



November 7, 2014
9:15 AM – 10:30 AM

105 How to Market Your Small Firm/Solo Practice with Big Law Power!

The key to financial success for all lawyers is consistent and effective marketing. Big law firms know this and employ in-house marketing professionals and outside PR firms to proactively market their services. This panel will identify the ways in which solo and small firm attorneys can engage in high-powered marketing to grow their business at a fraction of the cost. Some of the issues that will be covered include: online versus traditional print marketing, social media, newsletters, press releases, e-books, blogging, videos, online advertising, building a network of reporters, speaking engagements, niche marketing, budgeting, and ethical rules.

Program Co-Chair & Moderator:

Shanlon Wu, *Partner*, Wu, Grohovsky & Whipple, PLLC

Program Co-Chair & Speaker:

Chun T. Wright, *Owner*, Law Office of Chun T. Wright, PLLC

Speakers:

Christopher W. Chan, *Owner*, Law Office of Christopher Chan

Paul J. Loh, *Partner*, Willenken Wilson Loh & Delgado LLP

Sue Zoldak, *Vice President*, Levick Strategic Communications

How to Market Your Small Firm/Solo Practice with Big Law Power!

Course Outline and Learning Objectives

(75 min)

The key to financial success for all lawyers is consistent and effective marketing. Big law firms know this and employ in-house marketing professionals and outside PR firms to proactively market their services. This panel will identify the ways in which solo and small firm attorneys can engage in high-powered marketing to grow their business at a fraction of the cost. Some of the issues that will be covered: developing a marketing plan, marketing to different client types, online versus traditional print marketing, social media, newsletters, press releases, e-books, blogging, videos, online advertising, building a network of reporters, speaking engagements, niche marketing, budgeting, and ethical considerations.

- I. Branding & Marketing Solo & Small Firms (30 min)
 - A. Overview
 - B. Social Media
 - C. Speaking Engagements
 - D. Getting Press
 - E. Budgeting
 - F. Ethics

- II. Case Studies (30 min)
 - A. Targeting Fortune 500 Companies
 - B. Niche Marketing
 - 1. Adventure Travel
 - 2. College Student Defense
 - C. Marketing to Local Community

- III. Q & A (15 min)

Developing and Marketing to Fortune 500 Clients:
A Litigation Boutique Firm's Perspective Based On Lessons Learned

- I. Patience and Realism
 - A. Takes time
 - B. Luck really helps
 - C. It's a full-time – or at least a continuous – job
 - D. Concrete goals

- II. Know Thyself
 - A. Identify substantive legal specialty/specialties
 - B. Identify non-substantive distinguishing traits or advantages – e.g., diversity, language skills, technology or industry-specific expertise
 - C. Recognize limitations

- III. Research and Identify Potential Targets With Suitable Litigation Needs
 - A. Trade and legal periodicals
 - B. PACE
 - C. Courthouse News “dinger” subscription
 - D. Annual reports and 10-Ks

- IV. Marketing Message and Materials
 - A. Elevator speech
 - B. The One-Pager
 - C. Brochure – paper lives
 - D. Don't be cheap – e.g., designer, professional printing

- V. Making Contact
 - A. Goal: Get meeting with decision makers
 - B. Line lawyers and head of litigation more important than General Counsel
 - C. How?
 - 1. Friends, classmates, colleagues, professional referrals
 - 2. Bar groups
 - 3. CLE presentations
 - 4. Corporate connections or expos– e.g., NAPABA, DRI, NAMWOLF
 - 5. Direct solicitation letters – don't underestimate efficacy
 - D. Following up
 - 1. Mailing list – paper or electronic mailers
 - 2. News and developments of particular interest to individual contact
 - 3. Continuity – same people attend the same conferences annually
 - 4. “Hello Again” email or letter
 - E. Don't be shy: You have to ask for a meeting

- VI. Now That You Got The Meeting, What Do You Do?
 - A. People don't always want to eat lunch with you – set up a business meeting for marketing purpose
 - B. Who should you bring to meeting
 - 1. Assign roles and game plan in advance
 - 2. Introduce and praise one another, not self
 - C. Send marketing materials (again) shortly before meeting
 - 1. FAQ as opposed to brochure -- critical
 - D. The meeting itself
 - 1. Brief but affirmative
 - 2. Recognize limitations
 - 3. Offer something of value
 - a. In-house CLE presentations
 - b. Bids
 - c. Free advice
 - d. Invite to watch you in action
 - 4. Align your interest with client's
 - 5. Next steps
 - 6. Don't be shy: Ask for their business
 - 7.

