

MARKETING: THE ABSOLUTE LEAST EVERY LAWYER SHOULD DO

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This article is based on a number of recent calls to the hotline. Interestingly, all calls originated from different issues. So much of what happens on the business side of the firm is connected to a variety of management areas. Like the human body – composed of a complicated set of interacting, balanced microsystems – law firms function much the same way. So, while problems may manifest in one area, experience dictates that I question practices and procedures in many other areas before offering any observations and recommendations.

During these recent calls I realized that all callers failed to perform the same, most basic marketing activity. All manifested in seemingly unrelated management issues. For some, there was a direct line to the issue (causal), in others indirect (contributing.) And in one instance, it was an obvious indication – to me-- of a problem which would manifest itself downstream.

The point is that the impact or potential impact was clearly there when viewed with these experienced eyes. And I was able to clearly explain to the caller the importance of the activity, how to implement it most easily, and successfully press the "call to action" button.

It then occurred to me that I need to do this for every one of you – my favorite bar members who practice in solo or small firm environments – so consider this the pressing of your call-to-action button. If you are retiring within the next five years you can ignore this or consider it optional. If not, keep reading.

Let me be clear. This is not a "should" do. This is a "must" do. If I were in the front of the room talking about this at a seminar presentation, you would see that intense look I give that makes you feel I am speaking directly to you. I am. The look that says this is something that requires your attention and *action*. It does. Consider this the ante just to get dealt the next round of cards. Let me assure you it is affecting your practice now, or most certainly will in the future.

Part one of two: keep an accurate current mailing list of all current and past clients. This should include name, address, phone and email, practice area, and source of client origination. Lawyers are not very efficient at gathering the last bit of information. When I ask why this information is not being gathered, I receive a variety of excuses. The top excuse, and most accurate, is that sometimes clients attribute a multitude of sources, don't remember, or just don't cooperate when asked. The second most used is that the firm really hasn't developed any systematic way of gathering the information, let alone associating it with the client.

So, let's address the excuses. First, you should have a client intake form for the firm, and for the client. They will not be the same. Your intake form should be different based on the type of matter. The combination of the two will give you all the information you need to conflict check and get started with the matter if you and the client agree, after the engagement agreement is reviewed and signed. And it will ensure consistency in gathering information and asking the same appropriate questions, regardless of how focused or distracted you are on any particular day. And regardless of whether you delegate to someone else.

If you provide an initial consultation you need to do what doctors do – mail out the form and have them bring it completed to the consultation meeting. They should be told to arrive sufficiently in advance to have the form reviewed for completeness, and finished before the meeting starts, if necessary. If you allow walk-ins, the prospect should need to complete the form before meeting with anyone. And it should be reviewed for completeness before a meeting starts, if necessary.

This is a prospect's minimum requirement for the initial consultation. No exceptions. Even if everything is done virtually, use email or USPS or fax to complete this process before going online. Be sure, on the form you provide, that you get information about how they came to contact you. Make it idiot-proof and easy. Provide a list with checkboxes, and room to fill in data. For example, things like getting a newsletter, finding you in an online search, seeing your billboard or similar all are simple checkboxes. Be sure to list all the different possibilities. "Please check each which influenced your decision to contact me" would be the instruction provided. Other items should be a request for further information if checked. For example, if they indicate referred by attorney, friend, trusted advisor, family member, former client, you want to get a name. If they're a former client include that as a category, so you don't embarrass yourself, and can prepare by reviewing some personal data to show they are memorable to you.

Part two of two: stay in touch at least once every year. Whether that is a holiday card, birthday card, or the all-important "change of event" letter, reach out every year to make sure your information on file is kept up-to-date while it is still

possible to find the client. I recommend two contacts per year, one by USPS and one by email. That way you test current information for both essential methods of contact. Be sure to follow up on any "bounces" right away, and to make sure you update each piece of information.

The change of event letter is something like – for an individual – it has been a year since we did work for you. Since that time you may have experienced events in life which may impact you. Marriage, divorce, birth, death, gain or loss of assets, family members reaching age of majority or senior status, all may create a need for review and possible to change of what we've done for you, or the need to examine other prudent action you should take. For a business client you might want to mention things like updating minutes, updating manuals and procedures in light of possible legislative changes, and so forth.

This communication is really just the method to ensure your contact list is current. It also reminds the client that you're still there. Remember, out of sight is out of mind. About 15 – 20% of the time it results in additional work from the client. Most importantly, if you include in your closing *something like* "the highest compliment you can provide is a referral to [family/friends/colleagues]" it will elicit referrals.

In my next article I'll talk about recording, analyzing, and really using the referral information. It will give you enough time to start working on your list and first outreach. Besides, if I try to do it in this article, our beloved newsletter editors may have to kill me! I've already run over my word limit.

A version of this article originally appeared in the Fall 2020 issue of the Pennsylvania Bar Association's Solo & Small Firm Section.

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