Building and Maintaining a Practice in the Digital Age

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Law Firm CultureShift®

HESSCONNECT

Three Hats of a Rainmaker

Marketer: Get Known

Seller: Get Hired

Servicer: Stay Hired/Grow/Referrals

Three Keys to Business Development

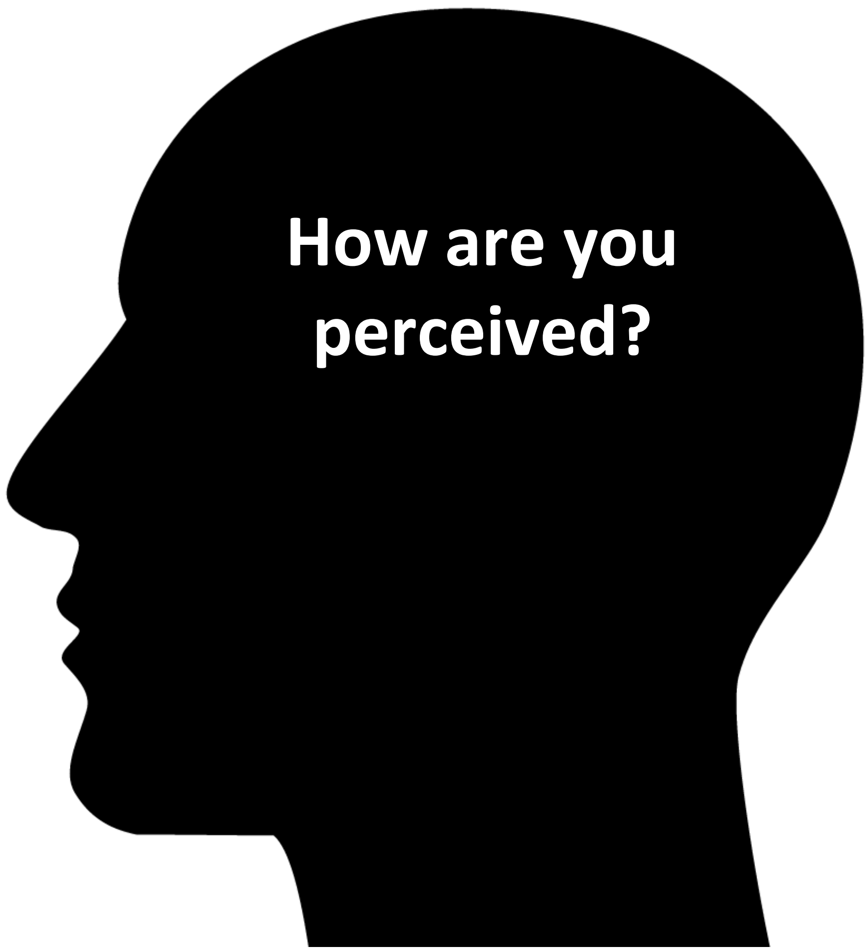
Develop a niche

Get noticed by many targeted people

Stay top-of-mind with those people

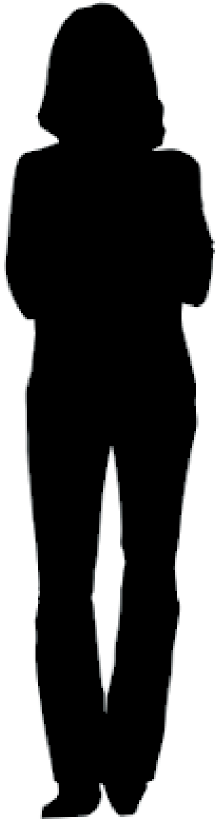
Branding

Positioning



Are you a better choice than my current counsel?

Your Personal Brand



Your Legal Skills

The Client's Experience

Personal Brand

Different	Similar
Legal skill/results	Geography
Contacts	Personality
Industry expertise	Languages
Business acumen	Gender
Thought leader	Personal interests
Innovative	Race/nationality/religion
Quality of service	Political affiliation
Deliver value	Pro bono
Cost-effective	Community

Strategies for building your network of new prospective clients and referral sources

Your Personal Network

“Most Effective Tactic”

“… Arranging business development appointments with clients and prospects”

Source: Increasing Marketing Effectiveness at Professional Firms
conducted by Expertise Marketing and LawMarketing.com

How to Get Meetings

Current Events

“I saw something in the news …”

Service

In-house presentations/visits

Introduce to others (our lawyers, potential referral sources or customers)

Review

IP portfolio, e-discovery procedures, monetization potential

Practice-Focused

Learn how they plan to handle specific legal issues

Court records re: complaint filed

How to Get Meetings

Goals/Feedback

6 - 12 month plans

Annual feedback/strategic planning sessions

Matter Management

New approaches, project management processes

Present results of research/other similar matters

Value-based fee structures

Colleague

Interview for an article or speech, invite to co-present

Join/start a group

Ask for advice

Invite to social events

Advances - Next Steps

“Where do we go from here?”

