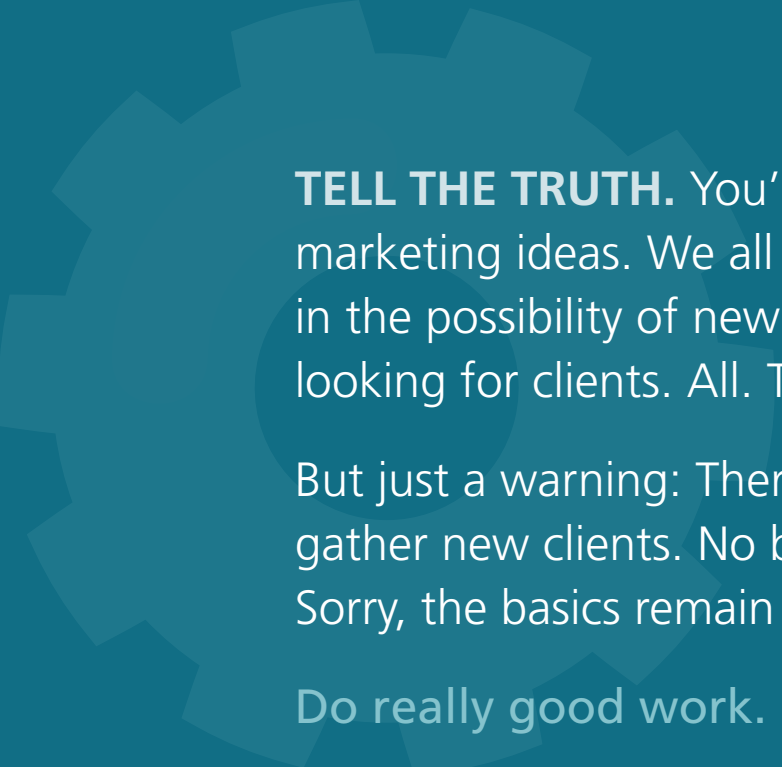


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TELL THE TRUTH. You're always on the lookout for a few really good marketing ideas. We all are. Even the world's busiest lawyers are interested in the possibility of new (better!) clients. Besides, it's just so hard to go out looking for clients. All. The. Time. Right?

But just a warning: There is no brand-new super-duper, easy-peasy way to gather new clients. No button to push. No switch to flip. No pill to take. Sorry, the basics remain the basics:


Do really good work.

Get a little bit famous.

Get acquainted with people who can hire you to do the kind of work you want to do. (And with people who know those people.)

Offer to help.

Good news is there are some really great new ways to get those basics done! Faster ways, better ways, things you've never heard of. New ingredients! A sassier sauce! That's what we're all about here: Really good marketing ideas





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GETTING THE WORK

Let's Get Real About Marketing Legal Services Today

BY MERRILYN ASTIN TARLTON | Are you ready to ratchet up your marketing activity? Maybe things have slowed down around the office. Or perhaps you just don't like the direction your work is taking—too much repetition and not enough of a challenge? Is it time to refocus your practice? Or do you just need to stop waiting for others to “do something,” and start bringing in your own clients? Regardless, let's clear up a few misperceptions about marketing legal services today.

Refresh Your Thinking on Some Things

Size doesn't matter. No one really cares about the size of your firm. Well, okay, there are those international corporations approaching merger who need a mega-brand name firm to bolster the board's confidence and protect their own tender necks if things go sideways. Beyond those few odd twists, though, any ingenious and determined lawyer can provide what's needed and wanted, regardless of how many workstations are on site, or who buys the paper clips. And there's every reason to expect any lawyer to offer the kind of personal service previously associated with small and solo practices. Let's repeat: No one cares about size. So it's no way to compete.

