Building the Small Firm Marketing Program:

From Plan to Ethical, Effective Action

Provided for the Benefit of the Profession by

AttorneysMasterClass

Program Presented by
Dustin A. Cole
President and Master Practice Advisor

Attorneys MasterClass
MASTERING THE BUSINESS OF THE LAW.

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For more than twenty years, Dustin Cole has worked with law firms to help them move successfully through changes, challenges and opportunities, and with attorneys to help them build more successful and satisfying practices. He brings more than 35 years of experience in every phase of business management, business development and team development to his work with the legal profession.

Dustin's support of the legal profession began in 1985, after more than fifteen years in private industry, when he founded his own public relations and marketing firm, Public Strategies Florida, specializing in attorneys and other professionals. From 1985 to 1993, Dustin's company served law firms across Florida, receiving numerous awards for marketing and public interest programs.

Concurrently, from 1990 to 1993, Dustin also served as Vice President of Marketing for RUMGER Insurance Company, a Florida lawyer's professional liability insurance provider, taking the startup company to a 20% market share in four years.

From 1993 to 2001, Dustin was a partner and chief trainer in an attorney training and development organization, and helped the company grow to become one of the leading legal management training companies in the nation. In that role Dustin conducted nearly 200 seminars and firm retreats in 22 states, and worked individually with dozens of attorneys individually to help them expand their practices or deal with specific practice challenges.

In 2002 Dustin founded his own organization, Attorneys Master Class, to provide personal support for firms and attorneys in expanding their practices, dealing with professional change, or protecting quality of life.

Dustin is a frequent keynoter and guest speaker at legal organizations nationwide, including the ABA, ALA, and State Bars in more than 25 states from Alaska to the Virgin Islands.

In 2004, Dustin was invited to present a program on "Ethical Marketing" at the Florida Bar Annual Meeting. The program received an unprecedented two hours of ethics CLE credit.

In 2005 and 2006 Dustin keynoted and helped launch the first State Bar Solo and Small Firm Conferences in Illinois and Virginia, and keynoted similar programs in Indiana, Wisconsin and Michigan. He also led plenary sessions at numerous State Bar Annual meetings.

Dustin is a native of Phoenix, Arizona, and holds a degree in Radio-Television from Arizona State University.

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Purposes of this Session:

