



Just tell me *How* to market my practice

Introduction: What Marketing is NOT

Good afternoon, ladies and gentlemen. So you want me to just tell you “*How* to market your practice”. Well, before I can give you the hot tips, the latest hints, the inside suggestions ... the *real How to do it*, I have to give you the seminar leader’s warning ... *How NOT to do it*. There is so much misinformation out there about the marketing of legal services that full, true and plain disclosure must start with what marketing is not.

Branding is the single hottest buzz-word in law firm marketing today. It’s also the most over-worked and inappropriate concept being prescribed, both for large firms and, even more so, for small firms and solo practices. Together with its related activity of *advertising*, these two elements of communication attract the attention of a lot of lawyers, but, unfortunately, they put the cart before the horse. Only rarely should communication be a lawyer’s *first* priority. Before we can communicate with the marketplace, we have to find where a lawyer’s skills and interests meet the market’s demand for the lawyer’s services.

What Marketing Is (I): Skills Meet Vision/Strategy

That exercise of discovering where the lawyer’s skills meet client demands involves the creation of a vision and strategy for the practice. Once the Vision for the practice (Step One) and the Strategy to carry out the Vision (Step Two) are in place, then we can turn to constructing a business plan (Step Three) – a detailed blueprint to implement the Vision and Strategy. And only when we arrive at this Step Three (the Business Plan), can we decide how and what we want to communicate to clients and to the market generally. Your communications **MUST** be grounded in *your* special Vision and *your* special Strategy.

So the first thing I want to say to you today is that your most important marketing activity will not be suddenly dreaming up a catchy “brand” or “tagline” in the shower in the morning. Your most important marketing activity will be the hard slog over many hours, days and weeks – perhaps months – of drafting the Vision and Strategy Statement for your practice (what I have called Steps One and Two) – and this is true whether you are a solo or a small firm.

I’m going to lead you through the construction of a Vision/Strategy Statement but, first, a brief digression – a commercial, if you like for the proposition that marketing is OK and not unprofessional.

What Marketing Is (II): The Ultimate in Professionalism

Finding out what your clients want and then (ethical questions aside) giving it to them is surely the most professional activity possible and that is an excellent short definition of what marketing is. . . . *Finding out what your clients want and then giving it to them is surely the most professional activity possible* . . . Notice that the definition does not mention your education, training and skills. It is centred on the client, not on the lawyer. Even today, lawyers unconsciously pattern themselves on the metaphor of the Victorian-era barrister who hangs up a shingle and then simply waits for the clients to beat a path to the door. To do otherwise would be “unprofessional” is the thinking.

Nothing could be further from the truth. Only by being proactive can you discover what is *truly* your clients’ situations and what specific legal assistance will help them achieve their goals. No doubt you have heard – and observed - that lawyering is a service profession. Then it should also not be surprising to discover that clients are now grading lawyers on how well they serve clients. Every survey ever done of clients has shown that the number one quality desired by them in their lawyers – and always ranked higher than quality of legal advice – is timeliness of response by the lawyer to the client.

So with those last few admonitions in mind, let’s now turn to the construction of a Vision/Strategy Statement.

Your Own Vision/Strategy Statement: How to Construct It

The basics of how to construct a Vision/Strategy Statement are well known. No better start can be found than the popular SWOT analysis:

- S Strengths
- W Weaknesses
- O Opportunities
- T Threats

Who are your best existing clients? How did you get them? Why do they like you? Are there *more* like them out there? Even in practices that are cyclical or sporadic in the way that business is generated (such as litigation or estates work), you can capitalize on previous work well done by obtaining referrals or using your existing clients’ satisfaction by creating testimonials. If there are any clients for which you don’t have these answers, then start by getting them. And as you do this exercise, classify your clients. Which are your *best clients*? Take note of the definition that Robert Hardie provided in Part I: a client that you enjoy working with, a client that sends you interesting work and, importantly, a client that pays fairly and on time.

Similarly, you then need to catalogue the WEAKNESSES in your practice. Where are the gaps? Is your practice too cyclical for your liking? What can you do to smooth out the bumps? Do you need to diversify your client base or concentrate it further? As for OPPORTUNITIES, the Case Study is itself a mini-exercise in making the most of opportunities. The last element of the SWOT analysis is THREATS. Even if you are a solo or a small firm practice, you should have some sense of what your competitors are up to and what the implications would be for you if they took a much more aggressive

stance and actively tried to take your clients away from you. Could they do it? How would you react?

Assuming that the analysis is going well to this point, you can now begin to seriously consider drafting your own Vision/Strategy Statement.

But Isn't a Vision/Strategy Exercise Complicated?: the Smith & Jones Case Study

The most effective way to illustrate this process – better than my simply talking at you – is to look at a Case Study. I want you to spend a few minutes with me looking at the rising practice of Smith & Jones LLP. Surely you've heard of them? They practice in Picton which is very near Milford and which has been described by some as “the centre of the universe in the middle of nowhere”.