“When should we follow-up with you on this?”

“Would you be interested in having us conduct a preliminary review?”

“We have a person in my firm who does just that type of work. Should we get the two of you together?”

“Perhaps you can try us out. Would there be an opportunity for us to work with you on your next matter?”

“We’d like the opportunity to work with you (on this matter). Is there a way that can happen?”

“Do you have a firm that does this type of work for you?”

“Would you like us to handle that for you?”

“Do you have a strong #2 firm when there are conflicts or overflow?”

“Do you have a preferred list of law firms you use for those types of matters, and is there a way we can get on that list?”

“What do we need to do to get work from your department?”

Cross-selling to get more work from existing clients

Cross- …

Selling

Referring

Connecting

Protecting

Serving

Three Anchors of Cross-Serving

Prepare for and conduct cross-serving meetings with our lawyers

Prepare for and conduct meetings with clients

Stay top-of-mind (internally and externally)

Activate the Accelerators

The Client Feedback Accelerator
The Key Client and Industry Team Accelerator
The Exceptional Client Service Accelerator
The Internal Cross-Connections Accelerator
The Internal Giving Accelerator
The Internal Approach Accelerator
The Client Contact Accelerator
The Technology Accelerator
The Compensation Accelerator
The Key Measures Accelerator
The Internal Communication/PR/Education Accelerator
The Accountability Accelerator
The Leadership Mega-Accelerator