To help you understand how to market effectively in a highly competitive market

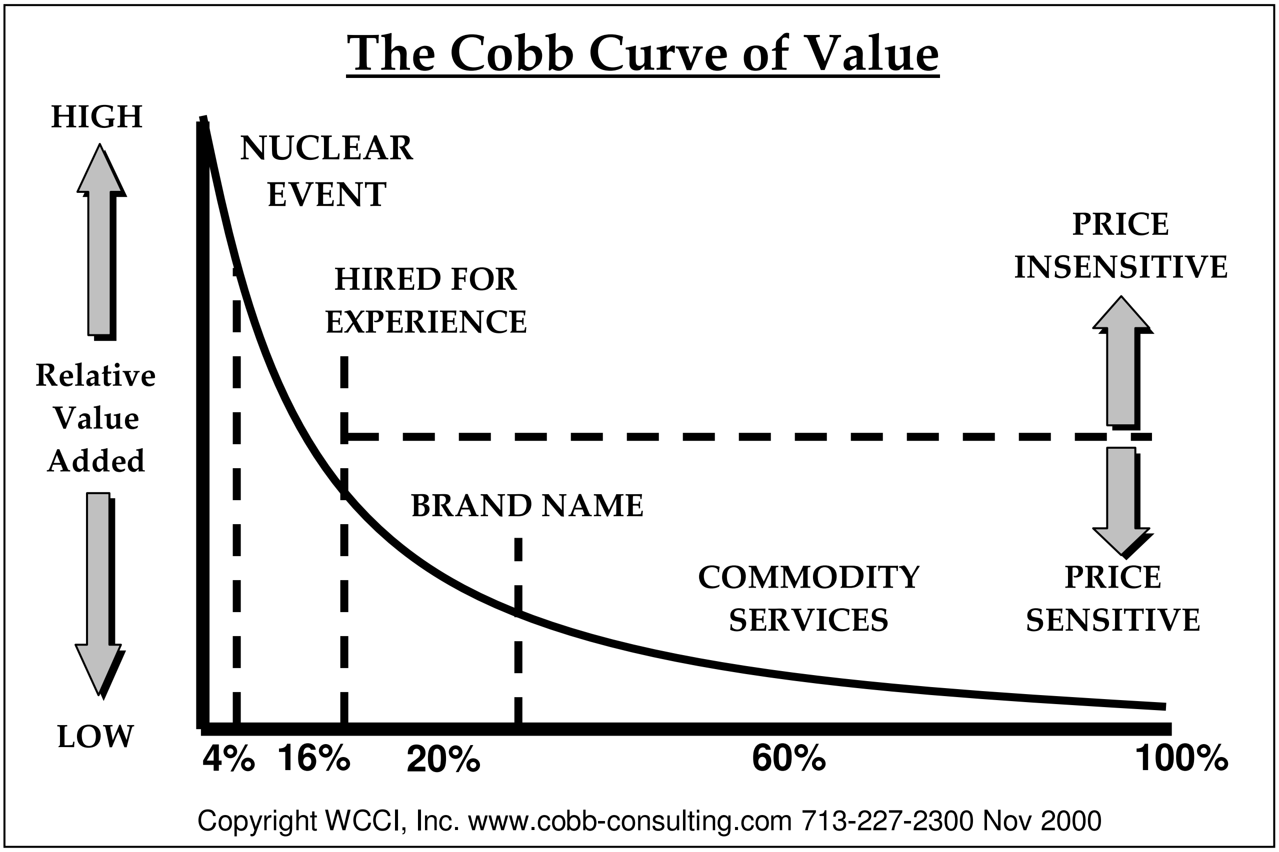
To show you how to focus your practice and efforts for greatest long-term success

To move you into effective, consistent action

Framing the Issue

The landscape for legal services is changing forever!

- As of 2009 there were 1,180,386 active attorneys in the United States
- One attorney for every 258 Americans.
- There are more Juris Doctor degrees being granted each year than any other profession. In 2008 doctoral degrees were granted in the following numbers:
  - Medical Doctors 16,167
  - Juris Doctors 43,588
- 60,746 students took the LSAT in September 2008, up 20% from 2008 and the highest in history.
- Firms are postponing starting dates of new associates
- Associate starting salaries are down an average of 20%
- Senior attorneys are delaying retirement based on loss of retirement savings
- The percentage of attorneys in Solo and small firms has risen from 55% in 2006 to 62% in 2009



Nuclear Event: cost is no object

Hired for Experience: Client recognizes the higher value of experience

Brand Name Legal Services: Client recognizes the name and associates with higher quality

Commodity Legal Services: client does not see significant added value from the attorney

How to Change the Consumer's Perception of You:
Commodity, Brand Name, Hired for Experience, Nuclear Event?

The SOURCE of your prospects determines their perception:

Strangers buy products – commodities – goods

- Advertising
- Websites

Referred clients generally buy reputation – value – experience

- Professional referrals
- Former clients

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- Articles & information
- News stories & public relations

Referral sources position you as a "brand" or "expert" with each referred prospect. It is not the SERVICE or PRODUCT you deliver – it is YOUR PERCEIVED VALUE in the eye of the beholder!

Ethics and Marketing – Are They Compatible?

