can add someone to your email list. Secondly, response rates are low when you are unknown to the recipient.

Remember to comply with the email marketing guidelines contained in The CAN-SPAM Act of 2003 (www.ftc.gov/spam) and Chapter 4.

Give Clients Extranet Access

An extranet is a private, online workspace that allows password protected client access to a repository of legal work papers. It is an excellent customer retention technique, since the extranet provides advanced levels of customer service while also increasing the client switching costs of changing firms discussed in Chapter 7.

Client teams within the law firm can easily share documents, hold meetings, and plan strategy with clients when working within the extranet. Document libraries, court calendars, billing information, and background on opposing counsel are just a few of the many information categories that can be managed within the extranet.

Communication and client service improves when an extranet is used to connect team members 24/7, regardless of their physical location. Law firms save money by reducing document delivery fees and save time by providing immediate document access to multiple parties.

Plan your extranet carefully, since the technical requirements can be complex. The need for confidentiality, high volume document management, version control, email messaging, and password administration are just a few of the many special considerations involved in building and maintaining an extranet.

Pay Attention to Your Email Signature

What does your standard signature look like at the end of your email? Does it just say John? Or perhaps it gives your full name but not your phone number. Make it easy for clients, prospects, suppliers and friends to connect with you. Here's a template you can adopt for your own email signature:

Your full name, Esq.
Firm Name
Address
City, ST Zip
Phone: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
Email: name@website.com
www.website.com
Your tagline here (optional)

Do not miss out on this simple opportunity to promote your contact information. Most email systems offer a simple administrative setting to control your signature block. You may also want to add a standard disclaimer recommended by your state bar association about attorney/client relationship.

You may also be able to customize the email signature block on your BlackBerry® device; speak with your firm's technology expert for details.

Webinars

Technology has combined the features of conference calls and seminars to create the “webinar.” This is a cost-effective, easy way to reach a large or small audience located anywhere within reach of the Internet.

Essentially, a webinar is an audio-enabled online PowerPoint presentation that you control. Guests can be sitting at their desks in 10 different cities, watching their computer screens, listening to you either through Internet-based webinar software or over the phone.

Consider a webinar when you want to introduce yourself to an out of town prospect, facilitate distance-learning CLEs, or conduct online seminars in your practice area. Pricing options generally range from a monthly or annual fee to a pay-per-usage format.

Pepper Hamilton LLP offers a list of past and future webinars as of this writing at www.pepperlaw.com/webinars.aspx, for readers who would like to see webinar samples.

Webinars are marketed like any other event, with invitations, direct mail, email, and word of mouth. Start to promote the event at least 20-30 days in advance and send a reminder notice to attendees the day before the event. The beauty of a webinar is that you can post it to your website for easy viewing long after the formally scheduled online presentation. Visitors can view the webinar on a self-guided basis.

Your selection of a webinar vendor will depend on pricing, ease of use and service. Cisco Webex and Citrix GoToMeeting are two of many webinar service providers.

Chapter 9 resources:

- Google, www.google.com. Google’s keyword suggestion tool is online at: <https://adwords.google.com/select/KeywordToolExternal>
- Marketleap, a Digital Impact Company, www.marketleap.com
- Page Rank Checker, www.prchecker.info
- Search Engine Land, www.searchengineland.com
- Search Engine Marketing Professionals Org., www.sempo.org
- Search Engine Watch, www.searchenginewatch.com
- Yahoo!, <http://searchmarketing.yahoo.com>
- World Wide Web Consortium, www.w3c.org
- Global Promote, www.globalpromote.com. Use the “Meta Tag Generator” under “Free Tools”
- Analyze your web page meta tags and keyword density at: www.seocentro.com/tools/search-engines/meta-tag-analyzer.html
- Online database of social media policies at <http://socialmediagovernance.com/policies.php>

ADVERTISING

Modern law firm advertising has a short history of only 30 years, following the U.S. Supreme Court decision *Bates v. State Bar of Arizona* in 1977. Legal advertising is now one of the important ways attorneys generate new clients, including the use of television, radio, print media, and the Internet.

Legal services accounted for \$411million in local and national broadcast spot television advertising in the Top 100 markets in 2009, according to the Television Bureau of Advertising, placing legal services in 10th place among the top 25 advertising categories nationwide.

Each state bar association regulates lawyer advertising in their rules governing professional conduct. The ABA recommends practices for legal advertising and client communications in Rule 7.1 through Rule 7.5 of the Model Rules of Professional Conduct. Advertising in a state outside of your home state may subject you to the advertising rules and regulations of the other state.

Any form of advertising that may be considered false, deceptive or misleading is generally forbidden by individual state bar associations. Some states require advance approval and/or the retention of marketing communications for a pre-defined period of time following public usage.

Print Advertising

Is print advertising in newspapers or magazines right for your law firm? The answer is “yes” for many firms. If this applies to your law firm, the question then becomes how much should you spend and where should you place your ads? These are major questions faced by law firms of all sizes.

The size of your business development budget will be a key determinant in your decision to advertise. Other factors include the competitive environment, the level of name recognition already enjoyed by your law firm, as well as growth objectives. Some law firms make a strategic decision to advertise heavily, while others advertise only on a highly selective basis. Prospects generally do not buy from an ad, but advertising does help to increase branding and visibility.

It takes five to six placements before a reader even starts to notice your ad, according to author Jay Conrad Levinson in his famous book “Guerilla Marketing.” This means that a *minimum* commitment of six to twelve ad placements is required before you can truly measure the results of a print ad campaign. Common advertising errors are to stop a campaign too soon or change the copy too often. Consistency and repetition are essential elements in most advertising campaigns.

Successful print ad campaigns work best within the context of a written advertising plan. Clearly identify who you want to reach, the message you want to communicate, and the corresponding frequency of placement. Determine in advance how you will measure leads generated from the campaign. Set a target return on investment (ROI), as expressed by the number of leads received, new accounts established, or required revenue levels.