Developing and Marketing a Niche Practice

- I. What is a Niche Practice?
 - A. Selecting a Niche: industry type, area of law, client type, service type
 - B. Passion Counts
 - C. Knowledge, Background and Experience
 - D. Make Sure There is Business Potential
 - E. Learn the Industry and the Lingo

- II. How to Market Your Niche Practice
 - A. Relationships
 - 1. Industry Groups
 - 2. Trade Associations
 - 3. Committee and Boards
 - 4. Other Service Providers
 - B. Brand
 - 1. Written Materials
 - 2. Domain Names

Examples: flash mob, hockey, wine, adventure travel law, student defense, dog bite, virtual, yachting
 - C. Write
 - 1. Trade Publications
 - 2. Industry Websites (blogs, members-only discussion areas)
 - 3. Written Materials for other Industry Service Providers

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D. Talk

1. Industry Meetings and Conventions
2. Webinars

E. Teach

III. Marketing Strategies

A. Content

1. How to find it
2. How to use it

B. Distribution

1. Website
2. Blog
3. Newsletter
4. Op/Ed
5. Letters to the Editor
6. Reporters
7. Video
8. Communications Firms



Adventure Travel Legal News and Views

Volume 2, Issue 5 - May 28, 2014

The Adventure Travel Law Newsletter is designed to bring you insights on the latest trends and developments affecting the adventure travel industry. Not interested? Please see the links at the bottom of each newsletter to unsubscribe at any time.

Dear Chun,

Hello from St. Thomas in the U.S. Virgin Islands. For those of you in the U.S., I hope you had a good Memorial Day Weekend. Last week I rode my first sea plane from St. Thomas to St. Croix, where I finally had the chance to dive St. Croix's wall at Cane Bay and see my first "coral nursery." And thanks to biologist Claudia Lombard with the U.S. Fish and Wildlife Service along with serendipity, I saw two leatherback turtles dig their nests and lay their eggs at Sandy Point National Park, which is the largest leatherback nesting site in the U.S.



As always, let me know how I can help you, even if simply to connect you to someone in my network or point you to a resource.

Here's what's hot right now:

- **To Do - Switch from Paper Waivers to a Digital Waiver System:** Are you still using paper waivers? If you end up in litigation three years down the road, will it be difficult or time-consuming to locate a specific customer's waiver? Are your waivers taking up valuable storage space and perhaps even creating a fire hazard? If you answered yes to any of these questions, now is a great time to seriously consider switching to a digital waiver system that allows your customers to review and sign your waivers online.

The top question that I'm asked when discussing electronic signatures is whether they are legally valid. The short answer is yes, they are legal in the United States and in many other countries (e.g., Canada, Mexico, UK). These countries have adopted laws that are designed to facilitate the use of and help your company embrace electronic signatures. These laws make electronic signatures as valid as pen-and-paper signatures with a few limited exceptions (e.g., wills and real estate contracts). A contract, whether signed electronically or the old-fashioned way, still has to meet certain requirements and comply with applicable laws to be valid. Under these electronic signature laws, however, the contract cannot be invalidated just because it was signed electronically and not with pen-and-paper.

An electronic waiver system has many advantages, including 1) the elimination of paper-related costs (e.g., paper, storage, copying, equipment); 2) the ability to locate a specific waiver quickly and easily now and in the future; 3) reducing the time that staff has to spend administering the waiver system; 4) providing even greater service to customers who have grown accustomed to transacting business online; and 5) freeing up valuable time so that you and your staff can focus on other mission critical matters that cannot be automated.