ABA Model Rules 7.1 – 7.4

- Rules for communication about a lawyer's services and specialties
- Solicitation without prior contact
- Soliciting business directly from clients
- Soliciting paid referrals
- Specifically excluded: All communications with
    - Other lawyers
    - Clients or former clients

Referral marketing, *when done correctly,* **is high integrity, highly professional, and completely within the bounds of all ethical rules.**

The Prospect/Client Continuum

1. **Creating Awareness**
2. **Maximizing Initial contact**
3. **Conducting the Prospect Interview**
4. **Getting to Yes**
5. **Initiating the Relationship**
6. **Delivering Service**
7. **Maintaining Good Communications**
8. **Building the Client Relationship**
9. **Bringing Them Back**

1. Awareness

Referrals – the #1 avenue

Former clients

Friends & colleagues

Other professionals

Advertising

Yellow Pages

Other advertising

Website - blog

Public relations & publicity

News articles

Written articles

Personal contact

Seminars & presentations

Public & organization events

Social events

Referral Marketing -- What is it and How Does it Work?

"Networking" vs. Referral Marketing

Networking is usually **TROLLING** for **CLIENTS**

It is usually perfunctory, shallow and predatory.

Referral marketing is developing **RELATIONSHIPS**

With **REFERRAL SOURCES**

Who can send you **CONTINUING BUSINESS** for years!

Referral marketing is effective because –

It's **CHEAP**

It conserves your **TIME**

It creates **CONTINUING BUSINESS**

It's **CUMULATIVE**

It results in **BETTER CLIENTS**

It can add **ENJOYMENT** to your **PRACTICE** and your **LIFE.**

Referred clients are better because of --

- Higher initial trust & relationship
- Less price resistance
- Better ongoing relationship
- Lower "marketing" cost
- Often pre-qualified

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 don't know what you do
3. They didn't think of you
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 Referral Marketing

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

Principle One: 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!

Therefore, you must **AVOID M-B-W-A**…Marketing by ______________________!

Homework:

1. Write down your list of contacts – use page 11 or reproduce in spreadsheet
2. Refine the list by:
   a. Identifying your "Top Twenty" -- those with the most potential (maximum 20-30) with whom you should be in personal contact
   b. Identifying your "Farm Team" -- those with lower potential with whom you wish to stay in contact in lesser, personalized fashion
   c. Identifying those who have no potential and should be eliminated from the list.

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Create Your Referral Source Database

List all your past, current and potential referral sources. Your initial goal is to develop a list of everyone who is or might be a referral source, and then decide who are the most important to focus on, and others with whom to maintain some lesser level of contact.

Name	Category	Potential 1-2-3-4	Relationship A-B-C-D	Days

Principle Two: 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*

Keys to Building & Maintaining Referral Relationships

Know thy referrer!

1. Develop a database of your referral sources
   - Make notes of each conversation in your database so you can remember and build relationship
   - Easy access to information facilitates contact
   - Database facilitates group communication, i.e. e-mails and letters
2. Build "friend" relationships
   - Stop "Marketing"!
   - Send a personal note or e-mail after each lunch
3. Be sincerely interested in them
   - LISTEN!
   - Remember
   - Find common ground
4. Don't sell yourself (until asked)
5. BE *PATIENT!*

Principle Three: 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.

Educating referral sources – including clients and former clients – is a crucial component of personal marketing. How well people know and convey to others what you do, who you serve, and why they trust you will increase the likelihood that others will contact you – and **will decrease their price resistance**.

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The Value Statement: Changing Your Communication Regarding "What You Do"

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.

Examples:

> "I help small businesses make more money"
>
> "I help people protect their families and loved ones"
>
> "I help companies recover money other people owe them"
>
> "I help people going through family problems"
>
> "I help people get through difficult financial situations"

Value Statement Exercise:

Write your statement explaining the **BENEFIT, VALUE or RESULT** of the work you do for clients? (20 words or less, no legal jargon) Use "lawyer" as a modifier at the end, rather than a label at the beginning.

I help people ____

____

____

____

____

"…I'm an attorney."