It's value, not price. If you're still trying to compete based on price ... well, that's another thing we need to talk about. There are so many wrong ways to think about your fees. Here a few popular ones:

- “Big, Bad & Ugly just raised their rates! Now we can, too!”
- “She's a fifth-year associate, so her hourly rate is the same as all the others in her class.”
- “I'll tell him my rate is \$500 an hour, and if he chokes, I'll just discount it.”
- “Their RFP asked for some kind of value billing, so I figure we give them 20 percent off and hope no one else matches that.”
- “Well, we're a small firm, so our rates have to be lower.”
- “We're bigger, we can charge more.”

And then there are some *good* ways to think about fees:

- “We've done every one of these deals that's ever been done in the pharmaceutical industry. We'll be fast, effective and connected in a way no one else could be. And that's what this client needs. We can deliver maximum value to them. Let's set the fee accordingly.”

- “Let’s just develop a Word template for this. Then it will only take 10 minutes to do each one. It’ll be cheap for the client and we can maximize our profit by doing six an hour with little partner involvement.”

It’s possible you’ve been living in a firm where bespoke pricing was forbidden. Well, now is a good time to get over that. Start focusing on the actual value of your work to the client. Clients will love this! You’ll love it.

Look at me when you talk. Speaking of love ... it’s not just the loves of your life who need to know you’re thinking of them. *Everyone* is drawn to a person who naturally sees things from the other’s point of view. Try this experiment: Pull up your last RFP response or your firm website, and read a bit of text. Start counting personal pronouns. Does it go something like this: “I, we, us, us, we, we, our, me”? As a potential client, that tells me all you want to talk about is you. I’m looking for someone to help solve my legal problem. Once I know you’re qualified (and that takes 30 seconds), I want evidence that you know how to talk—and care—about *me*. Next time you speak to potential clients, try asking about *them* instead of telling about you. It works!

Do marketing *and* business development. What’s the difference between marketing and business development? At the risk of oversimplifying, marketing includes all the ways you communicate to your target clientele about your value and capabilities—media relations, advertising, branding, brochures, websites, email marketing, seminars and so on. Business development is, well, personal selling. If you’ve developed an effective marketing plan and have been implementing it conscientiously, your potential clients will already know who you are by the time you personally look them in the eye and shake hands. Marketing builds a platform from which you can more easily sell your services. It let's you start a personal relationship having already earned credibility. You can't just do marketing *or* business development. It takes *both* to build credibility and bring in new clients.

Use the Internet. Welcome to the 21st century, where at least half of our communications occur via the Internet. No longer do we argue for half an hour over dinner about the name of “Oh ... that guy ... in the Italian movie who ... you know ... he’s blond and dated Penelope Cruz?” Smartphones slide out of purses and pockets and the controversy is quickly laid to rest. Every day begins and ends with email. We learn what’s up with family members by reading Facebook. Personal style is expressed via Tumblr, Pinterest and what we tweet at night. We “go to school” at home in our pajamas. Professionals demonstrate competence by being the first to share or retweet hot news. And clients find lawyers via online legal networks.

Accept that this is the world you live in. If you’ve avoided LinkedIn because “I just don’t want people to know that much about me,” or Facebook because “I don’t trust those security settings!” or Twitter because you don’t want to make a fool of yourself, then *rethink your assumptions*. If you need to “fish where the fish are” (and, of course, you do), you’d better learn to find joy on the Internet.

Think content. The Internet is not a passive sport. You—or someone you really trust—is going to have to work it if it’s going to get you closer to your goals. And that doesn’t just mean making sure you tweet, share and blog with some regularity. It means that anything

“Marketing builds a platform from which you can more easily sell your services. It let's you start a personal relationship having already earned credibility. You can't just do marketing *or* business development. It takes *both* to bring in new clients.”

(and everything!) on the Internet that represents you or your firm must be managed. Just about constantly.

For example, some months (or years) ago, you created a new website. And it was incredible. Beautiful to look at. Friendly to use. You sent out a message to all of your contacts announcing the new site. They visited ... and you received lots of nice comments. Then what happened? Unless you are really on top of things, your site just sat there gathering digital dust. Everyone had seen it. The only new page views you got recently were when someone needed to copy and paste their resume into a letter, or your mom needed to brag to a neighbor. Why did this happen? In the most simple terms, because there is no reason to visit unless you've added new content!

