

# **A Short Course in Great Marketing**

Presented by Dustin A. Cole

Master Practice Advisor

Attorneys Master Class

## **Session 1:**

### **Identifying and Capturing Your Market**

**How you approach building a highly successful practice is critically dependent on the marketplace where you are attempting to establish or expand that practice.**

#### **Big City Marketing**

The vast majority of attorneys in America build their practices in major metropolitan areas, for a variety of reasons. It may be their home community, where they went to law school, where they live or wish to live, and where they believe they have the best potential to build a successful practice. But, while there may be more potential clients, there is also a dramatically greater number of lawyers, and a lower ratio of clients to lawyers.

The traditional path in larger communities is through larger firms, which gives young attorneys the opportunity to establish both skills and network. Unfortunately, unless the attorney is able to gain such a position, a large metropolitan area is not always the best place to build a practice.

Young attorneys who must start out on their own in such areas usually must start at the bottom with a "commodity" practice – that is, a practice that does "threshold law," and less complex work such as DUI, traffic and criminal defense; residential real estate, incorporations, LLC's, simple wills and uncontested divorces, etc. Unfortunately, this is the very level where there is the most competition from other lawyers, as well as from basic legal software, websites providing basic legal documents, and increasingly, from websites such as LegalZoom.

In larger metropolitan communities, the most successful legal practices have developed highly focused identities: reputations as "the best in;" highly skilled in a specific practice area. To create such a position requires decades of work, not only in building legal skills, but in building a network of other professionals who perceive the attorney as their first choice for referrals in the specific area.

Unfortunately, in larger areas there is also likely to be serious competition even in the most narrow specialty.

Another path to financial success in a large Metropolitan area is not necessarily based on "the best in" but on "the most highly visible," meaning the most highly advertised. This applies for the most part to personal injury, it is a path seldom available to a young attorney due to its high costs. Broad advertising for more focused specialties has proven to be less successful.

### **Small Town Marketing**

Interestingly, while there is a surfeit of legal talent in virtually every larger metropolitan area, smaller communities around the country are increasingly bereft of legal talent as older lawyers retire or die. In fact, a number of states, notably Vermont, New Hampshire, Wyoming and South Dakota, actually have special programs designed to attract attorneys to smaller communities, or at least facilitate their relocation, even from other states, with such incentives as relaxed license transfer rules and, occasionally, financial subsidy.

Most young attorneys, fresh from law school, with high expectations and often desiring to live in areas with diverse social and entertainment opportunities, rarely consider opportunities in smaller communities. They perceive the choice of practicing a small town as a "lifestyle" choice, and one likely to seriously limit their income. In fact, many lawyers attempting to build a practice in a larger metropolitan area struggle, and their income expectations are never met.

The reality is that often, smaller communities present a highly profitable opportunity along with such a lifestyle choice.

Marketing in a small town environment is dramatically different from that of a large community. In the smaller community, reputation and credibility are again paramount. The attorney must establish themselves not so much as a specialist, but as the "first line of defense" regarding any legal issue: in other words, the "trusted advisor" who receives the first call on any legal matter.

In this situation, the attorney can still specialize to some degree, but now has the first choice of what legal matters to accept, and what to refer to others. In fact, this allows the attorney to create strong cross referral relationships because of their ability to refer out.

The bonus of a smaller town practice is that the attorney is much better able to achieve not only a reasonable income level, but a position of prestige, respect, and community leadership, in a shorter period of time.

### **Core principles of building a successful practice:**

Niche

Target market

### **Common Elements of Practice Building in Large and Small Communities**

In the smaller community, one of the secrets to success is the natural fact of a reasonably definable market area, and a reasonable access to communication with virtually everyone in the market area.

In the larger community, the most successful attorneys essentially create their own "small town environment" within their market by identifying specific "target markets." These may be small neighborhood communities, special interest or affinity groups, or focused business or special-purpose groups. For instance, an estate planning attorney may identify groups relating to families with special-needs children, farmers and ranchers, or specific trade groups. Like a small community, this allows the attorney access to a clearly definable group, with clearly identifiable avenues to communicate with them.