Storytelling

Storytelling is a refinement of the typical "war story" conversations familiar to most attorneys. It is the most powerful and least "sales" method to communicate your practice areas, high expertise and commitment to client care. The most effective personal marketers are always telling interesting stories which subtly communicate

- What they do
- What type of clients they work with
- Their high level of expertise and commitment to clients

Principle Four: 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"
- Proof that referral marketing really doesn't work
- Very ineffective marketing

CONSISTENT CONTACT OVER TIME is <u>fundamental</u> to successful referral marketing

- Regular contact maintains "Top of Mind Awareness" and continues the relationship development process
- Commit to a minimum level of marketing EACH WEEK:
    - Scheduled marketing planning time early in the week
    - Days calendared and utilized for marketing lunches
    - Consistent dinners, calls, notes, activities
- Build marketing systems to assure consistent, meaningful contact

How to make marketing a consistent priority

1. Schedule time
    a. Marketing planning
    b. Marketing breakfasts, lunches
2. Use all organizations & activities effectively
    a. Calendar all meetings & events
    b. Identify referral sources in each
    c. Use your database to call prior to meeting
    d. Get together at meeting
3. Develop systems to thank referral sources
    a. Initial inquiry form & procedure to collect referral information
    b. Procedure for thanking referral source
        i. Inquiries
        ii. Interviews
        iii. New clients
        iv. Completed matters

Building Your Marketing Activities Plan

Any activity you dislike – even when it's important to your livelihood -- will usually become one that you avoid as much as possible.

When marketing is infrequent and unsophisticated, it typically shows up as an unwelcome intrusion on your practice and your life. But when approached from a different perspective, it can enhance your personal life.

The best referral relationships are based on the principles of "know, like and trust." In other words, they are essentially friendships. And just like any relationship, shared interests strengthen referral relationships. The most effective marketing actually gives you the chance to do things you enjoy with others who enjoy them too, and result in new business being referred to you.

To be most effective, marketing activities must be compatible with your personal interests, hobbies and personality type. If not, they will usually be done only sporadically, and will be only moderately successful.

Possible Marketing Activities:

- Written communications
- Writing articles
- "Newsletters"
- Thank you & acknowledgement notes and letters
- Phone calls & E-mails
- Clipping & sending articles
- Sending birthday, anniversary cards
- Conducting seminars
- Lunches, dinners
- Social, civic, charitable events
- Special interest or professional organizations
- Sports activities - golf, tennis, running, biking, bowling, etc.
- Entertaining out
- Holiday / event parties
- Entertaining at home
- Plays, concerts, movies, art shows, gallery openings
- Sponsoring community, church, organization events

Considerations for Women

- Group lunches, dinners, events
- Couples dinners
- Civic & charitable organizations
- Professional Meetings
- Conducting/ attending seminars
- Creating special events

Considerations for Family

- Family outings & activities
- Youth sports events
- Birthday, holiday parties
- Family entertaining
- Movies, parks
- Family picnics

Give Marketing Your Full-Time Commitment

If marketing is always a "part-time job," it will be less than successful, because you will never be fully focused on it.

To be truly successful, you must make marketing your "full-time job" for part of your time. In other words, there must be periods when you are 100% focused on, and immersed in, your marketing.

Advertising

To advertise or not to advertise? In today's severe economic downturn, it is important to consider every ethical opportunity to develop new business.

In general, unless you have the money to advertise heavily, it is very difficult to penetrate the immense volume of advertising of all types to make an impression on potential clients.

The reality is that, even if you are reaching a potential most people only need the services of an attorney at a few specific times in their lives. A fleeting impression is not sufficient, even with a highly targeted market. You must also make that impression at the time when they need your services, or alternatively, have a message powerful enough to motivate them into action on a needed or considered action.

Guidelines

1. Always ethical – know and apply your Bar guidelines, seek input and/or approval
2. Target, don't broadcast
3. Avoid legal jargon
4. Avoid laundry lists of practice areas
5. Move reader to action
6. Make responding easy
7. Use people pictures, not gavels and scales
8. Unless you are an excellent CONSUMER copy writer, hire experts to held develop your copy
9. Track & Measure EVERYTHING, by medium and by ad

    Number of inquiry calls

    Number of appointments

    Number of signups

    Gross revenue

    Make up and mandate use of an inquiry sheet for all initial calls

Website Basics

Websites are no longer an option. Like telephones, fax machines and e-mail, a website is expected and looked for. Absence is often a disqualifier. A poorly done website is often the same.