The adventure tourism industry is increasingly moving away from paper to digital waivers and other contracts, which certainly makes sense given that many transactions take place between tour operators, outdoor recreation companies, and participants who are located in different states and countries. The shift to electronic waivers has been a steady one and I predict that in the not-too-distant future, most tour operators will be using an electronic waiver system. There is no need to wait for you to make the transition, though. Now is the time to adopt technologies and processes that allow you to operate your company more efficiently and increase your profits.

There are numerous digital waiver services for you to consider, including [WaiverSign](#), a service on which I consulted and which is offered by Adventure Travel Trade Association ("ATTA") member Brandon Lake. Consult your staff and legal advisor to select the service that's right for you.

To learn more about electronic waivers, members of the ATTA can [click here](#) to view the webinar titled "Making the Switch to Digital Liability Waivers." In the webinar, I discuss the legal aspects of electronic waivers. For more information on some of the relevant electronic signature laws in the United States, see the E-Sign Act, 15 U.S.C. § 7001 (federal law), which made electronic signatures as valid as paper and ink signatures and provides guidelines for their use in commerce, and the Uniform Electronic Transactions Act (adopted by the National Conference of Commissioners on Uniform State Laws in 1999). For a list of state statutes on electronic signatures, [click here](#). Internationally, the European Union has a community framework for electronic signatures that various member states have adopted - see Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999. Canada also has passed federal and provincial laws that recognize the legality of electronic signatures, including the Electronic Commerce Act 2000. Mexico has also passed laws recognizing the validity of electronic signatures.

- **Publication:** I contributed a number of legal sections to PathWrangler's free eBook, "Living the Dream! An Entrepreneur's Guide to Starting and Operating a Successful Adventure Travel Company." The free eBook is [available here](#).
- **Service Packages:** [Contact me](#) to learn about my **Essential Adventure Travel Document Review: Legal Review of Your Critical Client and Vendor Agreements to Protect Your Profits and Reduce Your Risks** packages that include the review and revision of these core documents for a flat fee. Companies that recognize the importance of ongoing legal advice to deal with issues that arise on a day to day basis may also contact me to learn about my outside General Counsel package. I also handle risk management issues, pre-litigation disputes, regulatory compliance, litigation, intellectual property/brand protection, and more.

Upcoming Events and Speaking Engagements:

- **AdventureConnect - Washington, DC.** The date for the next DC AdventureConnect will be announced soon. To learn more about AdventureConnect and register for an event in your area, please [click here](#).
- **Home Based Travel Agent Forum 2014.** Las Vegas, June 16-18, 2014. I will be presenting a session titled "Stack the Deck in Your Favor: Smart Tactics for Legal Risk Management." If you plan to attend the show, let me know. [Click here](#) for more information.
- **ATTA's Annual Adventure Travel World Summit.** This year's Adventure Travel World Summit will be from October 6-9, 2014, in Killarney, Ireland. [Register here](#).
- **Travel & Adventure Show.** Dallas, October 25-26, 2014, Chicago, January 17-18, 2015. [Register here](#).
- **International Marketing and Management Conference and Tradeshow for Outfitters and Adventure Resorts.** Daytona Beach, Florida, December 3-5, 2014. [Click here](#) for more information.

That's it for this month. As always, I'd love to hear your feedback, questions, and suggestions for topics that you would like to see covered in a future issue. Please hit reply to let me know what's on your mind or just to say hello.

Wishing you many adventures,

Chunnie

About Chunnie:



Copenhagen, Denmark

Chunnie is an ATTA member and attorney who brings extensive legal experience and a unique perspective to her adventure travel law practice. Drawing upon her diverse legal experience in private practice, the federal government, and in-house at a trade association, Chunnie helps her adventure travel industry clients successfully navigate a variety of legal issues. These issues include contracts, risk management, general business and strategic advice, international business, dispute resolution, regulatory compliance, intellectual property protection, Internet and e-commerce, litigation, and more. A graduate of the University of California Berkeley School of Law (J.D.) and University of Texas at Austin (B.B.A.), Chunnie represents companies of all sizes, from start-up to large corporations, and in all stages of the business life cycle. A lifelong traveler, Chunnie has lived in Japan, Korea and Italy, and has explored over

50 countries in Asia, Europe, Latin America and Africa.