And that is the issue of the age. Where does the new content come from? How do you keep people coming back for more? How do you “leverage your online presence” to build credibility and relationships? Oh, it can be done. Law firms are doing it right now. Figure out how to do that for all the digital things that represent you and you've really got something! Something that builds new and old client relationships.

Be nice! Okay, you can be forgiven. You're probably not to blame, anyway. It's SOP. Law school taught you to fly like an arrow to the heart of anything wrong, incorrect, misguided or inappropriate. Forget the good stuff ... that's not important. If you view the world negatively long enough—in the company of others with a similar outlook—it won't be long before a negative, cynical and competitive way of being feels like home. It's all those positive, glass-half-full people who really make your eye twitch, right?

But here's the thing ... people hire lawyers with whom they feel comfortable—the ones they can trust. Sure, some clients may share your cynical worldview, but most want to know that while you can be a bad-ass when they need you to be, the rest of the time you are a good and kind person, interested in solving their problems.

Let's Review

So, to review, here are some assumptions about marketing that just don't fly any longer.

1. We can't do that, we're too small (or too big).
2. The only way to compete is by lowering our rates.
3. To get them to hire you, have to tell them all about the things that make you the best lawyer.
4. Other firms advertise and that's how they get clients.
5. Marketing doesn't work. It's just a matter of who you know.
6. Real lawyers don't tweet ... or Facebook, or Pin or Quora.
7. We've got a website. We don't need to spend any more time or money there.
8. If someone wants to learn something from us, they're going to have to pay us!
9. When someone hires a lawyer, they want a bulldog not someone *nice*.

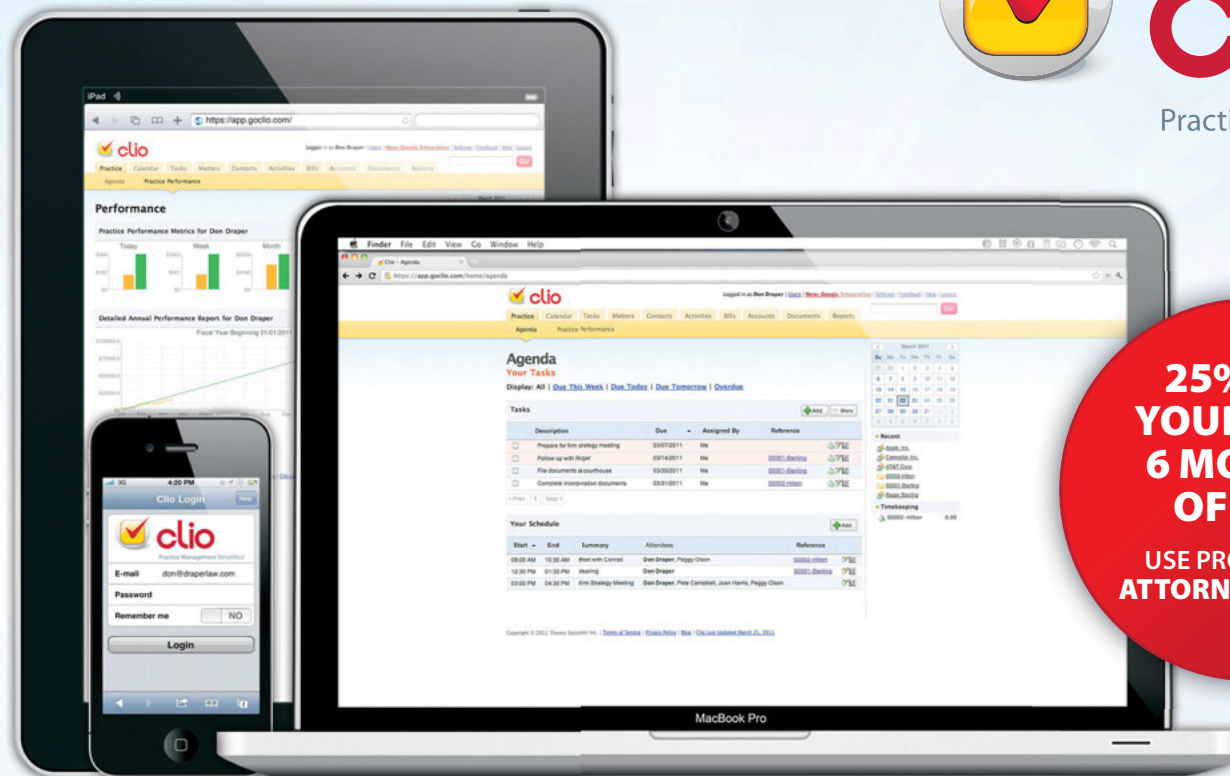
Don't spend any more time arguing about these assumptions. If you want to stay alive in this dicey marketplace, it's time to wise up and treat your practice like a business. Because that's what it is.