Within that "target market," then, both attorneys work to their niche. While both must build high visibility and trust, the small-town attorney does not strongly promote a specific practice area but rather promotes the niche of "trusted advisor."

The attorney in the larger market works to promote their specialty "niche" within their target groups, which they have identified based on their potential need for the specialty. Then within that framework they work to develop the trusted advisor position.

In effect, both attorneys approach building or expanding their practice in the same terms. Rather than "this is what I do," they approach it from the perspective of "where can I fill a need?"

The common element for both attorneys and their marketing is the need to build strong personal relationships and reputation within their defined communities. There is no shortcut or alternative other than massive and continuing advertising expenditures. And generally, such advertising has proven to be largely ineffective in promoting specialties beyond personal injury.

### **The Commodity Trap and How to Avoid It**

William Cobb, a practice management colleague based in Texas, has developed the "Cobb Curve of Value," which identifies four major categories of legal practices:

**Commodity practice** – a practice which provides a relatively low and simpler level of legal services which are available from numerous competitors and other sources such as the web, legal software, and forms banks. This level of practice is extremely price sensitive because the consumer sees little distinction between different lawyers, and between other sources. Their decision to hire (or buy) is driven almost exclusively by price. Today, this area of practice is immensely competitive, and prices for this level of work continue to fall.

**Brand name practice** – a practice wherein the consumer recognizes the firm or attorney name due to extensive "branding," which by and large through advertising. The client chooses the brand-name practice because of high visibility and name recognition, and because of the general perception by consumers that a product which has extremely high visibility must somehow be better than others. Branding has been very successful for personal injury firms, but far less successful in other practice areas and in more generalized promotion of law firms rather than individuals. **MORE ABOUT BRANDING IN SESSION THREE.**

**Value practice** – wherein the consumer recognizes a higher level of expertise and value, distinguishes the attorney from others, and usually expects to pay somewhat more for the value.

**Nuclear event practice** – a practice that is at an extremely high level of specialty (niche) which deals with matters of life and death, and where the consumer sees price as irrelevant.

### **How The Consumer Perceives Value**

Consumers, unless they are sophisticated frequent users of legal services, have very few tools and little or no experience in gauging the expertise or value of an attorney. Generally, the client will choose an attorney based on two subjective factors. First, what someone else has said about the attorney (referral), and second, their personal perception of the attorney – their emotional reaction to meeting the attorney. In other words, they will base their decision on what others have said, and how they "feel" about the attorney.

A key component of that perception is the referral. A client who searches for an attorney using the web, Yellow Pages, or other advertising has somewhat of a "commodity" view of the attorney. A client who has received a recommendation from a trusted source immediately categorizes that attorney as potentially more expert and more valuable than others. This creates an initial distinction beyond that "commodity" perception, and moves that attorney into a brand name or value position in the client's mind.

In other words, regardless of the area of the attorneys practice, a referral changes the perception of the client as to whether the attorney is commodity, value, or brand-name. And generally, it also changes the expectation of the cost of those services a referred client generally has some expectation of paying somewhat more than they might pay to a stranger from the web.

Put more succinctly, a referral almost automatically moves the client's perception of the attorney from commodity to a higher level. This is the core reason why referral marketing is still a linchpin of successful practices.

### **The Website Caveat**

There is a fallacy that, if your practice is driven mainly through referrals and you have a strong reputation, you do not need a website, or only need a very basic one.

The reality is that even the best attorney who does not have a website is losing significant business, because increasingly – almost as a rule – a prospect who has gotten a recommendation for a lawyer will search the lawyer on the web. If they cannot find the lawyer's website, or if the website gives a less than polished and professional appearance, the prospect is unlikely to contact the lawyer.

Every attorney in private practice should have a website. It need not be complex or expensive – in fact, increasingly there are sources where an attorney with a basic level of technical skill can create their own website for less than \$250. But however it was developed, it must portray the attorney in a positive, professional and polished light.