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Community-Based Marketing

1. Local Real Estate Board, Real Estate Brokers Associations, Zoning Boards, School Boards, Tax Board, Rotary Clubs, Charitable Organizations, Chambers of Commerce.
2. Special Interest groups like AAJA (Asian American Journalist Association), Family Associations (On Leong, Hip Sing, and others), OCA (Organization of Chinese Americans or similar groups)

Ethics

1. Social media profiles might be subject to state bar advertising rules, with significant ramifications.

Many states have special requirements for lawyer advertising, such as:

1. Filing with a reviewing authority prior to or shortly after public dissemination;
2. Inclusion of mandatory information, such as the address of the principal office of the law firm and the name of the person responsible for the content of the ad;
3. Labels such as “Attorney Advertising” or “Advertising Material” at the beginning and end of the message;
4. Inclusion of specified disclaimer language; and
5. Retention of copies of each advertisement for a specified period of time.

2. Different rules may apply to social networking sites focused on the legal community.

Some states exempt advertisements in legal newspapers, legal directories and other media focused on or restricted to lawyers.

3. Blogs vs. Websites.

Although state bars usually categorize websites as advertisements, they often treat legal blogs differently. Some states categorize blogs as advertising, if they consist of commentary or educational information. At least one New York Bar Association webinar, presented by the New York State Bar website editor, suggested that a blog would be considered an advertisement.

4. The “Recommendations” feature of LinkedIn.

Some states prohibit the use of testimonials, or require certain restrictions or the insertion of disclaimers, such as in Rule 7.1(d) and (f) of the New York Rules of Professional Conduct. LinkedIn permits your connections to write testimonials about you in the Recommendations section of your profile. You can prescreen recommendations (even unsolicited and unexpected ones) before they get posted for public view, so make sure they comply with the disciplinary rules. For example, some states prohibit comparisons to other lawyers’ services, unless substantiated by verifiable objective data. Therefore, if your client enthusiastically reports that you are “the best trial lawyer in town,” you will need to diplomatically ask for a revision before publication.

Lawyers would be well-advised to avoid making reciprocal recommendations, where the lawyer agrees to post a recommendation in exchange for receiving one. Rule 7.2(b) of the ABA Model Rules prohibits giving anything of value in exchange for a recommendation. Also some states prohibits giving anything of value to a non-lawyer for soliciting prospective clients.

Another area of concern are testimonials. The warning area: Directory sites, Endorsements, Ratings, Martindale Hubbell, Avvo. The issue is posting information that is non-verifiable, misleading, or stated without personal knowledge.

An attorney should prescreen recommendations on Linked-In before they get posted for public view. Do not make reciprocal recommendations. Do not give anything of value to a non-lawyer for the soliciting prospective clients

5. Designation as a specialist or expert on LinkedIn.

A LinkedIn profile has a field for “specialties.” Unless you are certified as a specialist by a state bar accredited authority in your jurisdiction, you should leave it blank. ABA Model Rule 7.4(d) and most state rules prohibit a statement that a lawyer is a specialist without the particular sanctioned accreditation.

The “Answers” section on the LinkedIn toolbar can also pose problems. When you respond to questions there, the readers vote on the best responses posted. If you accrue a number of best response votes, LinkedIn automatically designates you an “Expert” in that category. That designation probably violates most specialization rules.

You can, however, demonstrate your knowledge and build relationships by answering questions in LinkedIn discussion groups that you join. There is not an Expert designation or “best answer” feature in the discussion groups.

Do not allow yourself to become inadvertently designated as a specialist on LinkedIn: Unless you are certified as a specialist by a state bar accredited authority in your jurisdiction, you should leave blank the LinkedIn profile field for “specialties”. Additionally, the “Answers” section in LinkedIn toolbar designates you as an “expert” after you’ve answered a certain number of questions and gotten positive responses. Therefore, avoid responding to questions in the official “Answers” section of LinkedIn. On the other hand, you can demonstrate knowledge and build relationships by answering questions in LinkedIn discussion groups, since there is no “best answer” or “Expert” designation in that area.

