

50 Marketing Ideas in 50 Minutes

ALA San Antonio presentation
Tuesday, May 21, 2002

Ross Fishman's tips

Don't shake hands.

Eliminate clichés from your marketing materials. Eradicate all your look-alike gavels, scales of justice, globes, maps, light bulbs, columns, courthouses, and the other too-obvious stereotyped icons used by all your competitors. You can't persuasively say you're different if you look exactly the same. See, e.g. www.rossfishman.com/form.cfm

Make it a show.

Lawyers don't think like normal people. If you're going to want to convince them of a new idea, think like they do. The typical lawyer personality is logical, and methodical, and has been trained to look at the opposite side of an argument; playing devil's advocate. So to persuade lawyers to agree to undertake your initiative, you must communicate to them using this same style -- slowly, precisely, and with lots of bullet points. Use consistent arguments with lots of examples, and anticipate their provocative questions. It helps to have lots of visual examples to help prove conclusively that it works -- just as they would prove their case to a jury.

Look different.

Find a way to look different than all your competitors. The last 50 firms I've worked with have all said the same thing, "we're smarter than the other firms." From solos to mid-sized firms, and global mega-firms, they're all smarter than the biggest firms. Without realizing it, apparently I've been lucky enough to only work with the top 5% of law firms. The problem is, even if it's true, so many firms say it that no one believes it anyway. Find something that really differentiates you and market that. It's hard to identify what that something is, but it's worth the effort.

Yeah you're smart. Get over it.

Every law firm claims to be smart, old, client-service oriented, strategic partners, and offering the full-range of legal services from ADR to Zoning. And they're the best at all of them. It's too broad a statement to be universally true. Further, if prospects didn't already believe you were at least smart enough to do their work, they wouldn't even be talking to you -- top-quality skills are just the price of admission. Clients want to know "yeah, what else?" You have to help them understand.

Don't join everything.

You (or your attorneys) should join no more than one or two civic, charitable, religious, athletic or local organizations within your areas of interest and **actively** participate. Head a committee, attend the functions, write articles for the group's publication and speak at the their meetings. You and your attorneys will get better results from saturating a small market than from joining everything yet not getting involved anywhere. Become a big legal fish in small industry pond.

Send your attorneys away.

Have them put on "real" work clothes, blue jeans and work boots if necessary, and visit a client/prospect for up to a week, learning about their facilities, products, personnel, contracts, etc. There's no more efficient use of an attorney's allocated marketing hours, or better way to cement a client relationship. And even though you didn't go for that reason, you always come back with new work anyway.

Find out where your best clients went.

Look at the annual billings from the firm's top clients from five years ago. Where are they now? Chart their annual billings on a graph for impact. Develop a strategy to resuscitate the relationship.

Discover where all these great clients came from.

Look at the annual billings from your firm's top clients from the most recent fiscal year. How did they attain those billings? Chart their annual billings over the past five years on a graph to display the gradual upward trend as they became more confident in your firm's ability and began to reward you with more and larger matters. (It also shows not to take small new clients for granted.)

Sometimes you don't have to look so darned scholarly.

Most law schools subtly teach lawyers that (A) the only worthwhile writing is esoteric, jargon-laden 50-page law review articles with arcane and ponderous footnotes, and (B) the only publications worth writing for are scholarly law reviews where these fit. More clients and prospects read their trade association or industry publications than *The Southeastern Northwestern Law School Transshipping Journal and Review*. Try to convince your attorneys that unless they are writing strictly to enhance their professional credentials/resume (another worthwhile endeavor), they can write a number of short, easy-to-write articles for trade journals in the same amount of time -- and with less effort. Incidentally, most marketing laypeople (i.e. lawyers) think getting published is magic and are reluctant to try. Make it easy for them.

Clients hire lawyers not law firms (IF they trust the firm).

Many clients need the personal protection of having hired a well-known and respected law firm in the event a problem occurs down the road. (They used to say, "No one ever got fired for buying IBM.") If your firm is not well-regarded widely enough to make it a safe choice, it may not matter **how** good your individual lawyer is, the client may select a competent lawyer from a safer firm off the short list. Recently, there has been a move to focus more marketing efforts on enhancing the name recognition of law firms. Not a bad long-term idea to run by the firm's management committee.

Timothy B. Corcoran's Tips

If you're not there, your web site should be.

Do you realize how often clients or prospective clients call your firm after hours and are put into endless voice response system hell, when all they seek may be an email address, a name or some tidbit of information that is easily found on your web site? In your after hours message, immediately after the "Hello, you've reached the offices of McKenzie Brackman" feel free to say "Please consult our web site at www.mblaw.com for answers to common question about our firm and lawyers."