### **The Marketing Choices**

#### **Advertising – More to come in Session Three**

**Referral marketing** -- virtually every attorney can attribute some portion of their business to what is commonly referred to as "word-of-mouth." This type of business is simply referral business which is left to chance. A systematic and consistent referral marketing program builds long-term referral relationships without requiring large expenditures other than that of time. Referral marketing also creates prospects who are more willing to retain the attorney, and often willing to pay a slightly higher fee because of the increased perception of value.

From a practical sense, for most attorneys who cannot afford significant advertising and may not be adept at social media, referral marketing is essentially the only alternative, and therefore it is important for the attorney to both refine their skills and make sure that they are devoting a significant part of their time to this activity.

#### **Social Media – More to come in Session Three**

An alternative which has recently emerged is that of social media marketing. While social media marketing has potential, it can be immensely time-consuming and generally has extremely low return. Only a highly focused and efficient social media marketing program will produce any significant result. Conversely, dabbling in social media with no plan or structure will generally produce little or no results other than requiring immense amounts of time, and creating high levels of distraction.

## Session Two: Essential Tools and Skills Part One

### Hierarchy of attorney value in the practice:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

### Seven reasons people DO NOT refer or bring business to you

1. They don't know you – or don't know you well enough
2. They didn't think of you
3. They don't know what you do
4. They think you are too busy
5. They think you're too expensive
6. They think you're too inexperienced
7. They have a relative who is a lawyer

### The Four Core Principles of Personal Marketing

1. Talk to the Right People
2. Build Credibility and Relationship
3. Educate About What You Do And Who You Work With
4. Stay in Contact Consistently Over Time

## 1. Talk to the Right People

The most profitable practices are built on long-term referral relationships.

**Referrals are sent by people who** know you, like you, trust you -- and want to support you.

...And importantly, **people who have consistent ability to refer you the type of client you want!**

AVOID M-B-W-A...Marketing by wandering around!

### The Critical Contact Database

Use a contact management system

- Case management software

- Contact management software (<http://contact-management-software-review.toptenreviews.com/> )

- Outlook

Record and track –

- All referrals

- All referral sources

- All prospects

- All clients & former clients

Identify individuals who could be referral sources – add them to your list – seek ways to develop relationships.

Ask your good referral sources to introduce you to their colleagues



## 2. Build Trust Relationships

*"Things we value take time and nourishment. There's no "quick fix" for healthy, lasting, fruitful relationships."*

- Steven Covey, *Seven Habits of Highly Effective People*

The key technique for relationship-building: LISTENING!

*"Most of our listening is simply waiting for our next chance to talk."*

Treat them like you treat your friends –

Collect (remember) important information about them

Be interested, LISTEN

Thank them religiously when they help

Stop "marketing" and focus on relationships

Don't sell yourself (until asked)

Be interesting and not egotistical

BE PATIENT!

## 3. Educate About What You Do and Who You Work With

### Developing "Conversational Consciousness"

How you speak about yourself – and how others speak about you – begins or furthers the process of relationship, and eventually business, development. Conversely, traditional conversations often inhibit or even discourage relationship development.

### Anti-Conversations: Three Ways Attorneys Hamper Their Marketing

1. "I'm so busy" How attorneys tell others NOT to send business
2. "I didn't know you did that!" Most people you know do not know what – or everything -- you do. This includes other lawyers!
3. "He's a lawyer." We do not give our friends the language to help us, or our prospects to know how we might help them.

## The Value Statement

### Changing Your Communication Regarding “What You Do”

#### How would your spouse or friend introduce you?

To initiate or further a positive relationship with a referral source or a prospective client, your words must create a **POSITIVE DISTINCTION** between you and the listener’s image of “LAWYER.”

To do this you must change your perspective from legalese, and process– to consumer language and value. This transformation of how you speak about yourself helps prospects quickly grasp your potential value to them, and gives your friends the language to support you in generating new business.