6. Solicitation by real-time electronic contact.

Twitter has such open conversation and rapid interaction capability that a lawyer must keep ABA Model Rule 7.3 (or the local equivalent) in mind. The rule forbids using real-time electronic contact to solicit business directly from a potential client. In some states, the prohibition only arises in the case of an accident or similar circumstance, where the potential client has not sought the lawyer’s advice.

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By way of illustration, when someone tweeted on Twitter that she just got a DUI, a lawyer responded to her: "If you are looking for a DUI lawyer, I can give you my Twitter big break on fees...email me." Unless the lawyer already had the requisite prior relationship with the tweeter, that contact would violate ethical rules in a number of states.

On another occasion, a different person tweeted, "Just got out of the Cobb County jail. Anyone know a good inexpensive DUI lawyer?" The foregoing response to that tweet would be permitted in some states, because the tweeter asked for a lawyer.

Other warning areas include directory sites, blogging, tweeting. The issue is has the prospective client invited the communication? Attorneys must be careful communicating with people who are not clients and should consider carefully "is this communication an attempt to solicit clients, motivated by pecuniary gain?"

Imagine a person posts a tweet: "Just got released from County jail, need atty fast." Would it violate the rules for an attorney to respond to that tweet? What if it mentioned being released from jail but did not solicit a response?

Related to this is inadvertently creating an attorney-client relationship. The warning areas include: Directory sites, blog comments sections, advice sites. The central issue is whether the attorney gives advice in an online forum. Must be careful to phrase discussions in terms of offering general legal information rather than legal advice.

Also related is the unauthorized practice of law. The warning areas include: Legal advice sites, blogging, web page, Facebook, Twitter. The issue is that geographic boundaries are non-existent online. Take care not to establish attorney client relationship or give legal advice in distant jurisdictions. For example if you are not licensed in California, responding to an inquiry from California may be a violation of unauthorized practice of law. Individual state laws define what is the practice of law.

7. Breaching client confidentiality.

The casual nature of social media can lure attorneys to unintentionally breach client confidentiality. In a tweet a lawyer wrote, "Just talked to my client who totally lied to me about all the facts." Since the date and time of the tweet gets posted, it has the potential of revealing information to someone who might know that the client was meeting with the lawyer that day.

Client confidentiality also covers: shared drafting and collaboration platforms such as Box, Dropbox, Google Drive, Evernote, Blogging, Twitter, JD Supra, Foursquare, Facebook, Photos, and other geo-tagged communications. Disclosure of client information or failure to adequately protect; potential disclosure to third parties through collaboration, copies or email forwarding Anyone, anywhere could be eavesdropping on your electronic communications, and even your locale could give away important confidential information (e.g. You tweet: "Just had lunch at the Four Seasons restaurant, landed a famous client!! Geo-location places you in front of the Four Seasons restaurant in New York. A twitter follower is in the area and sees Michelle Obama leaving the restaurant. He sends his observation with a picture around the world.).

8. Ex parte communications.

According to a public reprimand, a North Carolina judge engaged in unethical Facebook activity relating to a case being tried before him. During a child custody case, District Judge B. Carlton Terry Jr. “friended” defense counsel, and each of them discussed aspects of the case on Facebook, constituting ex parte communications. Plaintiff’s counsel had indicated she was not on Facebook. The judge also conducted ex parte online research about the plaintiff by googling her and visiting her website.

9. Improper Contact with Parties.

The warning areas to know include: Facebook, Twitter. The issue is when an attorney “friends” a defendant or communicates with a witness

Many lawyers find useful information about a litigation party or witness in their postings on social media. Due to privacy settings, sometimes valuable information would not be visible to the public in general, but would be visible to hundreds of “friends” of the target on Facebook or other media. Lawyers may be tempted to disguise their identity in order to friend the target, or to ask someone else to friend the target and share what they see.

In March 2009, the Philadelphia Bar Association issued an opinion that such pretexting would involve dishonesty, fraud, deceit or misrepresentation on behalf of the lawyer, or the encouragement of such behavior, in violation of the Pennsylvania ethics rules.