Statistics:

- In 2006 22% of blue-collar Americans and 11% of middle class Americans find their lawyer in the yellow pages.
- Adults in the U.S. spend an average of 21 hours per week online.
- 52% of Americans 62-71 are online. Those online are more highly educated and have higher incomes than those not online.

- Higher income equals higher internet usage. Top income brackets spent 6 hours more per week than those in the $100-150,000 bracket.

(Source: How Do Your Clients Find You - Or Do They? Susan Cartier Liebel, http://susancartierliebel.typepad.com/build_a_solo_practice/)

Identify Your Website's Purpose

1. **Validation**: content and features that confirm and enhance an initial impression from another source regarding who you are, what you do, and your qualifications. For many firms, this is the sole purpose of their website.
2. **Selling**: Content and features that aim to attract prospects to the firm.
3. **Positioning**: the desire to generate new, non-referral based, leads. Requires special features and "optimizing" processes that will place the firm at the top of search engine searches.
4. **Education**: The website will have resources and information to potential and existing clients to educate and update them on their their legal issues.
5. **Client communication**. Websites of some larger firms have "intranets" which allow clients go sign in to a special area which contains information on the activity and status of their matter.
6. **Service**: This refers to features that help visitors serve themselves such as online payment or downloading forms.

Important factors to consider:

1. **Target person**: a person unfamiliar with lawyers and isolated is more likely to be influenced by a website and advertising than a person who is familiar with lawyers and is able to easily seek a referral.
2. **Legal issue**: practices that work with legal issues that are isolating, personal and/or embarrassing such as family, criminal, bankruptcy, injury, employer, estate and probate are more likely to find clients with a website and advertising than practices that work with businesses, governments and corporate entities.
3. **Competition**: Some practice areas, such as personal injury, have big spenders that can dominate a marketplace and make it difficult to find visibility whereas other areas such as family law and estate planning are less likely to have a clear leader.

Required content

1. **Homepage**: should quickly and clearly inform about what the firm does, and provide links to supporting pages
2. **Firm Overview**: Further explains firm services, history, mission or service statement, and other relevant details about the firm
3. **Practice Areas**: page(s) that detail specific firm services. Should be linked to relevant attorney profiles, case summaries and resources

4. **Attorney Profiles**: Should include a professional photo, easily read narrative about you, your service, expertise and background, such as education, bar and court admissions, community involvement, publications, professional associations, notable cases, media mentions, etc.
5. **Disclaimer**: Establishing that no attorney-client privilege is created by visiting the website or completing the contact form. Stipulates that website is informational only and not formal legal advice
6. **Contact information**: Phone, fax, e-mail address(es), map, direction links and other details relevant to visiting, such as parking, handicap accessibility and assistance, hours, etc. A contact form can be added to efficiently gather additional information regarding their matter and how they located your website.

Highly Suggested Content

1. **Why Choose You**: The strengths of your firm and why they should consider it.
2. **Testimonials**: Credibility regarding positive outcome, level of service, kindness of your staff, promptness, etc. Can be identified by client type, initials, or location rather than name
3. **Results**: Your experience and ability to handle different types of cases
4. **Representative Clients/Industries You Serve**: An easy way show potential clients your firm services needs like theirs.
5. **Case Summaries**: Notable cases that may attract more business or represent your work well, in brief summary.
6. **Community Involvement**: List the ways you are involved in the community. If more individual, place on specific attorney bios
7. **Frequently Asked Questions/FAQ**: A series of questions and answers can help establish trust and save time on preliminary details
8. **For Referring Attorneys**: if your practice relies heavily on referrals from other attorneys, include a page specifically addressing their questions and concerns
9. **Client Prep Materials**: Place standard intake documents on your website. Can be password protected to keep your documents from being viewed or copied by unauthorized persons.
10. **Resources**: Educational and procedural materials. More FAQs, intake forms, checklists, articles, other helpful tools and information.