Web site, redux.

Have you called your own switchboard and asked the receptionist, and the backup receptionist, and the receptionist that covers just while the others are at lunch, what the firm's web site address is? If you haven't, do so. You might be surprised at the response, or lack thereof. Back in 1995 when we at MH began to ask law firms for web site addresses, very often the response was "That's confidential information. Good day." Now more often the receptionists just don't have it handy.

Grandma was right.

After the conclusion of an engagement, a short, hand-written note thanking your client for the opportunity to represent them will go a long way and will differentiate you from the crowd. A GC at a Fortune 500 health care company on the west coast told me that in 10 years he has never received a single personalized thank you card, even after multi-million dollar engagements.

Thank you, redux.

Every piece of business correspondence you write should include some form of "Thank you for your business." You can also say "We appreciate your business," "We are pleased with the opportunity to do business with you," etc. Imagine how you would feel if as you left the expensive medical specialist's office she stopped you and said, "Hey, thanks again for your trust in me. I appreciate the opportunity to work through this with you." Would you remember that doctor's name?

Ask for the business.

When your lawyers leave the war room after spending hours preparing a presentation to pitch a prospective client, have they rehearsed how, and at what point, to ask for the business? Too often lawyers believe the impeccable logic of the presentation will invoke an automatic buying response. It does not hurt, and it is not crass, to say out loud, "...And in conclusion, we would be pleased to represent you on this matter. Are you interested in our services?" The possible responses are "Yes" (this is a good response); "No" (better to find out now than to sit by the phone for weeks); and "We don't know yet" (which leads naturally to the question: "What other information can we provide to help you with your decision?").

Silence is golden.

Try this sometime: in a conversation with someone and insert a 4-second pause every now and again. 90% of the time, the other person will start talking again before 4 seconds have elapsed. When listening to clients, if your goal is to find out what they are thinking, letting them talk is, ironically, a fantastic way to do so.

Practice active listening.

Remember the parlor game where one person tells a secret, and that person tells another, and so on, until the secret comes all the way around and it bears little resemblance to the original secret? Too often when listening to a client or potential client, we are mentally preparing the next witty remark or brilliant rejoinder and forget to actually listen. Active listening takes practice. Have your lawyers practice listening to each other and repeating back what they heard.

How to ask questions.

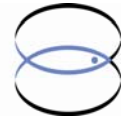
If your goal is to find out what your clients, or potential clients, are thinking, remember it's not a cross-examination. A cross-examination is often designed to lead to a specific conclusion. A client interview is designed to open up new opportunities. Ask good open-ended questions and then be quiet. "Why do you...", "How do you..." and "Can you explain..." are much better than "Are you...", "Did you..." or worst of all "How do you do X? I mean, do you do Y, Z or A? Or even B?" (This last questioning style is more common than you think!)

It's 10:00, do you know where your clients are?

Do you know the top 2 or 3 business (not legal!) concerns of your top 10 clients? Do you know the top 2 or 3 competitors of your top 10 clients? Why not? Are you absolutely sure your competitors don't know this? If you have an online service like LexisNexis, set up weekly bulletins to tell you these things. Assume your competitors do. Yes it will cost you money. Getting and keeping business somehow always does. Too many General Counsel tell me that their outside lawyers steadfastly avoid learning their business.

We require all prospective clients to visit our lobby and read our brochure before hiring us.

Have you said this: "We have a web site, therefore we can cut back on other marketing expenditures"? Relying on your web site to attract potential clients is like requiring them to come read your brochure in the firm's lobby. Just because this cool new tool you use *can* reach 10 million prospective clients does not mean it *does*. Do you know how your clients make buying decisions? Do you know what resources they consult? Do you know when in the decision process they might want to access each of your marketing tools? Can you prove it? If you insist on relying on your web site, what are doing to *drive* quality traffic?



Deborah McMurray's tips

Avoid binge marketing.

This is what follows the "Gosh, I'd better do some marketing" statement. Marketing isn't an activity that can be done in spurts or sprints--it won't work. You have to do a little something each day

Stop primping.

Firms that start their marketing by looking in the mirror do little more than see where they've been. They can't see where they are going, where their clients are heading—or where they should be 5 years from now. Flip the mirror so you're looking at your markets. Cool, eh?

Clean your ears.