There are several time-honored techniques you can use to maximize your advertising budget, including:

- Choose a smaller sized ad with a strong “call to action” like a phone number to call or a web page to visit as a lead generator. You can then focus your business development efforts on those who respond.
- Measure the response rate for every print ad with a unique phone number or mail response code to identify those ads that work best.
- Consider purchasing reprint rights to your ad; this allows you to extend the life of your campaign by including a copy of the ad in direct mail packages and presentation folders.
- Test less expensive classified ads versus display ads.
- Determine if you can establish an “in-house agency” to qualify for agency discounts.
- Ask your sales rep to inform you of remnant or unsold space, which is frequently discounted as a print deadline approaches.
- Advertise in regional rather than national editions where possible.

Law firm advertising is a complex subject and we can only scratch the surface in this book. Part of the complexity is due to state bar regulations; always remember to check for compliance with the guidelines in your home state as well as any other state where your ad will appear.

Television Advertising

Personal injury represents the largest category of legal advertisers on television. Family law, estate planning, immigration, tax, bankruptcy and workers compensation lawyers also use TV to a meaningful extent as a way to generate leads for their firms.

New firms breaking into a market for TV advertising need to budget 10% of the total “market spend” to establish a credible presence, according to one industry expert. For example, if the Chicago market supports \$3-\$5 million annually in personal injury TV advertising, a new advertiser needs to spend \$300,000-\$500,000 every year to establish name recognition. The top five spenders bring in 80% of personal injury cases in a market, reports the source.

Lawyers who advertise on television can see a return of \$5 to \$10 for every \$1 invested in ad costs, claims one industry veteran. Some law firms spend well over \$1 million per year on television advertising.

Less expensive alternatives are available, including “group advertising” programs. Under this approach, law firms can purchase leads by selected zip codes under the umbrella of a national TV advertising campaign. Group advertising gives smaller law firms a better ability to compete with rich competitors.

Famous TV celebrities are available to promote a law firm in some local markets. As a caveat, the use of a celebrity in radio or television advertising is prohibited in some states and strictly regulated in others. Check with the relevant state bar association if you are considering a form of advertising that involves an outside spokesperson.

Coordinating an effective television advertising campaign involves juggling many complex variables. The advertiser needs to make decisions on time of day, type of show, length of commercial and frequency of play, just to name a few considerations. Working through an existing advertising agency that specializes in law firms is a popular way to break into the market.

Incoming telephone calls generated by agency-sponsored TV advertising programs can be handled in a couple of ways. Some agencies provide a centralized call center and distribute leads on a pre-defined rotation schedule among multiple clients who share one geographic market. Other arrangements allow a law firm to purchase all the leads generated within a zip code.

Check with multiple service providers to determine which approach best meets the TV advertising needs of your law firm.

Billboard Advertising

Drive through almost any city in America and you are sure to notice billboards promoting legal services for personal injury, immigration, or divorce. Attorneys with a transactional practice who serve a consumer audience find that billboards can be an effective way to make the phone ring. Standard-sized billboards are identified below.

Bulletins, at 14' high by 48' wide, are the largest standard sized billboard available and offer high impact value. They are ideally suited for heavily traveled highways in high density areas.

Posters, at 10' 5" high by 22' 8" wide, are popular for commercial and industrial areas and on primary and secondary arterial roads.

Junior posters, at 5' high by 11' wide, offer lower cost options for urban neighborhoods and on secondary arterials. They are well suited to both automobile and pedestrian traffic.

Digital billboards are gaining increased market share, with bright lights and rotational messaging that attracts the eye. Messages typically change every 8 seconds, with about six advertisers sharing the same location.

Billboard pricing will be a function of the location you choose, the number of boards you rent, the length of your contract, and seasonal factors. Check with your local agencies for a price estimate. Remember that you will also incur design and production costs.

Leading national billboard agencies include Clear Channel Outdoor, CBS Outdoor, and Lamar Advertising.

Radio Advertising

As appealing as it might seem, radio is better suited to long-term image building than short-term lead generation. It is hard to write down a phone number when the listener is driving down the road or engrossed in an activity with the radio on in the background, which means that your primary goal on the radio is to reinforce name recognition.

Repetition is important under these circumstances, so undertake a radio promotion only when you can support a continuing campaign. Some law firms choose to advertise on their local National Public Radio (NPR) station as a way to build awareness in the corporate marketplace.

Yellow Pages

"Attorneys/Lawyers" is the 9th highest rated category in terms of Yellow Pages headings in print, according to the 2005-2009 Local Media Tracking Study published by the Yellow Pages Association. The same "Attorneys/Lawyers" category falls to 46th place for online directories, also according to the YPA.

Consumers are "ready to buy" when they refer to a Yellow Pages directory in print or online, according to the Burke 2009 Local Media Tracking Study based on 8,062 interviews. The survey found that 8 out of 10 print and Internet Yellow Pages searches were from people who said they intended to make a purchase decision soon. Over a third of consumers reported that they had made a purchase after finding local business information online or in print from the Yellow Pages.

Yellow Pages advertising can be one of the largest expense categories at many law firms. As mentioned earlier, one way to measure your return on investment (ROI) is to assign a unique incoming phone number to each Yellow Pages ad that you run. This will enable you to track the volume of incoming leads, as well as the quality of the lead measured by whether they become a client.

You can also ask non-competitive attorneys who currently advertise in the directory you are considering whether they find the investment to be productive. Of course, their results may differ from yours.

Ask every new prospect or client “How did you hear about us?” Keep track of this information over time and see what channels are most productive for you.

The art of effective Yellow Pages advertising is so complex that entire books are available on the subject, including two from the American Bar Association (ABA):

“The Lawyer's Guide to Effective Yellow Pages Advertising,” by Kerry Randall and Andru Johnson, 2nd Edition, ABA, November 2005.

“Yellow Pages Advertising,” Chapter 46 in *Flying Solo: A Survival Guide for the Solo and Small Firm Lawyer*, Fourth Edition by Kerry Randall, ABA, March 2006.

Chapter 10 advertising resources:

- Yellow Pages Association, www.ypassociation.org
- Association of Directory Marketing, www.admworks.org
- Local Search Guide, www.localsearchguide.org
- Outdoor Advertising Association of America, Inc., www.oaaa.org
- *Marketing and Legal Ethics*, by William Hornsby Jr., Third Edition, October 2000, American Bar Association.