The Client Feedback Accelerator

The Clients' Gift of Information

How to keep your existing work

How to provide a better experience

How to strengthen the relationship

How to get more work in your area and for other practices

Client Feedback Accelerator

Focus on your best targets

Go three levels deep

Understand firm capabilities

Conduct research

Prepare probing questions

Develop a follow-up plan

Establish "Watcher" systems

Cross-Connecting Accelerator

Know, like, trust

Learn

(Effective) internal presentations

Connect with the right lawyers

Connect with the right groups

Connect with the right leaders

Approaching/Giving Accelerators

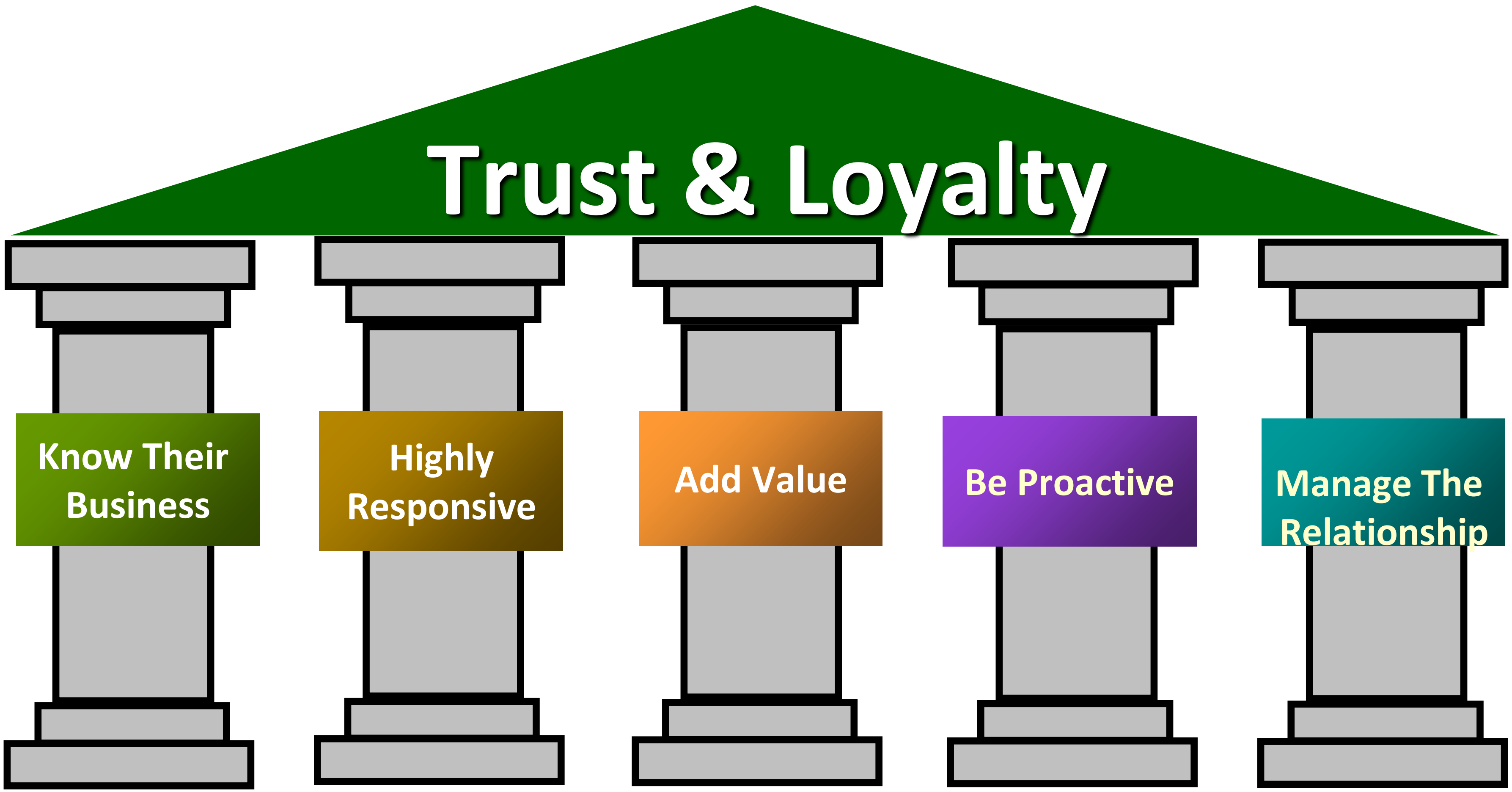
Build the business case

- Make it easy
- Give before receive
- Find high priority client needs
- Clarify service and credit expectations
- Look good to the client
- Probing questions
- "Gifts"

Delivering extraordinary levels of client service

WOW!!!

Five Pillars of Client Service



Best practices in social media and web-based marketing

Online reviews

SOCIAL MEDIA BEST PRACTICES FOR ATTORNEYS

- New hires, awards, important case victories, insights/behind the scenes.
- New business, expand thought leadership/build authority for your firm's key lawyers and practice areas.
- 5 steps to stay focused, and efficient online…

SOCIAL MEDIA BEST PRACTICES FOR ATTORNEYS

1. DEFINE SOCIAL MEDIA GOALS

2. IDENTIFY AND UNDERSTAND YOUR IDEAL CLIENT AUDIENCE

3. AUDIT CURRENT SOCIAL MEDIA PRESENCE
(Track, measure and know when to pivot)

4. DEVELOP CONTENT MARKETING STRATEGY
(Based on defined goals, video a must today)

5. IMPLEMENT, ADJUST, RINSE REPEAT, AND TRACK

DEALING WITH ONLINE REVIEWS

Due diligence online.

Most common online reviews:

- Avvo,
- Lawyers.com,
- Super Lawyers,
- Yelp,
- Google,
- Facebook and most importantly,
- LinkedIn

DEALING WITH ONLINE REVIEWS

4 BEST WAYS TO HANDLE ONLINE REVIEWS…

1. MAINTAIN LISTINGS

Claim listings, complete profiles, and keep up to date. Know what's being said about you ("incognito searches")

ONLINE REVIEWS

2. RESPOND TO REVIEWS (TIMELY)

ALWAYS respond to show you are actively engaged with clients, they matter, and you care about your online reputation.

Generally within 24 hours.

ONLINE REVIEWS

3. RESPONDING TO POSITIVE REVIEWS

Easy. Acknowledge, thank, encourage share/referral.

Sample: *“Dear Client, thank you kindly for taking the time out of your day to leave our firm a review. We welcome feedback, and it is always nice to hear when we have met a client’s expectations. If you or someone you know ever needs a lawyer, we’re always here to help.”*

ONLINE REVIEWS

4. RESPONDING TO NEGATIVE/BLACK HAT REVIEWS

Best way to avoid negative review, give great service.

For those clients who, no matter what, find dissatisfaction…

- **DON'T let pride get in the way of responding professionally,**
- **DON'T trade barbs and keep your response generic (to preserve client confidentiality),**
- **ENCOURAGE reviewer to contact you privately.**

ONLINE REVIEWS

- Black Hatters are reviewers who are not genuine clients of lawyer / firm, posing as client just to leave bad reviews.
- Sometimes offering negative reviews on behalf of opposing parties/family/friends of other side.
- Sometimes hired to target firm’s competitors to leave negative reviews.