Good lawyers know they have to listen, but only the best lawyers know how to "hear." When we listen, we filter out words here and there so, in the end, we hear only what we want to hear. The lawyers who REALLY HEAR leave their egos at the door—so their minds are open to whatever the clients are saying. Leave your ego outside.

"Only the facts, ma'am".

Stop playing DRAGNET and start focusing on the human being in front of you. What does this person need from you in terms of rapport and trust, so that you get the confidential information you need? If they need some time for warm and fuzzy, give it to them.

Your client's dollar is worth more than your dollar.

If you don't know how it feels to a client to receive your hefty bill with the 6 pages of disbursements, hire a lawyer and see how you like it. They'll charge you \$100 for every ten minutes they think about you, talk to a colleague about you, shower, drive, use their cell phone and travel by planes, trains or automobiles. How does it feel? Unless you've been a client and have had to pay a lawyer out of your own pocket, your client's dollar is worth more than yours.

"You like me, you really like me!"

How do you know if you don't ask? Survey your clients annually—better yet, interview them—and address any concerns they have with staffing, billing, *etc.* You can measure client loyalty. You just have to start. Measure each year to make sure you're actually improving. Your clients will tell you.

Don't treat your clients like children.

Don't talk down to them. Assume they are smarter than you and treat them that way.

The devil is in the details.

Your clients don't care if you're awake worrying all night. They pay you for their good night's rest. It's the forgotten detail that will destroy trust and break your relationship.

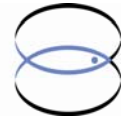
Let your 8-year old daughter read the invoice you're getting ready to send your client.

Can she understand it? If not, simplify your billing. If your accounting system is antiquated, don't make excuses for it—change it.

Don't double dip.

When your client buys you lunch and you talk business, don't charge your client for the hour you spent together.

There is such a thing as too much togetherness. Not all clients want to be wined, dined or entertained. Know your client and what he or she likes. Don't persist with baseball game invitations when your client can't stand it. She'll end up avoiding your calls. If they prefer not to socialize, find other ways to bond and keep your name in front of them. A thoughtful note, an article, a meaningful gift—better yet, a referral so they can increase their business.



Rick Klau's Tips

1. Change your home page daily.

Google, the leading search engine, adores current content - so much so that newer content will show up higher in the search results page. Furthermore, Google will visit your site more often - so that new content is often added to Google's index within 24-48 hours (instead of 6-8 weeks).

2. "There is a difference between knowing the path and walking the path."

Saying that you use e-mail effectively and actually using it effectively are two different things. Every e-mail that goes out from your firm is a chance to reinforce a key marketing message, invite recipients to a firm-sponsored event, or announce something new. Ensure that the default "signature" blocks that get added to your e-mails are consistent - they should correctly identify the firm, the tag line (if one exists) and standard contact information.

3. Let people steal your content.

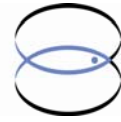
Ideas can and should be viral - the more interesting the idea is, the more useful it will be to someone else. Encourage others to publish your content - whether on their intranet, in their own communications, or on their own web sites. This is known as syndication - and the benefits are far wider distribution of your ideas, lower cost of distribution, and more direct contact with your prospects. Technology that facilitates this is simple (and in some cases even free), and can turn your web site into a "wire service" for clients and prospects alike.

4. Avoid random acts of PowerPoint.

PowerPoint can reduce some individuals to terrible representatives of your firm: unaware of how to smoothly operate PowerPoint, they end up distracting the audience from the presentation to instead focus on the individual's inept mastery of the technology. Even worse is the individual who discovers every single PowerPoint animation trick - and tries to insert them all into the same presentation. Clients won't be wowed by the latest dissolve, fade, or checkerboard animation - they want substance. Help your lawyers learn how to effectively communicate their ideas, and enforce standards throughout the firm (no more than 3 points per slide, no more than 8 words per item, etc.) Have a graphic designer create a standard firm template so that everyone can develop a professional-looking presentation without requiring additional effort.

5. Every image should have a reason.

Law firm web sites continue to insist on gavels, columns, spinning globes, courthouse steps, briefcases, scales of justice... Enough! We get it already. The fact is, these images don't distinguish your firm in any way - every other firm on the planet has tried them. (Do a search at Google images for "gavel" and you'll find more than 5,000 sites using an image of a gavel.) Instead focus on communicating the distinguishing characteristics of your firm - and use the imagery on your site to reinforce those characteristics.