LEGAL DIRECTORIES AND RATINGS

Directories serve as an excellent business development tool for your law practice. Whether your firm is large or small, a detailed listing in the right directory can drive qualified prospects to your website on a continuous basis.

Today there seems to be a proliferation of directories, both online and in print. The challenge to the attorney and legal marketer is to select the directories that are right for you. Each directory you select represents an investment of both money and time. How do you make the right decision?

Start by identifying your business development goals. What type of audience do you want to reach? Where are your clients located? If your firm has an international practice, you will want to achieve visibility through the use of those directories that provide a global distribution system.

Internet traffic is increasingly important today, so also evaluate the number of search options and associated display features offered by the publisher. Conduct some research on various search engines to see if the listings offered by a publisher under consideration will give you a boost in online visibility. Work with your webmaster to identify those directories that currently drive the highest volume of traffic to your website.

Listed below you will find information on a wide range of legal directories. Detailed information is provided on the major directory publishers, followed by a listing of additional directories that may serve the needs of a narrow or specialized audience. Lists over which you have little or no marketing influence, like *The Am Law 100* or *The Am Law 200* published annually by ALM Media Properties, LLC, are not included in this section.

Martindale-Hubbell Law Directories

Martindale-Hubbell® is the preeminent source of information on law firms and attorneys in 160 countries worldwide. Started in 1868 and now owned by LexisNexis®, Martindale-Hubbell manages a powerful database of over one million lawyers and law firms.

All U.S. and Canadian attorneys are encouraged to participate in the Martindale-Hubbell Legal Network at no charge. A free basic listing consists of the attorney name, city, state, county, peer review rating, ISLN number, and disclaimer copy.

Your basic listing can be enhanced with a “Professional Biography” for an additional fee. This in-depth overview includes your street address, phone number, website URL, practice areas, background on the attorneys in your firm, and other key facts to distinguish your firm from the competition.

The Martindale database of attorneys is available online and in various other media. Details at www.martindale.com

The Martindale-Hubbell Bar Register of Preeminent Lawyers™

In print for decades, this directory can be called “preeminent” just like the lawyers it features. The Bar Register is an annual guide to the attorneys and firms who have earned the highest rating in the Martindale-Hubbell Law Directory and recognized by their colleagues as outstanding practitioners.

If your firm has the honor of being included in this exclusive group of 8,900 leading law firms nationwide, you will want to proudly display a copy of the Bar Register featuring gold-leaf pages in your reception area. Clients and prospects will be impressed and gain a greater appreciation of your firm’s standing in the legal community.

Entries are organized by city, state and 77 practice areas. Each record includes names of members of the firm, names of associates and “of counsel,” full contact information, representative clients, and branch office locations. Details at www.martindale.com.

Martindale-Hubbell® Peer Review Ratings™

The prestigious “Peer Review Rating” system offered by Martindale-Hubbell was updated in September 2009 to include an average numeric rating, a rating term, and may include a certification mark. New designations appear below; the previously used CV® mark is no longer in use.

- AV® Preeminent™ (4.5 – 5.0)
- BV® Distinguished™ (3.0 – 4.4)
- Rated (1.0 – 2.9)

Client Review Ratings are also now in use by Martindale to supplement peer review data. Use of these systems is governed by very specific guidelines. More information is available at www.martindale.com or via email to ratings@martindale.com.

Super Lawyers

Super Lawyers, acquired by Thomson Reuters in February of 2010, publishes a series of annual magazine guides to the top 5% of attorneys within a state. Started as a 1991 special section in *Minnesota Law & Politics* magazine featuring top Minnesota lawyers, the concept has blossomed into attorney guides for every state. Super Lawyers also appear as advertising supplements in leading national and local newspapers and magazines. All issues combined, Super Lawyers publications annually reach millions of high-end consumers and lawyers.

Peer-nominations form the basis of the selection process, tallied from an annual mail ballot. Internal firm nominations are accepted but carry less weight than independent votes. Ballots are monitored to ensure fairness and minimize deception.

Selection to the Super Lawyers list can not be purchased. The publisher employs a rigorous process that includes: the creation of a candidate pool; candidate evaluation by Super Lawyers staff; peer evaluation by practice area; and selection based on firm size, numerical scores, and confirmation of a clean bar record. Each candidate is contacted to verify the accuracy and timeliness of data upon which a selection is made.

Super Lawyers also recognizes “Rising Stars,” attorneys who are 40 or younger or who have practiced law for 10 years or less. As of 2010, Rising Stars honors attorneys in California, Georgia, Idaho, Illinois, Massachusetts, Minnesota, Montana, Nevada, New Jersey, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington, Wisconsin and Wyoming.

Each state guide publishes on a different calendar cycle. Visit www.superlawyers.com for full, current details.

The Best Lawyers In America®

Best Lawyers compiles lists of outstanding attorneys by conducting exhaustive peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional peers. In the U.S., Best Lawyers publishes an annual referral guide, *The Best Lawyers in America*, which includes 39,766 attorneys in 80 practice areas, covering all 50 states and the District of Columbia. The current, 16th edition of *The Best Lawyers in America* (2010), is based on more than 2.8 million detailed evaluations of lawyers by other lawyers. The firm also publishes peer-reviewed listings in more than 48 countries around the world.

A listing in Best Lawyers is free, and can not be purchased. Attorneys must be voted in by their peers for every edition, whether they are a first time nominee or have been listed since the beginning.

U.S. News magazine will expand its signature series of rankings to include rankings of law firms, as compiled by Best Lawyers, starting with the October 2010 issue, preceded by publication on the *U.S. News* website www.usnews.com in mid-September. Details at www.bestlawyers.com.

Chambers and Partners

Chambers and Partners is the prestigious UK-based publisher of the world-famous guides to law firms and lawyers: *Chambers UK*, *Chambers USA*, *Chambers Global*, *Chambers Europe*, *UK Student Guide*, *Chambers Associate*, and *Chambers Asia*. Corporate General Counsel and other legal services purchasers consider a Chambers ranking to be an indication of excellent quality.