Don't buy a website without:

1. **Content Management System**: The ability to make simple edits or modifications to your website on your own, to eliminate the need to pay your webmaster for every change.
2. **Text Based Menu**: Simple menu list, not using basic text. Complex programming often makes it difficult for search engines to find content, and for users to navigate your website.

3. **Contact Form**: A must. Many people research at work and can't immediately call, or at night when you are not available by phone. A contact form gives them a way to get in touch with your firm and express interest in your service.
4. **Design Specs**: So even those with smaller screens can view your site well without the need to scroll left and right, your website should not be more than 990 pixels wide (a tech issue).

Excerpted from *"The Essential Law Firm Website"* by Brendan Chard of the Modern Firm, a website development company. http://www.themodernfirm.com/

What do you want your website to look like and provide?

Using the above information as a guide, spend a significant amount of time viewing other websites and making notes as to what you like and don't like about them, in the categories such as:

1. Visual impression – its attractiveness and especially your immediate impression. This is the "hook" that begins the process of connecting viewers to your website. If the visual impression is weak or negative, the viewer will "skip" away from your site in a matter of seconds.
2. Readability – does the copy make a quick impression and draw you into it? Is its language targeted to the desired audience? For instance, consumer-oriented services – PI, DUI, family law, estate planning – should have simple consumer language that talks benefits and value. If the target is a more sophisticated audience, for instance large corporations or insurers, the language can be more legalese and technical.
3. Completeness of technical information – does the website answer all your potential questions about the firm, such as areas of practice, credentials and information on all attorneys, etc.?
4. Completeness of "contact" information – is it easy to find out where the firm is located, how to get there, who to call about various issues, what information you may need to bring, etc.? Is there a contact form on the website, and does it tell you when you can expect to be contacted after submission?
5. Consumer information – does it provide information such as articles and references that are helpful to the viewer?

Make notes, and "bookmark" or write down the web address of the websites for future reference, or to provide to a web designer as examples.

Maximizing website results

Optimization

In internet marketing, methodologies aimed at improving the ranking of a website in search engine listings

Pay-per-click

Also known as Pay Per Ranking, Pay Per Placement, Pay Per Position or Cost Per Click enables you to list your site at the top of search engine results by advertising on keywords (known as "adwords")that best describe your product or service. It's a dynamic marketplace - the higher you bid, the higher your advertisement will be displayed in the list. You pay only when a searcher clicks on your listing and connects to your site. You don't pay to list, you only pay when people click to your website. There is a minimum fee of about $250, and you only pay for the traffic to your site, there are no other hidden costs.

google.com - adwords

What Should Your Website Look Like?

- Immediate visual impression
  - The "hook"
  - Uncluttered
  - Focuses the eye
  - Colorful, visually strong
  - Personal impression (picture)
- Readability
  - Immediate "connection"
  - Speaks to your target audience
  - Speaks consumer, not lawyer, language
  - Speaks benefits & value
- Completeness of information
  - Answers all initial questions
    - What you do
    - Credentials & experience
    - Attorney information
- Complete contact information
  - How to contact
  - Location, hours
  - Contact form with response time
- FAQ or information resources

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Blogs

The term "blog" is a shortened form of weblog or web log. A blog is a simplified website that allows the owner to add content on a regular basis, which is then displayed in reverse chronological order.

Authoring a blog, maintaining a blog or adding an article to an existing blog is called "blogging." Individual articles on a blog are called "blog posts," "posts" or "entries." A person who posts these entries is called a "blogger."

A blog comprises text, hypertext, images, and links (to other web pages and to video, audio and other files), and use a conversational style of documentation.