6. Chat with your visitors.

When you walk into Home Depot, it's overwhelming. No matter how often you shop there, it still takes a while to get oriented. It's enormous, and even with aisle markings it is still difficult to find your way. Compare that with walking into the neighborhood hardware store - where the clerk behind the counter (who may be the owner) greets you, asks what you're looking for, and steers you in the right direction. Web sites today resemble Home Depot - and visitors often get overwhelmed trying to find what they're looking for. Use interactive chat technology so that when visitors arrive at your site, someone from your client services team can offer to virtually show them around. Many will decline the invitation - but for those who do, it's a tremendous way to create a much more personal connection with your visitor.

7. Know your clients better than their mothers (do).

If someone in your firm knows that a key client is vegetarian, and you take that client to Morton's Steakhouse, your firm has failed to share critical information about clients. Relying on the water cooler to distribute potentially valuable information is inefficient and often ineffective. Use Client Relationship Management (CRM) software to track information about clients and to ensure that it gets distributed to the right people at the right time. Building a comprehensive database of information about the people on whom your business depends leads to new business opportunities, better client relationships and more loyal clients.

8. Don't pay for dinner, make dinner pay for itself.

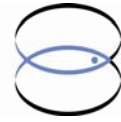
Law firms throw countless dollars away on client lunches and dinners. The money is wasted not because the dinner itself is worthless - far from it. But firms fail to follow up on the meeting to discover whether any further activity is necessary, to identify whether the dinner had its desired effect, whether any new opportunities resulted. If you measure the success (and failure) of activities like client lunches and dinners, you'll be able to make smarter, more informed decisions about what is most likely to lead to closing more business. CRM software and financial management software can both be used to track the value of these activities and to shine a light on the most successful uses of the expenditures.

9. Never assume technology and marketing are strategies unto themselves.

Too often, management will delegate the marketing strategy to a marketing director and assume they don't have to worry about it any more. Ditto with I.T. The reality is that the strategies must be owned by the individual directors, but that the implementation of those strategies must be a firm commitment. The best marketing strategy in the world will fail if it cannot be communicated or embodied by the firm's lawyers and staff. No matter how powerful the technology, it will be useless if the individuals cannot use it or demonstrate the value to clients. Make technology and marketing part of your firm's DNA and it will show.

10. Don't focus on keeping people out.

In our quest to obtain "security", many firms forgot about developing reasons for desired visitors to stick around. While security is unquestionably important, we should nevertheless realize that security is not an absolute: so rather than focus on trying to make it absolute, we should instead expend resources trying to make the site itself valuable and rewarding for clients to visit. The electronic interface with the client should complement and enhance the attorney/client relationship.



Laura Thompson's Tips

We do that?!

Do your litigation attorneys know what your tax attorneys are doing? Everyone should know what the firm's capabilities are and have a thorough understanding of each practice area's abilities and scope of services. All attorneys should make it their business to know what significant representations have been handled by other attorneys. This enables them to identify cross marketing opportunities, while also serving their clients better as they can call in other attorneys when needed to handle matters outside of their area. To facilitate this sharing of information, attorneys should be encouraged to attend other practice groups' meetings.

Are you still here?

Do you have attorneys that are never out of the office? While we are satisfied that they are putting in their billable hours, when was the last time they saw an actual client face to face? They should spend some quality non-billable time visiting their clients! Clients appreciate their law firm's interest in them. An on-site visit shows the client that the attorney is involved, interested, and willing to take the time to just talk. An added benefit is that a visit may reveal some additional legal services that are needed. The responsible attorney, a junior partner who works on the client's matters, an associate who is becoming involved with the client, or a combination of people, can conduct the visits. Clients appreciate their law firm's interest in them. Most importantly, these visits should not show up on a client's bill, unless there is a notation on the bill that there was no charge for the time.

Pennies from Heaven

Do you know where the firm's money is coming from and which clients are the firm's best customers? Look at your top fifty clients and develop a matrix that will track changes in the composition of that top fifty. Who are the top fifty now? Who were the top fifty clients three years ago? Interesting and strategically important information is gleaned from this type of analysis. Additionally, look at what types of work are currently or have been handled for your clients. Are there some clients for whom only a limited number of services are provided? Since it is easier to expand the scope of services for an existing client than it is to develop a new client, drill down to the area of law designations for each client and focus on opportunities there. The attorneys responsible for your top fifty clients should discern what the prospects are for increasing their clients' business through cross marketing.