A listing in Chambers comes only after rigorous research into a firm's practice management, client relations, and legal track record. The research methodology has been approved in the UK by the British Market Research Bureau. Law firms and individual attorneys are ranked in bands on a scale of 1-6, with 1 being the best.

Law firms interested in receiving a Chambers rating are encouraged but not required to submit advance submissions online. These detailed applications provide factual information at the practice-group level. "Referees" are also identified so Chambers' researchers can contact an independent party to verify information about the firm and learn more about its operating environment.

The Chambers' team of 50+ researchers conducts thousands of in-depth telephone interviews annually. Chambers researches, compiles and launches completely new editions of each directory every year.

Chambers recognition is free, which also means that it can not be purchased. Once approved, a firm can pay to enhance its basic profile. Annual awards ceremonies are held in the respective country to recognize top performers. Visit www.chambersandpartners.com for full details.

The Legal 500

The *Legal 500 United States* is a guide to "the best of the best" national law firms, based on an independent analysis of the firms, their clients, transactions, and reputation. This is not a peer-reviewed process; law firm recommendations are determined by the publisher's editorial team. While it is not possible to purchase a listing in this directory, interested firms can request an evaluation by contacting the publisher in the U.S. See the editorial guidelines at www.legal500.com.

Other directories by this publisher include *The Legal 500 - Europe, Middle East & Africa*, and *The Legal 500 - UK*. Information on all firms ranked is readily available online as part of the Legal 500 news portal and reference center. The site provides convenient access to firms within key practice

areas, which also serves as a useful competitive overview of leading practitioners. www.legal500.com and www.legalease.co.uk.

More Legal Directories

AARP Legal Services Network is an online attorney directory (not a lawyer referral service or prepaid legal plan) available to the 39 million AARP members age 50+. Consumers seeking legal assistance for a will, home purchase, or estate planning can look up an attorney by practice area or location. Services may not be available in all states. Details at <http://www.aarpls.com>.

A.M. Best. Founded in 1899, A.M. Best Company is a full-service credit rating organization dedicated to serving the financial services industries, including the banking and insurance sectors. They publish *Best's Directory of Recommended Insurance Attorneys*, with 3,200 law firm listings, available in print as well as online. Client references are required for initial approval, and accepted law firms receive an attractive “BestMark” icon for display on their website. A.M. Best is particularly important for insurance defense firms of all sizes. www.ambest.com.

AttorneyFind.com offers attorneys online listings organized geographically and in over 70 separate practice areas, including personal injury, divorce, labor, bankruptcy and more. www.attorneyfind.com.

Attorney Locate, a part of the AllLaw.com network, is a directory of attorneys searchable throughout the U.S. and Canada. The network attracts online visits from consumers seeking the help of an attorney with expertise in personal injury, medical malpractice, wrongful death, sexual harassment, or any one of nearly 100 other areas. Three types of listings are offered: free, basic, and premium. www.attorneylocate.com.

AttorneyPages offers a national online directory of attorneys and law firms. <http://AttorneyPages.com>.

Avvo.com is a free website that “empowers consumers to handle their legal matters with confidence.” The site provides profiles and assigns rankings for lawyers in all 50 states and the District of Columbia; you may have an Avvo profile and not even know it. Avvo also offers client reviews, peer reviews, disciplinary records, a Q&A section, and paid online advertising. www.avvo.com.

Benchmark: Litigation, now in its third edition, is a print directory published by the Legal Media Group of Euromoney Institutional Investor PLC. U.S. litigation law firms are rated based on extensive face-to-face and telephone interviews; listings cannot be purchased. www.benchmarklitigation.com.

California Directory of Attorneys, published by Daily Journal Corporation. Basic listings are free to California attorneys who wish to be included. Enhanced listings are also available for an additional fee. The directory is updated twice a year; check with the publisher for submission deadlines. www.dailyjournal.com.

ELD Global Guide to Law Firm and Lawyer Directories 2009/2010 and **ELD North American Guide to Law Firm and Lawyer Directories 2009/2010** are published by ELD International, an international legal consulting firm. www.eldinternational.com.

FindLaw, a Thomson Reuters business, provides online legal resources for consumers, businesses, legal professionals, and law students. The FindLaw® Legal Directory lists 1,000,000 attorneys, cases, codes and online public forums. www.findlaw.com.

GCR 100 is an independent survey of the world's leading “competition law” practices, published by Global Competition Review. www.globalcompetitionreview.com.

HG.org, founded in 1995 by Lex Mundi, was one of the very first online law and government sites. The HG objective is to make law, government, and related professional information easily accessible to the legal profession, businesses, and consumers. HG.org and companion site

www.HGExperts.com draw more than 850,000 unique visitors each month. Basic listings are free, and the premium listing is very affordable. www.hg.org.

Justia offers a free detailed profile to any lawyer licensed to practice in the United States. Claim or add your profile at <http://lawyers.justia.com/>. The Legal Information Institute at Cornell Law School works closely with Justia on this project.

IFLR1000 (International Financial Law Review) is a guide to the world's leading law firms for corporate finance. Published by the Legal Media Group of Euromoney Institutional Investor PLC, this global guide provides rankings and analysis in more than 100 markets worldwide. www.legalmediagroup.com.

Lawdragon is a media company established in 2005 that combines legal news with a comprehensive database of the nation's best legal talent. In addition to a print magazine written by award-winning journalists, this Los Angeles-based publisher offers an annual guide to the nation's 500 leading lawyers, a free online database of more than 100,000 attorneys, and free legal news, including practitioner articles and posting of press releases. Free basic listings are available to all attorneys. More detailed attorney and firm profiles are available for additional fees. www.lawdragon.com.

Lawinfo.com offers online access to pre-qualified, pre-screened attorneys, and other free legal resources. The Lead Counsel Program is based on a certification process involving peer recommendations, bar checks, and minimum practice area experience. www.lawinfo.com.

Lawyers Diary and Manual offers online attorney listings and publishes print directories in the states of New Jersey, Massachusetts, New York, Florida, and New Hampshire. www.law411.com.