10. False or misleading information.

The warning areas include: Directory sites, archiving sites, hiring ghost bloggers, gaining access to information through pretexting (see 9, supra.) The issue is whether there is anything that involves creating an appearance that we are something other than who we really are.

Hiring a ghost blogger to fill your web site might arguably mislead clients into thinking that you are more knowledgeable than you really are.

11. Conflict of Interest.

The warning areas include emails or advice given over internet between people who have peripheral or scant relationship. For example, two people, not married but living together who want to break up, or a group of people who just won a lottery ticket together.

12. Lack of candor toward the tribunal.

ABA Model Rule 3.3, and most state bar rules, prohibit lawyers from knowingly making a false statement of material fact to a tribunal. Many judges report incidences where lawyers make statements in court that do not appear to align with their recent Facebook status updates. That can get you in hot water.

13. YouTube videos.

If a lawyer's YouTube video goes beyond strictly educational, informational or entertainment content, it constitutes advertising, subject to same rules that apply to television ads. In Texas, merely including an attorney's contact information on a purely educational video, without soliciting contact, does not constitute advertisement.

Social media can level the playing field for small firm lawyers. If you haven't read your state's ethics rules in a while, however, it's time for a refresher course!

14. Duty to Preserve Evidence.

The major sites include Facebook and Myspace. With the new and evolving eDiscovery rules, all attorneys including transactional attorneys must be aware of the duty to preserve evidence and avoid spoliation of communications via social media whenever litigation seems likely.



Business Development Program Outline

1. Set Your Course

- Goals
- Objectives
- Volume, levels of client/matters, ratio of matters, average fee, etc.
- Review last two years of matters
- Analysis of current Client Development (CD) actions
- Definition of Insanity
- Measure inputs first, then outputs

2. Target work

- Niche practice areas/legal needs
- Sector/vertical/demographic research & expertise
- Trends
- Competitive intelligence
- Profitability analysis

3. Chart and navigate your universe of contacts

- Fill out your Rolodex
- Alum, affinity groups, neighbors, biz groups, vendors, boards, former colleagues, opposing counsel, COIs
- Categorize your Rolodex
- ALWAYS tend your list
- Who's not on it that should be?
 - ✓ Former Clients
 - ✓ Friend/Relatives
 - ✓ Neighbors
 - ✓ Connections through Hobbies/Sports
 - ✓ Undergrad classmates
 - ✓ Law School Classmates
 - ✓ Law School Professors
 - ✓ Attorney (by primary practice area)s
 - ✓ In-House Counsel
 - ✓ Judges
 - ✓ Trade Association Leaders
 - ✓ Professional Association Leaders
 - ✓ Professionals (non-lawyer -- e.g., architect, doctor, CFP, etc)
 - ✓ Suppliers
 - ✓ Consultants
 - ✓ Local/State Gov't Officials (Elected, Appointed, Career)
 - ✓ Non-profit and for Profit Board Members
 - ✓ Social group connections through children

4. Convey effective marketplace messages

- Detailed profile of your ideal client

- Client-centricity vs. lawyer centricity
- Triggering events
- What you do (the results you get) for whom
- Creating differentiation
- What clients experience *while* they're working with you and *after* they work with you
- Benefits, not features; results, not process
- The specific kind of cases you want
- Why you're passionate about your specific kind of work
- Authentic value proposition

5. Use multiple channels of outreach

- Writing (Public, target clients, target ref. sources, Blogs, JDSupra, newsletters, weekly e-tips)
- Speaking/seminars
- Video (Site, YouTube/Vimeo, social media)
- PR (writing for & being featured/quoted)
- Print advertising
- Print collateral for distribution
- Web advertising (SEM – Search Engine Marketing)
- Board and community service
- In-person and group networking
- Email signature

6. Build your online presence

- Effective main site, possible micro-sites
- SEO (optimization) / SEM (pay-per click) / SM (social media strategy)
- LinkedIn (keywords)
- Facebook/Twitter
- Blogs
- Video (YouTube)
- Avvo
- Web bios
- Lawyer Directories
- Google Local

7. Activate your referral sources

- Take extraordinary care of you current referral sources
- Research and prep first
- Express interest in them
- How can you help them?
- Send note after meetings
- Track and calendar follow-up actions
- TOMA (top-of-mind awareness) 7 to 10 “touches” , Google Alerts, articles, RSS feeds
- Get a “next action” or ASK for the work!