Smith & Jones is very typical of small practices and perhaps the most typical thing about the firm is that it practises in several areas – that is, it is not a specialist firm. That's a strength, you say? How can that possibly be a strength? Let's take a look.

[Discuss the facts from [the Smith & Jones LLP Case Study - attached](#)].

The starting point for the vision questions that I asked in the Smith & Jones situation is to probe beneath the surface in a local industry sector. Industry sectors wax and wane. Here is a classic example of how in an overall sector (the agricultural sector which, at least in respect of traditional products, is in decline in Prince Edward County) there are sub-sectors which are experiencing growth.

So, how well are you plugged in to this kind of “grass-roots” industrial and commercial activity in your locality? You don't need to be a professional economist to find out more about growth opportunities. Once you do, you will find that new entrants will be delighted to discuss their plans with you. Not only is this self-education process necessary for you to become more knowledgeable, asking questions of prospective clients is one of the very best ways to gain work or, at the very least, a chance to bid for new work. If you conduct 5 interviews of this nature, on average you will walk away with one or two new briefs.

Now it's true that this sort of activity is labour intensive, but if you want to encourage the process of “maturing your practice” as Robert Hardie put it, you must do this. That is, if you have been in practice for at least 5 years, without spending somewhere between 12% and 20% of your total time in “practice expanding activities”, your practice will cease to grow qualitatively. Yes, it may otherwise continue to grow quantitatively, but it will stagnate from a qualitative perspective if you are unwilling to “grow your practice”, in the broad sense of that phrase.

An important element in developing your practice Strategy is to conduct a rigorous review after 3 months in order to see whether your original assumptions were correct.

Now – and only now – are you ready to draft a detailed Business Plan.

The Business Plan: Get Specific!

If you have been thoughtful and careful with Steps 1 and 2 (the Vision and Strategy exercise), the Business Plan (Step 3) will almost write itself. The real challenge in this phase is for you to set realistic milestones for achieving the goals you have drafted. If your Business Plan covers a four-year period, then you must expect it to require review and revision at least every year and, possibly, more often. If, on the other hand, you choose to start your forward planning for only an 18-month period, then you will have to start reviewing it after 12 months and you may then be willing to plan for a longer period. There is no magic to the timeframe chosen, only in your willingness to follow through and re-evaluate.

The basic headings in your plan will include:

- (i) new business development activities (directed to both existing and new clients);
- (ii) client service improvements;
- (iii) client communications, including e-mail newsletters and seminars;
- (iv) broader marketing communications, including advertising;
- (v) web site;
- (vi) staffing requirements;
- (vii) other investment requirements (e.g. technology improvements); and
- (viii) client satisfaction surveys.

But the most important element in a Business Plan is putting in place a process to keep yourself to the milestones you have agreed to meet. At this point, I can't fail to put in a plug for the use of a consultant or, as Robert Hardie likes to refer to us, a business advisor. Especially in a solo or very small firm practice, it can be of great help to have someone from outside to nag you. In fact, as David Maister is fond of saying, the most responsible thing you can do as a lawyer is give someone nagging rights over your practice management.

The Communications Elements of a Law Practice Business Plan

I would like to focus on just one aspect of a Business Plan, but one, as I said at the outset, that receives a disproportionate share of the limelight – your communications strategy. The main distinction I want you to master is the contrast between broadcast communications and narrowcast or targeted communications.

As the name implies, broadcast communications are dispersed widely but, even the most ardent fan of a primary broadcast medium – advertising – must concede that it can also be extremely wasteful of resources. When you advertise in a general interest publication, you have no control over who reads your ad but, more importantly, the cost of advertising will be based on the assumption that every reader will read the ad. There is a further assumption underlying the process that many readers will have an interest in or a perceived need for the services advertised – something that for most lawyers in most publications is rarely the case. But if you are “required” to advertise in some form of local broadcast media, then make sure that you go beyond a purely institutional ad – a

“tombstone” ad. Insert in it some element of positioning – some fact or aspiration that flows naturally from your Vision/Strategy Statement.

Interestingly, when you consider your target audience, generally speaking, you know quite a bit about them. Your existing clients are all known to you and you are free to contact them directly at any time and at a relatively low cost. Once you have completed your Vision and Strategy exercise, you will find that you also know quite a bit about your next clients – the ones you don’t yet have but are going to obtain. For example, if you decide to focus on an industry sector or sub-sector, you will find that via a trade association and/or trade publication, you can gain direct access to many of your targets. So the challenge for you in devising your communications plan is to find the narrowest medium within which to contact your targets.

As a generalisation, the most effective and efficient way for a solo or small practitioner to spend your communications dollar is to base it on electronic communications. And the two cheapest and most effective communication tools extant are the e-mail newsletter and a web site.