Lawyers.com, a service offered by Martindale-Hubbell, is a law directory for consumers and small businesses. It offers information about lawyers in the U.S. and over 160 countries, including credentials, practice focus, fees, office hours, and directions. www.lawyers.com.

Leading Lawyers Network. This service of Law Bulletin Publishing Company (www.lbpc.com) only lists Illinois attorneys who received high peer-review ratings in a statewide survey. Attorneys can not pay to be listed on the site, although they can upgrade their level of on-site visibility once they are selected. www.leadinglawyers.com.

Legal Directories Publishing Company produces state directories in many states, including Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. The firm also publishes online databases and the official directory for 14 state bar associations. www.legaldirectories.com.

Lexpert is Canada's leading source of news and information about the business of law. Publications and services include *Lexpert Magazine*, the Canadian Legal Lexpert Directory, the Lexpert US Guide, and other publications. Lexpert also maintains Canada's most comprehensive "who's acting for whom" legal transaction and lawsuit database. www.lexpert.ca.

Martindale.com is an in-depth database designed to serve the needs of law firms and mid to large-sized corporations. The site features a powerful Lawyer Locator with in-depth profiles on over one million lawyers and firms in the United States, Canada, and 160 other countries. www.martindale.com

Martindale-Hubbell Corporate Law Directory. Here is an invaluable business development resource for attorneys in private practice who work with corporate counsel. This single-volume directory of 35,000 in-house lawyers covers 1,800 corporate law departments. The Corporate Law Directory is also the official membership directory of the American Corporate Counsel Association. ACCA's 12,000 members are listed by name, chapter affiliation and committee membership. The directory is available in print, on CD-ROM, and online as part of www.martindale.com and www.lexis.com.

Martindale-Hubbell International Law Directory Attorneys with an international practice will want to be listed in this 3-volume guide covering 8,000 law firms and 100,000 lawyers worldwide. Country coverage includes “Algeria to Zimbabwe.” Firm records are self-reported and organized alphabetically, geographically and by practice area. Details at www.martindale.com.

Nolo publishes an online lawyer directory. Attorneys pay to create an in-depth profile that consumers can search by location, practice area, and other key terms. Every attorney in the directory takes the Nolo Pledge, promising to meet high standards of integrity, client communication and loyalty. <http://www.nolo.com>

Parker Directory of California Attorneys, published for 90 years, is now an integrated digital element of the LexisNexis® Legal Network. Information on the California legal community is available through Lawyers.comSM, Martindale.com® and Experts & Services. www.martindale.com

PLC Which Lawyer? is a searchable database of the leading lawyers and law firms practicing in the core areas of commercial law in over 100 jurisdictions around the world. Other products of the UK publisher Practical Law Company include *PLC Magazine* and *PLC Cross-Border Quarterly*. www.practicallaw.com

Pritchard Law Webs publishes legal articles and law firm information for Minnesota and Wisconsin. www.lawmoose.com.

Sullivan's Law Directory®. Sullivan's is the definitive legal guide for the Illinois market. Published since 1876, this annual directory includes attorney and firm listings, court rules, court officials, bar associations and much more. www.lbpc.com and www.sullivanlawdirectory.com

Vault is a website portal for job seekers and employers. Vault publishes more than 120 print and digital career guidebooks, including annual guides such as the Vault Guide to the Top 100 Law Firms and the Vault Guide to the Top 40 Accounting Firms. The legal market is covered extensively, including featured firms, diversity profiles and a firm directory. www.vault.com

Who's Who Legal, published by Law Business Research Limited, has identified the foremost legal practitioners in 31 areas of business law since 1996. They feature over 10,000 of the world's leading private practice lawyers in over 100 countries. Listings cannot be purchased. www.whoswholegal.com

Online Legal Matching Services

Online services matching consumers and attorneys have become very popular in recent years. In fact, the Federal Trade Commission ruled in a May 26, 2006 letter to the Professional Ethics Committee of the Texas State Bar that attorneys are not ethically restricted from participating in online legal matching services.

At issue was Texas Bar Association Ethical Rule 7.03, which prohibits a lawyer from paying a non-lawyer to solicit clients. The FTC ruled that online matching services are “... likely to reduce consumers' costs in seeking legal representation and have the potential to increase competition among attorneys.”

On the same subject, The Virginia State Bar proposed legal ethics opinion 1851, Participation in a Third-Party Internet Website, in 2009. The opinion was later withdrawn.

Several leading online attorney referral services are listed below.

Attorneys.com, offered by Martindale-Hubbell® LexisNexis®, matches attorneys with prospects in need of legal representation. Leads are screened by geography, practice area, and ability to pay. There are no upfront fees, and attorneys only pay for verified leads, according to the website. www.attorneys.com

Injury Board.com is a national network of nearly 100 member firms and 500 individual trial attorneys representing geographic regions covering most U.S. metropolitan areas. Consumers in

need of legal services are drawn to the site by frequently updated safety and injury news articles, legal analysis posted by attorney bloggers, and legal reference materials. www.injuryboard.com

Injury HelpLine. Injury HelpLine has a 20-year record of helping over 2.5 million people nationwide to connect to a local personal injury law firm quickly and at no cost to the consumer. www.injuryhelpline.com.

LegalConnection, a service of FindLaw® (a Thomson Reuters business), is a targeted client-development tool that connects law firms with consumers who need help finding an attorney. See www.legalconnection.com or www.lawyermarketing.com.

LegalFish is a Chicago-based company that provides an online forum to connect businesses and consumers with legal professionals by region with expertise in all areas of law. www.legalfish.com

LegalMatch is an online service that connects consumers and small businesses with local attorneys. Consumers submit case information online, which is then emailed to local registered attorneys for a response. www.legalmatch.com

WhoCanISue.com is a free (to consumers) online platform for people to find the right attorney, for any legal claim. www.whocanisue.com.

State and Local Bar Associations frequently maintain an online lawyer directory or a lawyer referral service. Check your state for details.

Online legal directories can be expensive. Research your options carefully and ask for references before selecting the service that you determine is right for you.

Chapter 11 resources:

- See www.legalexpertconnections.com/resources.html for a current list of legal directories.