Minders and Grinders are People, too

In every firm, there are finders, minders and grinders. Finders, or rainmakers, bring in the business. Minders ensure that the relationship with the client is maintained and nurtured. Grinders are those attorneys that perform the day to day work for the clients. Particularly at compensation time, firms focus on rainmaking success. Everyone cannot be a rainmaker. Our true service providers, the attorneys in the trenches, play an important role in the firm's marketing strategy. They must take an active role in relationship maintenance and building. Minders and grinders are in the position to serve as an excellent source of information for growing the client's business, as they work with people at various levels of the organization and can become aware of potential cross-marketing

opportunities before the rainmaker who originated the business does. The efforts of these servicing attorneys should be encouraged and recognized.

The Ties that Bind

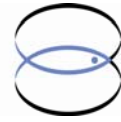
Clients stay with law firms because they perceive that they receive good service from the firm, they like the lawyer, and, for clients that have been with a firm for a number of years, it may be a great burden to switch firms. Make it as hard as possible for clients that you would like to keep to switch law firms. There are innumerable ways to do this: constantly nurture and build upon the personal relationship between the clients and the firm's attorneys; ensure that the work product for your clients is flawless and unquestionable; develop a keen awareness and in-depth knowledge of clients' business and needs; develop extranets with larger clients that will lead to greater communication and information sharing capabilities; and offer special billing arrangements. Always remember that there are other firms that would jump at the chance to lure your clients away from your firm!

We'll Leave the Light on

Clients want their attorneys to be accessible at all times. They should be. Voice mail, cell phones, and blackberries all make this possible. Will all of the firm's clients want or need to contact their attorneys 24/7? Certainly not, but for those cases or transactions where it is necessary, it is of vital importance to the client. Suggest that attorneys make a point of giving their personal contact information to certain clients when appropriate – it makes the client feel special and ensures that the attorney will be reachable outside of office hours. Routinely, an attorney is out of the office or will otherwise be unable to return phone calls or e-mails. A call from the secretary indicating that the attorney received the message and will contact the client at the earliest possible time (always giving a time frame) shows the client that the attorney is responsive to his/her needs even when the attorney is working on another matter. This goes such a long way in building confidence and exhibits exemplary client service.

School is in Session

Many firms conduct seminars on current topics of interest. Audiences are comprised of clients and prospective clients. Seminars can range from an audience of hundreds to a smaller group at a luncheon in your offices. By speaking knowledgeably about a relevant issue, the firm is able to spotlight its authority on a subject, enhance its credibility, and garner possible media attention. Another important benefit of conducting seminars is that it offers the guests and lawyers the opportunity to network. Attorneys are afforded essential "face time" that they need to keep the relationship going. Further, attendees will appreciate the opportunity to meet and connect with others in their business or in related fields. Providing this "service" to your clients and prospects shows that you and your firm are well connected. As with any business development activity, follow-up is key: send a thank you to all who attended; provide handouts to those persons who were unable to attend; and encourage the attorneys to personally contact the people they invited to the seminar, whether they attended or not.



Children Should be Seen and Not Heard

This applies to lawyers, too. Many attorneys feel that the idea of selling the firm and themselves to a prospective client means that they need to monopolize the conversation by talking endlessly about themselves and the firm. Many attorneys think that the prospective client actually wants to hear all of this. Encourage attorneys not to talk incessantly about themselves and the firm when meeting with clients and prospects. Instead, they should practice active listening and use conversation and questions to learn more about the prospect, their business, what they need, and what problems they are experiencing. A comfortable, personal relationship must be formed before the business relationship can develop.

Little Black Book

All attorneys – regardless of their experience – should have a mailing list. This takes years to cultivate. Attorneys should be encouraged to start early. New associates can start with law school classmates, friends that are in the business world already, friends that they believe will be successful individuals later in life, and relevant people they meet along the way at seminars, social events, and in their personal lives. Lawyers should not comprise the majority of anyone's mailing list. By the time an associate is a partner, there should be a lengthy contact list of people that are good prospects or referral sources of business. A partner's brother-in-law and former law school classmates does not make a good mailing list.

Staff 101

Your staff is an integral part of client service – and how your firm is perceived. Emphasize to the staff the importance of their appearance, demeanor, and efficiency in providing service to the firm's clients. Train them – all staff members should know how to deal with difficult people, what to do when a client is angry or if a client wants to talk to his attorney NOW but the attorney is not available, and client confidentiality. Office staff and secretaries should know how to do their jobs well, utilize the systems that the firm has in place, and support the attorneys and the firm's clients in the most efficient and effective way. A key role in any law firm is the receptionist – he/she is the gatekeeper and the first person that many clients and prospects will meet. The receptionist should be thoroughly trained on how to handle any situation, should be friendly, professional, and project the image that your firm desires.