Let’s first mention the web site. This is the most powerful and least understood marketing tool available for a lawyer. It is most definitely not a sales tool. It does not *directly* bring in new briefs – although even that is possible in certain circumstances. No, its strength lies in its “power of confirmation”. When a potential client has heard of you – whether via a directory, an ad or by way of a word-of-mouth recommendation - the first thing that person will do today is verify his or her impressions by visiting the lawyer’s web site. When the relatively favourable impression is confirmed, you can be sure you will be called. If not – either because you don’t have a web site or because it is inadequate and does not confirm first impressions from other sources – then you may well be passed over.

There is no good excuse I know of today for not having an effective web site, one that will enhance first impressions and confirm in the minds of a viewer that Lawyer Linda or Barrister Bob seems to be just the sort of advocate that should be called for the task at hand.

And aren’t newsletters just a waste of time? Yes they are, if they are poorly thought out and poorly executed. But they are often the best single way of getting your name – coupled with a demonstration of your expertise – in front of your clients and potential clients. The only better way is via a seminar, especially one in which you are not sharing the spotlight with competing lawyers. And for a solo or small practice lawyer, you will be pleased to know that a fully electronic newsletter with very little “hard” information in it is not that difficult to prepare, edit and sent out electronically.

But I hear the retort: “is there not already too much information out there? I don’t have a research staff like the Bay Street firms. That is quite unrealistic”. The simple fact is that there is, in fact, *too much poorly indexed, ill-thought-out information “out there”, but never enough good, well-digested information*. If you have a special interest, you should be keeping up in that area in any event. There is probably already available an electronic news product for that area of practice. And if you read this stuff anyway, why should you not also further digest some of it for your clients?

And, if you simply cannot find the time to turn out a monthly e-newsletter, then investigate hiring a free-lancer to do this for you. I believe that this initiative – coupled with a web site (to which your e-newsletters will be linked) and an occasional one-on-one seminar for a particularly good target is the very best way to obtain new business. A Business Plan that includes these elements - and is then executed - has virtually a 100% chance of bringing in new business within weeks, not months.

Conclusion: Just Let Your Clients Tell You How to Market Your Practice

What I have given you in this brief 40-minute period is the basics of law firm marketing – both what it is not and what it is. For sure, it is about listening to your clients – why did they come to you, were they satisfied with your services, why would they come back to you? Ultimately, we business advisors don't give you answers, we only give you more questions. The real answers, however, lie with your clients. If you are ever in doubt about a marketing initiative, consult your clients. Call up your top three clients and ask their opinion. They will be flattered and it would be surprising if, in itself, your three calls did not produce more work for you.

So that's my collection of hot tips, hints and inside suggestions. I hope you find something of value that you can put to use this week in your practice. Thanks for your attention.

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A Draft Visioning and Strategy Exercise for Smith & Jones LLP

Factual Background:

Smith & Jones LLP is a mythical two-person firm with one office in Picton, Prince Edward County. The firm has operated for five years. The two partners were classmates at law school and are now in their late 30s. Between them, they serve a wide mix of clients in real estate, estates, commercial and employment law. Over the past two years, the agricultural sector in Prince Edward County has seen the growth of a wine-growing sub-sector. This sub-sector is marked by many small growers. Three wineries have opened and three more are expected to open in 2004.

Smith & Jones has decided that they have reached the stage that they should undertake a long range planning exercise. They approached Richard Potter, a professional services consultant, and he asked them to answer the following questions.

Vision Questions:

1. Given the strengths and weaknesses of your practice, how far do you think you could take your practice within four years?

If we keep doing what we are doing, we are unlikely to grow significantly. However, if we were to focus on the wine industry and become “specialists” in this sector, we could probably expand our practice considerably.

2. What do you want your practice to be known for at the end of that period? What mix of clients and work do you think you could attain?

The new entrants in the wine industry are growers, winemakers, service providers, and itinerant labour, as well as restaurants and other food service providers. Our skills in real estate, commercial and employment law could be marshalled to serve the industry. We could become known as the leading source of advice in the County for the industry.

Strategy Questions:

With your vision in mind, what priorities should you set to achieve that vision? For each type of client and work, what revenue targets could you reach? What is going to prevent you from reaching those goals?

The first thing we would have to do is become thoroughly familiar with every aspect of the industry. We know a small law firm in Niagara Falls which has experience in this industry. We should visit them and learn what we can from their experience in acting in this industry sector. We should visit every wine-grower in the County and find out what are their business plans and their perceived legal needs. We should offer to work for one of them for reduced rates in order to become familiar with their problems ...etc. etc.

After three months of research and early business development work, we should collate our information and revise our strategy. Included in the strategy will be estimates of needs for any additional personnel (professional and staff). We should then be in a position to prepare a detailed Business Plan.

Next Stage: Build a Business Plan:

Taking the Vision and the Strategy as a starting point, what detailed steps will be required to achieve these goals over a four-year period? What progress milestones should be set and what monitoring will be needed to track progress? How often will the Business Plan need to be reviewed and revised?

[The Business Plan will include specific steps to implement a marketing and communications plan (with targets in the County and a wider public)]

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