MARKETING METRICS

Marketing is all about metrics. You have probably heard the saying, “You can’t manage what you can’t measure.” This is particularly true with marketing. Every dollar you devote to marketing and business development efforts should work to generate a return that is a multiple of your investment. As discussed in Chapter 1, adopting some type of a “SMART” (specific, measurable, achievable, repeatable, and timed) process will enable you to track inquiries and measure results through each stage of the business development cycle.

Listed below are some common marketing measurements that you can and should apply to your law practice.

“Response rates” measure the number of prospects who reply to a marketing campaign. Let us use an example of a special client alert about pending legislation that you mail to your in-house list. In the cover letter you offer a free consultation to speak one-on-one with a client about how this legislation might effect their business operation. If you mailed 100 client alerts and 10 clients called to schedule an appointment, you have a 10% response rate. This is also known as “lead generation,” and is a fundamental part of any healthy marketing program.

“Conversion rates” reflect how many prospects turn into actual business. Using the above example, if 2 of the 10 clients who scheduled a consultation actually retain you to modify their standard sales contract in preparation for the legislative change, you have a 20% conversion rate. The conversion is measured against the number of qualified responders rather than the entire mailing count.

The proposal process is one area where high conversion rates are critical. Making an effective presentation to a prospective client is very expensive in terms of marketing support, attorney preparation time, and possible travel expenses. Monitor your close rate very closely, and try to understand the prospect’s reasoning when you are not selected.

A low conversion rate could also mean that you are making proposals to unqualified candidates, who perhaps do not have the money or intent to use your services. If this is the case, you might try a “preliminary proposal” where you preview the key business terms and conditions that you intend to present. If the prospect shows signs of hesitation, you may not want to spend the time to prepare a full proposal.

Your “return on investment” (ROI) is the total net profit from a marketing campaign, divided by the total campaign cost. The initial ROI on some campaigns may be negative. While this is certainly not a desired outcome, the return can become positive over time as the value of new clients builds.

“Client lifetime value” (CLV) measures the total dollar value of your average client over the years they remain active with your firm. It is a function of the number of clients you have, the average annual revenue per account, and the years in service, offset by acquisition, direct and variable costs. The actual calculations to determine your exact CLV are very complex, involving multi-year analysis

and the use of a discount rate to arrive at a net present value. An awareness of the CLV concept can help you to foster long-term client growth.

“Retention rates,” discussed in Chapter 7, measure the percent of clients who remain with your firm year-to-year. It is a good idea to establish your benchmark retention rates for the past 2-3 years so that you can set relevant goals for future improvement.

“Source analysis” provides you with an understanding of how well various marketing channels are generating new clients for you. When a new client contacts you, ask how they heard of your law firm. Try to identify how much of your new business comes from client referrals, your referral network, your firm’s website, articles, speaking engagements, trade shows, or print advertising. Source statistics will help you fine-tune your future marketing efforts and allocate limited marketing dollars.

“Time to close” is a function of how long it takes you to sign a new client, measured from the date the prospect initially expressed interest to the time they actually retain you for legal services. You may not have the time or resources to monitor this metric closely. However, you should use some type of tracking system to maintain your pipeline and measure the conversion of leads from prospects to clients. Knowing your “time to close” will help you to streamline the process.

“Profitability” is a known measure that represents the ultimate, bottom line metric. What is the financial return you receive after all the bills are paid? A closely related measure is “customer satisfaction.”

Designate an in-house marketing professional or an outside marketing expert to help you evaluate your marketing investments and the returns generated. An experienced legal marketer will enable you to strategically create and implement a business development program that attracts qualified prospects to your law firm.

An excellent glossary of direct marketing terms is available from database expert and author Arthur Middleton Hughes at www.dbmarketing.com/articles/Art143.htm

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SUMMARY

Business development is a process and not an event, as stated at the beginning of the book. Attorneys who maintain a constant commitment to marketing their practice using the *Courting Your Clients* methodology outlined in this book will discover the secret to generating profitable new legal clients.

Start today by creating a marketing plan for your law firm or personal practice, using the convenient example that follows as a guide. Three key points to keep in mind are:

1. Focus your time and your practice
2. Educate rather than sell
3. Never stop marketing

Measure your business development results on a regular basis—at least quarterly—so you can continue successful activities and enhance or drop those tactics that are not producing the necessary results for you.

Everything counts! A written, integrated marketing plan will serve as an invaluable roadmap to position your practice, communicate with high quality prospects, and create long-term, profitable client relations.

Have fun. Be successful. Tell me about your wins as well as your disappointments. I will attempt to answer any questions you have about this book or your marketing program within 24 hours. Give me a call or send me an email to discuss your business development needs. Remember that we are available to assist you in implementing the *Courting Your Clients* business development methodology in your firm.

See www.legalexpertconnections.com/resources.html for any corrections.

Margaret Grisdela, Delray Beach, Florida, August 2010

1-561-266-1030 or mg@legalexpertconnections.com

APPENDIX 1

SAMPLE MARKETING PLAN

Attorney Marketing Plan

Checklist of Excellence for *Courting Your Clients*

Attorney name: _____

Time period: _____

Identify your areas of practice. Choose 3-5 priority practice areas per attorney.

1. _____
2. _____
3. _____
4. _____
5. _____

Identify your ideal services. Choose 3-5 priority service areas per attorney.

1. _____
2. _____
3. _____
4. _____
5. _____

Profile your ideal clients. Choose by industry, demographics, geography, etc.

1. _____
2. _____
3. _____
4. _____
5. _____

Identify the number of new accounts you plan to generate in next 12 months: _____

Identify the dollar value of new business you plan to generate in the next 12 months:
\$ _____

Identify specific business development techniques that explain how and where you plan to develop new accounts:

Speaking engagements

Publishing opportunities

Seminars and sponsorships

Public relations campaigns

Internet marketing

Referral networking and community involvement
(Who will you meet with and how often)

Membership organizations

Advertising and branding

Current and past clients: ideas for growth.