8. Nurture existing clients

- COA (cost of acquisition)
- Research/understand their non-legal business needs
- Visit them at their work

- Deliver extra value (Day Pitney's Social Media Task Force)
- Promote them

9. Strengthen your client development habits

- Know your selling and communication preferences
- Calendaring time for marketing
- Plan weekly and monthly activity
- Update contacts, reach out to top-20 sources, line-up gigs/articles, research
- Prep before each marketing event
- Follow up each event
- Reinforce your own positive attitude

“What you do with your billable time determines your revenue. What you do with your non-billable time determines your future.” David H. Maister, *Managing the Professional Service Firm*



Name:

Date:

Business Development Self-Assessment

Directions: Read through the following statements. On a scale of 1-5 (5 being the highest), rate how true each statement is for you.

A. Mindset

	Level of Agreement
1. I have in writing – and use – a well-thought-out business development plan.	<input type="text"/>
2. I feel I have control over whether or not A-level business comes through my door.	<input type="text"/>
3. I read at least three books on marketing and/or business development a year.	<input type="text"/>
4. I'm aware of how my beliefs about marketing – both negative and positive – impact my approach to business development.	<input type="text"/>
5. I have a clear picture of how my practice and life would change if I were able to fill my practice with the matters and clients of my choosing.	<input type="text"/>
Total	<input type="text"/>

B. Focus

	Level of Agreement
1. I know exactly what kind of clients and matters to cultivate and I know how and where to reach them.	<input type="text"/>
2. I can accurately and specifically describe the demographic and/or business profile of my most profitable and satisfying <i>clients</i> , whether individuals or entities.	<input type="text"/>
3. I can accurately describe the specific parameters of the kinds of <i>matters</i> I seek.	<input type="text"/>
4. I'm able to comfortably and authentically differentiate myself from the crowd of attorneys who target the same clients and matters.	<input type="text"/>
5. I actively work to promote myself as serving one or two well-defined niche practice areas and/or target markets.	<input type="text"/>
Total	<input type="text"/>

C. Relationships

		Level of Agreement
1.	I know how to identify and reach new "Centers of Influence" – people who are influential among my client base or with other potential referral sources.	
2.	I track the source of all files that I open or work on.	
3.	I have an up-to-date, written list of my 20 top referral sources.	
4.	I routinely devote time to educating myself about the key business opportunities and challenges faced by my target clients and my referral sources.	
5.	I can easily compile a list of past and present clients who are candidates for cross-selling.	
6.	On a regular basis I practice building rapport with clients and influencers by being genuinely interested in their likes and dislikes.	
7.	I routinely acknowledge and thank my clients or influencers who refer a matter to me.	
8.	I invite my clients and referral sources to participate with me in activities (sports, theater, etc.) that I enjoy outside of the practice of law.	
9.	I routinely plan at least ____ in-person marketing activities (lunch, breakfast, golfing) per week: 1 = 1 activity, 2 = 2 activities, 3 = 3 activities, 4 = 4 activities, 5 = 5 activities.	
10.	I routinely make at least ____ phone calls per week that contain some conversation to build rapport or market myself to clients and/or referral sources: 1 = 1 phone call, 2 = 2 phone calls, 3 = 3 phone calls, 4 = 4 phone calls, 5 = 5 phone calls.	
Total		

D. Message

		Level of Agreement
1.	I have a natural-sounding, but informative, encapsulated talk that I use when people ask me what I do.	
2.	I have an arsenal of stories that I tell that demonstrate the kind of attorney I am, the kinds of people I help, and why.	
3.	I comfortably use examples of the kind of results my clients have experienced that illustrate their improved personal or business condition.	
4.	I have interviewed enough of my clients, referral sources, and influencers to know what they are looking for in an attorney.	
5.	I take time educate my clients, referral sources, and influencers about how to best promote me; how to best talk about who I am, what I do, and for whom.	