To be effective, a blog must have an "editorial policy," which means the author knows exactly what target demographic (kind of person) it wants to attract, and the contents are designed to be interesting and valuable to the target. As a result, blogs focus on a particular "area of interest", such as Washington, D.C.'s political goings-on, community civic, social, business or charitable activities. Some simply discuss personal experiences or provide "editorial" observations on local or national current events.

As opposed to a website, which contains "static" (unchanging) information designed to be viewed by an individual only one or two times, the purpose of a blog is to attract "subscribers" who view the site regularly to read new posts. For this reason, anyone who starts a blog must be fully committed to adding content to it frequently. As soon as the author slows down in adding new and interesting content, "subscribers" will fall away, often never to return.

Samples of top blogs: Google ABA Blawg 100

Good information on how to blog: http://www.problogger.net/

Resources

- **TheModernFirm.com**
- **Anthem Design Group - legalwebsites.anthemdesigngroup.com**
- **Networksolutions.com**
- **Godaddy.com**
- **Register.com**
- **Google Business**
- **Yahoo Small Business**
- **Problogger.com**

The Most Cost-effective Marketing Mix

- Referral marketing
- Well-developed website
- Targeted advertising
- Organizational leadership & visibility

Your e-mail address: positive or negative impression?

Your e-mail address can be one of the first positive or negative impressions you give a prospect or a referral source. Joe@Gmail.com or Jan@yahoo.com or Pat@hotmail.com convey an "amateur" or "handyman" sense, a shoestring practice, and a potential lack of professionalism. No one wants their concerns in the hands of an unsuccessful attorney. Tech-savvy individuals will not only interpret it negatively, they will actually have concerns about the security of their communications to you on this type of "public" e-mail service.

Even if you choose not to have a website, it is relatively easy to **obtain a unique domain name for your e-mail address** through one of the consumer sources listed on p. 22.

2. Initial Contact

Understanding the prospect/client dynamic

The concept of the "Emotional Bank Account"

Every time you touch a client or prospect you are either

INCREASING or **DECREASING** their trust.

Remember -- as much as 80% of communication is NON-VERBAL!

Every prospect or client comes into your office in some degree of **FEAR** of:

Their problem

The unknown

The cost

Lawyers

The building of trust begins with the initial impression provided by –

Referral source

Advertising

Website

Article/information

Personal contact

And is followed by the initial contact with your office

Phone - how is the caller greeted:

Live voice / voice mail

Friendly, welcoming, helpful

Surly, brusque, cold

How is the caller served:

Facilitates appointment

Given specific contact time, information

Vague instruction “she’ll have to call you back”

Sent/provided helpful information

Reminded of appointment

Walk-ins – what is the external appearance of the office:

Office location and appearance

Entrance - corridor and door

What is the internal office appearance:

Cluttered, disorganized

Old, out-of-date (furniture, decoration, technology)

Poorly cleaned and/or maintained

Visible client files and work

Comfortable, professional, welcoming, comforting

How is the visitor greeted:

No one present to greed

Warmly or coldly

Personally or impersonally

If phone or e-mail, what is the follow-on contact – initial or return call

Vague timeline

Answered / voice mail

Prompt, on-time

Warm, focused, inviting

Hurried, stressed, cold, impersonal, desperate, uncertain

3. The Effective Initial Interview / Prospect Meeting

Beyond pure money issues, the decision to hire is nearly always emotional vs. intellectual. Most clients do not know how to evaluate a "good" vs. a "bad" lawyer.