Client entertainment

Sell more services to existing accounts

Re-activate former accounts

Introduce new legal services

Identify “at risk” clients who need special attention

Identify items needed to support your growth goals:

| <i>What</i> | <i>Who</i> | <i>By When</i> |
|-------------------|------------|----------------|
| (Brochure) | | |
| (Website updates) | | |
| (Memberships) | | |

Write the “elevator pitch” you will use to introduce your services to others. Include your specific services, the audience you serve and the key benefits your clients receive.

Create a 12-month marketing calendar

| <i>Activity</i> | <i>Month 1</i> | <i>Month 2</i> | <i>Month 3</i> |
|-----------------|----------------|----------------|----------------|
| Speaking | Open | Open | Conference A |
| Writing | Open | Article A | Open |
| PR | Monitor news | Monitor news | Monitor news |
| Direct mail | Newsletter | Open | Client Alert |
| <i>Etc.</i> | | | |

Here are 7 important tips for business development:

1. Marketing is a process, not an event.
2. Put the Internet to work for you.
3. Never stop marketing!
4. Don't wait until you are desperate for business.
5. Educate, don't sell.
6. Maximize referrals.
7. Stay close to your current clients.

Need help? Call us at **1-561-266-1030** for ideas.

APPENDIX 2

CHECKLIST FOR SMALL FIRMS

Here are the top 5 priority items you can focus on to enhance your market visibility:

1. Build and maintain an active referral network.
2. Market to your existing and past clients. Periodic direct mail and/or newsletters can be very effective.
3. Practice your elevator pitch.
4. Present a professional image with your website. Keep your practice information and attorney biographies up to date. Maximize your website visibility with meta tags and keyword density. Consider use of Google products.
5. Register with Martindale.com, Findlaw.com, HG.org, Avvo, Justia, and other legal directories. Many offer free as well as paid listings.

Supplement the above “must have” items with the following:

1. Schedule speeches and seminars.
2. Write substantive articles for legal and trade publications.
3. Get involved in a leadership capacity within your community.
4. Maintain strong media relations.
5. Invest in high quality stationery and collateral materials.

Solo practitioners and small law firms will find this to be particularly helpful. Many of these activities are free; they just require time and effort on your part.

APPENDIX 3

TEN MARKETING MISTAKES

Here are ten common marketing mistakes that attorneys make:

1. Market sporadically without a plan.
2. Fail to differentiate yourself from the competition.
3. Lose touch with qualified new prospects.
4. Abandon your marketing effort when you get busy.
5. Focus on only one or two marketing channels without a fully integrated program.
6. Overlook valuable speaking and publishing opportunities.
7. Waste too much marketing time talking to other attorneys.
8. Limit PR to the announcement of new hires.
9. Ignore state bar guidelines on attorney advertising.
10. Terminate a long-term marketing program after the initial campaign.

Avoid these simple mistakes and you will see a dramatic improvement in your marketing efforts. See Chapter 1 for more details.

APPENDIX 4

LEGAL MARKET OVERVIEW

There are over 1.18 million licensed attorneys in the United States, according to the American Bar Association (ABA). Approximately 43,588 new lawyers emerged from the nation's 200 ABA-approved law schools in the academic year 2008-2009.

Where do all these attorneys practice law? The vast majority—74% in the year 2000—end up in private practice, according to ABA research. Other attorneys work for the government (8%), private industry (8%), are inactive (5%), work in the judiciary (3%), or select other roles in education, legal aid, or private associations.

Looking at the legal market in terms of the number of law firms, there were a total of 176,009 law firms (including solos) serving the U.S. in 2007 according to the U.S. Census Bureau. The vast majority of law firms (73%) employ 1-4 attorneys, while 15% of law firms have 5-9 attorneys, 7% employ 10-19 attorneys, 3% have 20-49 attorneys, 1% employ 50-99 attorneys, and less than 1% employ more than 100 attorneys.

Lawyer offices (defined as the primary component of NAICS code 5411) generated \$170.8 billion in 2002 revenue, according to the U.S. Census Bureau. In an industry where profits per partner routinely exceed \$1 million for top tier firms, according to *The American Lawyer* published by ALM Properties, Inc., the law is big business.

While it may be hard to imagine, U.S. state courts registered 103.7 million total incoming cases in 2007 alone, according to the National Center for State Courts (NCSC). The majority of these lawsuits (56.3 million) involve traffic matters, followed by 21.4 million criminal cases. Not all attorneys handle litigation, but those who do have plenty of work to keep them busy.

Median starting salaries for first-year law firm associates in 2009 ranged from \$70,000 for firms of 2-25 lawyers, to \$145,000 for firms of more than 500 lawyers, according to the National Association for Law Placement (NALP). Associate starting salaries have actually declined in the major markets from a recent high of \$160,000, according to the ABA. Only 23% of the 2008 graduating class were fortunate enough to be hired at this level, reports the ABA, while 42% of 2008 law school graduates accepted positions paying \$65,000 or less.

The U.S. Bureau of Labor Statistics reports that the mean annual wage for lawyers in May 2009 is \$129,020 based on 556,790 positions. Census Bureau data is lower, indicating an average annual lawyer salary of \$76,958 for 2007 based on over 1.1 million positions.

While the law can be a lucrative career, it is expensive to become a lawyer. The 2008 average annual private law school tuition was \$34,298, according to the ABA. Public law schools averaged \$16,836 per year for residents (\$28,442 for non-residents) during the same school year.

As you might expect, many law school students find it necessary to borrow money in order to finance their legal education. The average amount borrowed for law school in academic year 2007-2008 was \$59,324 for public schools and \$91,506 for private schools, according to the ABA.

Law firms employ an average of one full-time marketing person for every 30-35 attorneys, according to the 2006 BTI Consulting Group survey, "Benchmarking Law Firm and Business Development Strategies." The average law firm marketing budget spent on promotional campaigns is approximately 2-3% of gross revenue (excluding marketing staff compensation and benefits), depending on the firm size, location, and age.

The average large firm business development (not necessarily "marketing") budget reported for 2009 was \$2.7 million, up approximately 17 percent from 2008, according to the fifth annual "Law Firm Business Development Practices Survey" issued by ALM Legal Intelligence (www.almlegalintelligence.com). This is your competition, and you need to be prepared with a focused business development plan that will increase your visibility and make you the attorney or law firm of choice.