## Asking for Referrals

The fundamental that underlies all referrals:

### **PROTECT my REPUTATION!**

The Reputation Conversation

#### Your objective:

1. To build trust and relationship
2. To explain your practice and the kinds of people you best serve
3. To understand their practice and who to refer to them
4. To encourage them to refer business to you

#### The referral request:

“As you know I work with people who...If you have a client or colleague who could use my help, *I’m always pleased to help in any way I can.*”

## 4. Consistent Contact Over Time

When marketing exists outside your practice and your life, it is at best sporadic and half-hearted. To develop a strong referral base, it is essential to develop systems and activities that keep marketing a constant within your practice.

### “Flurry” Marketing

The typical marketing pattern of the technician is frantic activity for short periods and no activity for long periods in between. Activity generally occurs when business slows.

- The result is:
- Few strong referral relationships
- Cyclical business
- An air of desperation around marketing activities
- Frustration for those expecting “immediate gratification”

**Basic “rule of thumb” for marketing activities: 5 marketing contacts each week.**

### **Creating the Systems for Consistent Contact and Top of Mind Awareness**

The most effective attorneys do not rely on their memory or conduct their marketing in a reactive, scattergun or sporadically manner. Rather, they set up systems which remind them and drive them to consistent, focused contact over time. The following are four examples of systems the attorney can set up to assure focused, efficient and consistent contact which builds and maintains relationship and top of mind awareness.

There are several types of acknowledgment systems the attorney should install in order to maximize both the relationship and “top of mind awareness.”

#### **System 1: Thank-you note and acknowledgement system**

One of the most important steps you can take to increase or maintain relationships is to always extend a “thank you” for a referral or assistance with making a contact, or an acknowledgement note when an important contact has been in the press, has had a personal or professional milestone, or has experienced a triumph or tragedy.

The reality is that at least 50% of referrals to the average law office go unacknowledged because the prospect did not make an appointment, do not become a client after an interview, or simply because the attorney didn’t remember – or didn’t think it important – to say “thank you” to the referral source.

Such lack of acknowledgement is not only callous, but can also result in damage to the relationship. If the referrer was not informed of the outcome of their referral and has a continuing relationship with the referred person, it can create uncomfortable, awkward moments with that person, since the referrer doesn’t know what to say to the referred person.

**To assure 100% consistent “thank-you’s for ALL referrals, use the following procedures:**

1. Using a form such as TP-13, Sample Prospect Screening Sheet, Every caller should be asked key questions, specifically “who can we thank for referring you?” within the first few moments of the call.
2. All forms for those who did not make an appointment are placed in a single stack and reviewed weekly.
  - a. For these, the attorney should at minimum send a quick e-mail to the identified referral source thanking them for the referral and letting them know they did not choose to make an appointment.
3. All forms for those who did make an appointment are placed in an interview file for the initial meeting.
  - a. For prospects who did not become clients, the attorney should place a brief “thank you” call, noting that they met with the referral, that they did not decide to work with the attorney, and thanking them for the referral.
4. For prospects who did become clients, the firm should have a standard File Opening Checklist which details exactly how the new file is to be opened in the computer system, and how the physical file is to be set up. The checklist should include an item as follows: “Identify referral source, hand write the address on a thank-you note, and clip the envelope and a blank note card to the front of the new file.” In this way the file will arrive on the attorney’s desk with the prepared thank-you note, and no thank-you to a referral source for a new client will ever be forgotten.

## System 2: Referral/Prospect Contact System

One way to make effective use of your contact management program is to always book lunches and marketing meetings on your calendar. Then, on your return from the meeting, take three steps:

1. Complete (close out) the scheduled activity so that you have a history of contact in the person’s file.
2. Make a few notes in their file relating to the meeting for future reference.
3. Diary a reminder to re-contact the person after an appropriate time.
4. If you are unsuccessful in reaching or setting up a meeting with the person, re-schedule it for a later follow-up.

This system is critically important because, when fully used, it keeps every one of your referral sources on your calendar in some fashion, and guards against losing track of a good contact for long periods.

### System 3: The Organizations and Activities Plan

To be truly successful at business development, it is important for you to be involved with key organizations and activities which relate to your target client and to your various categories of referral sources. This provides the opportunity to associate and connect with identified prospects or referral sources, and to meet others. Here are some of the steps to utilizing such organizations effectively.