They will make decisions on:

Other people's opinions

Referral source

Former client

Testimonials (advertising, websites, information materials)

Their own feelings and emotions relating to you, your advertising, your environment and your team:

Positive

Trust

Comfort

Understanding/empathy

Interest and concern

Desire to help

Knowledge, information and "wisdom"

Cooperation, helpfulness

Negative

Cold, detached, disinterested

Busy, stressed, distracted

Disorganized

Mercenary

Egotistical, superior

Unsuccessful

Rules for Successful Client and Prospect Meetings

1. Create an environment that builds trust

Meet in your office

Clean desk & area

Neat, professional, appropriate clothing

Good personal grooming

Greet them at the door

Shake hands

Close the door

Offer refreshment

2. Listen fully

Don't take calls

Don't allow interruptions

100% attention

Make consistent eye contact

Don't fidget

Affirmative and "listening" body language

Make notes

Don't interrupt - honor speed of comprehension

Empathize

Avoid legal jargon

Answer questions simply, clearly, honestly and directly

Don't demonstrate your brilliance

REMEMBER – BUILD CREDIT IN THEIR "EMOTIONAL BANK ACCOUNT!"

New Directions for Pricing Your Services

Prospects and clients buy virtually everything else knowing the actual price. The uncertainty of the billable hour is one of the biggest stumbling blocks in the prospect conversation and the client relationship, and a key reason for the negative image of attorneys. Clients are far more likely to hire you when they know the price of your services up front, or at least have considerable assurance of the final price.

Alternatives to the billable hour

- Hourly
- Contingency
- Percentage
- Fixed or flat rate
- Step-by-step
- Statutory or scheduled
- Unit billing
- Blended
  - Fixed plus hourly
  - Fixed plus contingency
  - Fixed plus percentage
- Value billing
- Retrospective value billing – "success fee"
- Reduced fee + contingency

Resource/recommended reading: *Winning Alternatives to the Billable Hour, ABA LPM*

Newest Option: Unbundling

- "Limited-scope representation"
- Taking only part of a case
- "Counsel" to assist those who cannot afford full representation

4. Getting to "YES" – from Prospect to Client

Handling the "how much" question

"I may not even be the right attorney for you – tell me more"

Create prospect emotional connection to problem

Discuss prospect goals, concerns, fears

Empathize, build personal rapport

Repeat back goals, concerns, fears

"I understand…"

Listen intently, be interested, focused, empathetic

Explain WHAT you can do (NOT HOW)

Move conversation from "price for paper" to "value for benefit"

Discuss result & benefit

"I know you want to protect your family…"

"I know you want to get past this problem so you can get on with business…"

I know you want us to do everything we can to protect your driving privileges…"

Balance value against cost

Conversations to combat price competition

"I know we all have concerns about cost these days. But this isn't about buying documents – it's about the [safety of your family] [success of your business] [security of your future] [taking care of your loved ones]… and yes, I charge a bit more than some. Why do you think that is?"

"I know how important this matter is to you… do you really want to trust it to the lowest bidder?"

"I know how important this matter is to you…and I know this isn't the kind of thing you want to trust to someone without the experience I've had in this area, don't you agree?"

"I know you want to be sure this is handled in the safest possible way…"

"I know you want to make sure you have the best protection in this situation…"

"What made you decide to seek the help of a lawyer instead of handling it yourself? Because you didn't have the knowledge and experience? There will always be someone willing to work for less. The question to consider is whether you want the peace of mind of knowing you've come to someone who does have the right knowledge and experience."

When referred by another professional

Remember the value of the "transfer of relationship." If the referral source is someone the prospect knows well and/or has worked with for some time, they come into your office with a significant level of trust, already assuming they will use you, and price is not the primary concern. Your job is to affirm their initial assumption.

"I'm honored that _______ referred you to me. (S)he is someone I respect highly. I know she gave you my name because she wanted to make sure you got the best help and support available."

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Provides support for the attorney in refining an already successful practice and identifying strategic opportunities and approaches to achieve quantum increases in their revenues.

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For the attorney with established practices who are either experiencing specific challenges in their practices, or are "topping out" and looking for keys to taking their practices to the next level.

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For associates who demonstrate high potential but consistently seem to be unable to achieve that potential, and are not returning the firm's considerable investment in them.

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Provides a comprehensive review of marketing at both the firm and individual partner level, and offers specific recommendations on the most effective means to utilize marketing dollars to increase firm revenues.

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