Here are five underlying legal industry trends that underscore the importance of an emphasis on business development:

1. Consolidation and downsizing. Driven by the credit crunch and partner defections, highly respected law firms have dissolved seemingly overnight. Starting with Heller Ehrman LLP in September, 2008, examples include Thelen LLP, Thacher Proffitt & Wood LLP, WolfBlock LLP, and the intellectual property boutiques of Darby & Darby PC and Morgan & Finnegan.

2. Layoffs and delayed start dates. Almost 15,000 positions (5,772 lawyers and 8,924 staff members) were cut within law firms between January 1, 2008 and April 8, 2010, according to the "Layoff Tracker" maintained by Law Shucks (www.lawshucks.com). Delays in new associate hire dates is a closely related trend, with some deferrals belatedly turning into offer rescissions according to the website Above the Law (www.abovethelaw.com).

3. Alternative billing. Is the billable hour dead? No, but the pressure is on for alternative forms of billing. Law firms are responding, according to the 2010 Law Firms in Transition survey published by legal consulting firm Altman Weil. Most of the 218 law firms responding to the survey, including 95 of the country's 250 largest firms, offer multiple billing options, according to a Law.com article. (See www.altmanweil.com, www.law.com)

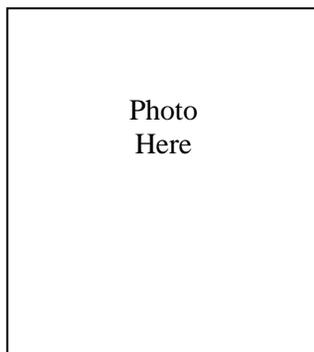
4. Outsourcing. Alternative law firm models are emerging, such as Outside GC, Axiom Legal, Virtual Law Partners, and Israel-based Outside Counsel Solutions. Offering senior attorneys for hire on contract basis, these firms offer a competitive value by hiring former BigLaw partners but eliminating all the high-cost trappings of expensive offices.

5. ACC Value Challenge. The Association of Corporate Counsel, with over 23,000 in-house counsel members, launched the ACC Value Challenge on September 26, 2008. Based on the belief "that the value of legal services is increasingly divorced from the appropriate (and ever-rising) cost of those services," ACC now provides members with briefing papers and seminars to help in-house counsel initiate a "Meet. Talk. Act." evaluation process with outside law firms. (See www.acc.com/valuechallenge/index.cfm)

This book outlines many ways that you will be able to increase your business development skills at any point in your career, whether you are a new law school graduate or a seasoned professional.

APPENDIX 5

SAMPLE ATTORNEY BIO PAGE



First Name I. Last Name

Title (Optional)

Address 1

Address 2

City, State Zip

Phone: XXX-XXX-XXXX

Fax: XXX-XXX-XXXX

Email: first.last@firm.com

Insert a brief narrative description here of the attorney's expertise.

Practice Areas

- Practice area 1 (these can be clickable to associated Practice Area page)
- Practice area 2
- Practice area *N*

Representative Experience

- Describe Matter 1
- Describe Matter 2
- Describe Matter *N*

Industry Experience

- Industry 1
- Industry 2
- Industry *N*

Professional and Community Activities

- List Bar Association memberships, one per line

- List trade association memberships, one per line
- Identify any pro bono or community activities (with years as relevant)
- List any board positions (current or past, if relevant)

Awards and Recognition

- List Martindale rating here, if relevant
- Award 1
- Award 2
- If not relevant, delete this section

Publications

“Title,” by Author Here, *Publication Name*, date.

Admitted to Practice

List states
List courts

Education

J.D., Law School, Year
Undergraduate Degree, School, Year

Languages

Language 1
Language 2

#

NOTES

- Client permission is required if you wish to reference a specific matter or account.
- Consider adding a downloadable v-card to each bio page.
- Give site visitors the option of downloading each bio page as a pre-formatted PDF, designed in a manner consistent with the look and feel of the web page.
- An “email this page” button encourages sharing and referrals.

About Margaret Grisdela

Margaret Grisdela is the President and Founder of Legal Expert Connections, Inc., a national legal marketing agency concentrating in marketing and business development for attorneys and forensic experts.

Ms. Grisdela has over 25 years of experience in information management, marketing and operations. She is an “information strategist,” which in today’s information age means helping clients stand out in the marketplace through targeted marketing, messaging, and positioning. She worked for some of the nation’s largest publishers, including McGraw-Hill, Prentice Hall, Thomson Financial and VNU Publishing, before founding two successful marketing companies. Her corporate management experience includes responsibility for divisions with hundreds of employees and budgets of up to \$30 million.

Ms. Grisdela spent almost 20 years in an executive capacity collecting and disseminating SEC filings data for attorneys, accountants and investment bankers, including responsibility for managing a contract with the SEC to convert paper filings (pre-EDGAR) to archival format.

She is a member of the Legal Marketing Association, a founder of the South Florida Technology Alliance, 2005 President of the Florida Direct Marketing Association, and 2008 Co-Chair of the Legal Marketing Association South Florida City Group. She holds a B.A. from Wayne State University and an MBA in Finance from The George Washington University. In her free time, Ms. Grisdela and her husband enjoy exploring Florida’s natural beauty.

She is available to assist you in implementing the *Courting Your Clients* business development methodology in your firm. You can reach her at mg@legalexpertconnections.com or 1-561-266-1030.

About Legal Expert Connections, Inc.

Legal Expert Connections is a national legal marketing agency concentrating in marketing and business development for attorneys and forensic experts in the U.S. and internationally.

Think of us as your legal marketing department. We can assist you with:

- “Courting Your Clients” business development campaigns
- Internet and social media campaigns
- Speaking engagements
- Article placement
- Website development
- Law firm brochures and newsletters
- Publicity
- Attorney marketing plans
- Advertising (Internet and print)

You can focus on your practice when we do the marketing. We work with law firms and expert service providers of all sizes, including solo practitioners, on a project or retainer basis.

Contact us to discuss your marketing needs at 1-561-266-1030 or mg@legalexpertconnections.com.