6.	I have an ethical and comfortable way of asking existing <u>clients</u> for additional business or new referrals	
7.	I have an ethical and comfortable way for asking existing <u>referral sources</u> for new referrals.	
8.	I have an ethical and comfortable way for asking existing <u>influencers</u> for introductions to other referral sources.	
9.	I prepare for each business-building meeting in advance and have a list of questions to ask, things to listen for, and objectives for a "next step."	
10.	I train my secretary, or members of my staff, to market the firm and I acknowledge them for any work they bring in.	
Total		

E. Channels

		Level of Agreement
1.	Our website is visually attractive, is search engine optimized, and is kept up-to-date with content that is meaningful to my target client base (i.e., that provides useful information to help them solve their problems).	
2.	My bio page contains as much or more information about my clients, their needs, and the results they experience as it does about me and my credentials.	
3.	I work at building my web/social media visibility through platforms such as LinkedIn, AVVO, JDSupra, etc. on a regular basis.	
4.	Our print and collateral material is distinctive and first-class.	
5.	I distribute a monthly or quarterly newsletter to clients and/or referral sources that contains advice and useful information.	
6.	I publish at least two articles a year in targeted outlets such as association newsletters, industry publications, or professional journals.	
7.	I speak at least three times a year at targeted events such as professional development seminars, industry conferences, chambers of commerce, etc.	
8.	I am actively involved in at least two non-bar organizations.	
9.	My firm sponsors or co-sponsors at least two events and/or organizations to build visibility with our target client base.	
10.	We know how to generate local press coverage of our people and services and client results.	
Total		

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Marketing Calendar

Sample Legal Marketing Calendar SuccessTrackESQ.com

ACTIVITY	GOALS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Client Mailing	2-4 / Year	Mailing 1			Mailing 2			Mailing 3			Mailing 4		
Speaking	2 / Year		Speech 1								Speech 2		
Publish Articles	2 / Year				Article 1					Article 2			
Referral Network	Monthly	Meeting	Meeting	Meeting	Meeting	Meeting	Meeting	Meeting	Meeting	Meeting	Meeting	Meeting	Meeting
Top Prospects	Monthly	Focus	Focus	Focus	Focus	Focus	Focus	Focus	Focus	Focus	Focus	Focus	Focus
Website	Monthly	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg	1 new pg
Blog	4 / Month	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts
LinkedIn	Monthly	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts	4 posts
Press Coverage	2 / Year			Release 1					Release 2				
Online Directories	On-Going	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7
Google AdWords	On-Going	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7	24/7

Appendix 2. 2011 Legal Marketing Budget*

ACTIVITY	GOALS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Client Mailing	2-4 / Year	\$1,000			\$1,000			\$1,000			\$1,000			\$4,000
Speaking	2 / Year		\$100								\$100			\$200
Publish Articles	2 / Year				\$50					\$50				\$100
Referral Network	Monthly	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
Top Prospects	Monthly	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
Website	Monthly	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$1,800
Blog	4 / Month	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
LinkedIn	Monthly	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Press Coverage	2 / Year			\$350					\$350					\$700
Online Directories	On-Going	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$3,000
Google AdWords	On-Going	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$3,600
Total		\$2,000	\$1,100	\$1,350	\$2,050	\$1,000	\$1,000	\$2,000	\$1,350	\$1,050	\$2,100	\$1,000	\$1,000	\$17,000

*NOTE: These are SAMPLES ONLY, provided for display purposes.

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ADDITIONAL RESOURCES

Marketing and Business Development

My Shingle, <http://myshingle.com/resources/startalawfirm/>

Reading List

E-Myth Revisited, Michael E. Gerber

Business by Referral, Ivan Misner

Rainmaking Made Simple, Mark Marais

The Business of Law, Ed Poll

The Reluctant Rainmaker: A Guide for Lawyers Who Hate Selling, Julie A. Fleming, J.D.

Press

Help-A-Reporter-Out (HARO), www.helpareporterout.com

Newsletter and Social Media Management

Constant Contact, www.constantcontact.com

HootSuite: Social Media Management, www.hootsuite.com