1. Identify specific professional, charitable, civic, and business organizations which can facilitate:
  - a. Regular association with identified prospects and referral sources
  - b. Meeting qualified new contacts
  - c. Developing broader visibility with a target audience through
    - i. Involvement with committees, projects and activities
    - ii. Visibility in internal communications and publications
    - iii. Potential for broader community visibility through general media
2. Join any identified organizations where you are not a member
3. Have your assistant:
  - a. Obtain meeting and activities schedules for all organizations
  - b. Calendar all meetings and activities on your calendar
  - c. Make up a notebook with one page for each organization as per CD-20, Organizations and Activities Plan Worksheet (Appendix).
4. Take time to begin writing the names of key contacts who are members/involved with the organization or activity, as well as individuals who are not members but may be interested in being invited to attend a meeting.
5. Every Monday, review your calendar for the week to identify any upcoming activities or meetings.
6. Turn to the page in your notebook for the organization, and choose several people to call and ask if they are planning to be at the meeting. Remember, “the event is not the purpose.” The purpose of your contact is to maintain or increase relationship and top of mind awareness, and generate referrals or direct business.
  - a. If the person is planning to attend, make arrangements to meet them at the event, and spend a few minutes in friendly “catch up” conversation.

- b. If the person is NOT planning to attend, express your regret and spend a few minutes in friendly “catch up” conversation.
  - c. If you do not reach the person, leave a friendly voice mail message.
- 7. Within 10-20 minutes you will have accomplished 3-4 “relationship” contacts. Even a voice mail or email serves the purpose of creating “top of mind awareness “ (TOMA).
- 8. Any personal meetings at the activity is actually a bonus, because you have already made a personal contact and helped to maintain TOMA.

## Session Three: Essential Tools and Skills, Part Two

### **Advertising – How, Why – and If**

Advertising has proven effective for contingency firms, but in general, few attorneys in other practice areas who carefully track inquiries can attribute any significant new business directly to specific advertising campaigns. And those who continue to advertise do so for the larger purpose of “branding,” rather than an expectation of immediate return.

Even in the area of contingency, to be effective, advertising budgets must be large and continuous. The core issue with advertising is that its effect is relatively ephemeral, meaning that once the advertising stops, awareness by prospects of the attorney or firm begins to drop off.

It is important to remember that your advertising competes for the consumer’s attention not only against the advertising of other lawyers, but also with that of McDonald’s, Target, Macy’s – in effect, all advertising – including the advertising of contingency law firms.

It is a little-known fact that the nation’s largest personal injury law firm, Morgan & Morgan, based in Orlando, Florida with more than 170 lawyers, is actually a nearly full-service law firm, c=doing everything from divorce to estate planning. The reason is that their advertising, even though specifically focused on personal injury, constantly creates inquiries for virtually every type of legal work, based solely on the firm’s name recognition.

However, when focusing on a target market, advertising again becomes viable – and often even affordable. Target markets often have small but highly effective communications vehicles such as native language newspapers, radio stations, social organizations, and even websites. In these smaller groups, advertising becomes significantly more effective in helping the attorney establish visibility, reputation and awareness within that target market.

Within a target market, advertising is effective not only for “product” advertising – advertising of attorney services – but also for image-building, or “branding.” Using advertising to honor members of the organization, to congratulate the organization on a milestone or to support an event enhances the attorney’s relationship and visibility within the target community. Again, because of the size of the market, this type of advertising rarely requires high budgets.

### **Social Media**

Social media has unfortunately become the techno-version of “marketing by wandering around.” While it has potential for marketing, without a clear plan or target it can be

immensely time-consuming while producing extremely low return. Users spend considerable amounts of time creating visibility, likes and followers, rather than focusing on methods to produce business. In fact, social media without a plan can become an addiction, wasting time and creating dozens of distractions and interruptions every day.

Unfortunately, most of social media for business has moved away from conversations and interactions to bald-faced promotion – in other words, one way conversations. The vast majority of social media has become the equivalent of the highway billboard – a sales message looking for an audience.