ONLINE REVIEWS

Sample:

*"Dear Reviewer, thank you for your review. **Although we have no record of you being a former or current client of our law firm, we welcome all feedback.**"*

ONLINE REVIEWS

Dissect situation:

- Who posted,
- Legitimate,
- When posted,
- Location/easy to find (research incognito),
- Possible to communicate rationally with reviewer

ONLINE REVIEWS

Generally 5 ways to respond:

1. Move to private conversation,
2. Do nothing,
3. Flag review,
4. Public response (show care, respect privacy, encourage to private exchange,
5. Take an Offensive/Proactive approach (if you have time, resources), bury bad with good.

ETHICAL CONSIDERATIONS FOR ATTORNEY MARKETING

Response confidentiality should always be top of mind in responding to a client's review.

ABA Model Rule 1.6 (a) provides **"A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent"**

Avoid jeopardizing attorney-client privilege by divulging sensitive information in response to the client's review.

ETHICAL CONSIDERATIONS FOR ATTORNEY MARKETING

Common issues…

1. BUSINESS CARD ETHICAL

2. LAW FIRM NAME - ABA MR 7.5

3. LABEL UP ON YOUR ADVERTISING - ABA MR 7.3(c)

ETHICAL CONSIDERATIONS FOR ATTORNEY MARKETING

Common issues…

1. BUSINESS CARD ETHICAL

- CA specifically includes business cards in its ethics rules.
- If stating specialty, slogan, content rules.
- Staff positions properly identified

2. LAW FIRM NAME - ABA MR 7.5

- Not false, misleading, especially if identifying practice area.
- If "Associates" non legal staff not included.
- No implications affiliated with government/public agency

3. LABEL UP ON YOUR ADVERTISING - ABA MR 7.3(c)

- Note material as "advertising" unless prior relationship.
- Includes electronic communications, best practice: insert labeling in subject heading

ETHICAL CONSIDERATIONS FOR ATTORNEY MARKETING

4. CAN I SAY THAT IN MY BIO - ABA MR 1.6

5. CAN I SAY THAT ABOUT MY ACCOLADES

6. CAN I SAY THAT ABOUT MY SPECIALTY

ETHICAL CONSIDERATIONS FOR ATTORNEY MARKETING

4. CAN I SAY THAT IN MY BIO - ABA MR 1.6
- No information relating to client representation (even if ‘public’)
- Right of confidentiality belongs to client
- Cloaking in generality will not save (still get client consent)

5. CAN I SAY THAT ABOUT MY ACCOLADES
- Peer review has right to publish
- When firm/lawyer re-publishes accolades caution if ‘pay to play’ directory
- State year/s of listing
- Specialty identified
- Not republished in subsequent ads

Even if listed as ‘Super-Duper’, can’t always say so!

6. CAN I SAY THAT ABOUT MY SPECIALTY
- Since 2002, ABA MR 7.4 allow reference to specialization (no misrepresentation about certification)
- Nov 2018, CA: “a lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer may also communicate specializing in particular field of law”

ETHICAL CONSIDERATIONS FOR ATTORNEY MARKETING

ONLINE LAW MARKETING POINTS

The ABA's Commission on Ethics 20/20 released revised draft resolutions and report on February 21 (2019).

- Commission's goals were to review the Model Rules in the context of advances in technology, and referenced “Future Whitepaper” (so still vague.)

- **Clear - attorney’s communication does not constitute solicitation if directed at the general public or if "automatically generated in response to Internet searches."**

- **Ethical rules also apply to non lawyer support staff.**

ETHICAL CONSIDERATIONS FOR ATTORNEY MARKETING

ONLINE LAW MARKETING POINTS

- Apply same standards online as offline
- Stay focused (nationwide rep, nationwide ethical obligations)
- Tell whole story (esp contingency arrangements)
- Keep expectations in check (settlements from past clients, not current)
- Comparisons (even implied) factually substantiated
- Design guidelines (image size, actual client depictions)

Staying top-of-mind


NO MATTER HOW GREAT
YOUR PRODUCT OR SERVICE IS,
NO ONE WILL HEAR ABOUT IT IF YOU DON'T
ATTRACT ATTENTION
— IT'S THAT SIMPLE
virgin.com

Top-of-Mind Techniques

- Annual feedback/planning discussions
- Join clients for strategic planning/training sessions
- “Magic of being on-site”: visit, presentations, office hours
- Business leads
- Proprietary research (e.g. Fulbright)
- Audits/review documents
- Loan a lawyer
- Attending conferences, organizations
- Invite as speaker, interview for articles
- Articles, alerts, updates, reminders, PR
- Social events, community organizations, pro bono, start a group
- Telephone calls, email, regular mail, meals
- Social media
- Web sites, bios

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