## **The Five Principles of Social Media**

### **Who you should be talking to**

The strength and also the weakness of social media is that it can be globe-circling. It is not unusual for a social media user to have followers from around the world on their Twitter, Facebook, LinkedIn, Pinterest and other sites.

First, by and large, you should seek to interact with prospects in your market area. Unless you are a highly skilled and highly niche professional with a rarefied practice area, most if not all of your clients will come from an area reasonably close to your offices. Additionally, unless you practice at the federal level, you are licensed practice only in your home state.

Second, you should seek to engage with individuals who have some identify potential to need your services. For instance, if you are in estate planning lawyer, you may seek – or develop – channels to reach older citizens.

Third, you should seek to interact with professionals and other individuals who have significant potential to refer you clients. Just as in personal referral marketing, one of your major social media targets should be other lawyers.

### **What your messages should be**

It is important to remember that clients come to you because of "synchronicity." In other words, they come to you when there is a conjunction of their need and their awareness of you. So, just as in personal referral marketing, your social media plan should revolve around periodic communications that maintain "top of mind awareness."

Even if you communicate frequently on social media, if your message is all about sales and self-congratulation (as most social media for business seems to be), your audience will disengage, either officially by unsubscribing or blocking, or unofficially by ignoring your

communications. If this happens, you are whistling in the electronic wind. You have become an Internet boor.

Facebook, Pinterest and similar media have promoted the ultimate in narcissism. Too many posts are "all about me." For your audience, it is also "all about me." So, while your family and friends may be interested in your weekend excursion, those who do not know you personally may be less fascinated.

Maintaining the interest of your social media followers means providing information that is of interest or value to them, or by creating or engaging in conversations that are helpful or provide useful information. In other words, your feeds should always seek to be interesting, helpful or valuable. Such information need not always be about your professional skills. It may be about community activities and happenings or problems. It may point to other useful information – for instance, posting a link to an article or a helpful website.

The bottom line is that your message should seek to engage, inform, and support, so that they wish to remain connected – and remember you when their need for your services arises.

### **When you should communicate**

The narcissist posts on social media when something happens to them. The savvy individual who uses social media for business purposes posts when something happens in the world, or especially in their community which provides fodder for conversation, and current interest to their audience. For instance, on Veterans Day, a post linking to a thoughtful article or supporting website makes the message topical, poignant and hopefully, makes the posting individual memorable.

### **Where you should interact and post**

Your post will be most valuable when they focus on your target audience and market. In other words, you should seek out or create interest groups that best relate to the business you wish to attract. A business attorney would seek forums for business owners, corporate CEOs and counsel, and other professional groups which relate to the same target market.

### **How you should post**

Frequently, briefly, and interestingly. Frequently, because all of us are bombarded with literally thousands of messages of all types every day, and occasional posting does not build "top of mind awareness."

Briefly, because the attention span of most individuals has gone from minutes to seconds, and from paragraphs to "sound bites."

And interestingly, because "it's all about me." If your message is not relevant, valuable, interesting or intriguing, you will be forgotten. And if your message continues to be not relevant interesting or intriguing, you will soon be unfriended.

Finally, time spent on social media should be organized and managed, just as work and management. Rather than falling into the "impulse" trap – looking at sites or posting on impulse, the wise attorney schedules out specific time blocks each day and week and has a specific purpose or action plan, and does not allow social media to become an addiction – or an escape.

One simple way to keep social media from becoming an impulse issue is to track the time spent on social media just as you track billable, marketing and administrative time. In this manner the attorney can clearly see how and where they are spending their time.

---

Dustin Cole, President of Attorneys Master Class and LegalCEOnow.com, is one of the nation's leading advisors to law firms and lawyers. He has spoken at every solo & small firm conference nationwide, and is a regular CLE provider and speaker for more than 50 national, state and specialty Bar associations. He has worked with over 200 firms and more than 1000 individual attorneys in 30 states to help them increase revenues and deal successfully with change.

More articles and information on marketing and practice management can be found at

<http://www.attorneysmasterclass.com/>

<http://www.legalceonow.com/>

<http://resipsalawyer.com/>