Merrilyn Astin Tarlton is Partner/Catalyst at [Attorney at Work](#). You can follow her on Twitter at [@astintarlton.com](#).



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Creating a Strategic Marketing Plan



BY KIM PROXMIRE | Even in a compromised economy, the only bad marketing is no marketing. Only slightly better than no marketing is aimless marketing, with no strategic plan—particularly when resources are thin and competition is fierce. We know that when law firms set goals, determine priorities and develop written plans, they consistently outperform those that do not. But it still seems that some (okay, many) aren't undertaking marketing and business development activities in a systematic manner.

Operating without a strategic marketing plan is like constructing a building without a blueprint. You can do it, but chances are you won't like the outcome. With a blueprint, the builder knows whether it will be a shed or a cathedral. Likewise, with a well-defined marketing strategy, you can move forward confidently knowing what kind of future you're building—and how and why the dollars are being spent. There isn't a law firm I know that doesn't like to know a little something about the potential for return on investment.

It's Time to Get Strategic!

A strategic marketing plan allows you to explore and understand the direction you want to go, determine the actions necessary to get there and realize the potential consequences of those actions. If you wish to deviate from the plan, obviously you can, but you do so consciously and with rationale. And, bottom line, it's much cheaper to do all this on paper ahead of time than in midstream execution. Essentially, your plan becomes a template for effective and quick decision-making for both high-level issues and routine details.

The ultimate goal is to ensure that every detail and every person moves in the same direction, that the marketing budget transforms

from an expense into an investment—and that every dollar spent yields more than a dollar's worth of value.

Creating the Plan

No, the Planning Fairy does not arrive and place the plan before you—although I know some wish it did! And strategic planning is a process, not an isolated activity. Through the process, you explore and fill the gaps between:

- Where you stand today and where you want to be
- What you and your colleagues think is important and what clients actually want
- Areas of disagreement within the firm and a unified commitment to a strategic direction

Individual plans are created for the firm as a whole, for each practice or industry group and for each individual attorney. All should fit together as a unified whole, complementing and supporting each other. Each plan must be specific, measurable and aligned with the firm's overall vision, taking the following into account:

- Client retention
- Cross-selling services to existing clients
- New business generation
- Developing new referral sources
- Providing internal resources and programs to improve client relations and business development
- Enhancing firm, attorney and practice capabilities, reputation and image

While specific tactics will vary from firm to firm, certain elements are universal. Whether you have a full-time marketing professional on staff, or rely on part-time help or a consultant, the strategic marketing plan should:

- Identify what is unique about the firm, its offerings and its position in relationship to other firms in your market
- Establish firmwide marketing goals (aligned to the firm's business goals, of course) and identify tactics to help achieve those goals
- Define your desired client base and appropriate methods for reaching them, which may include advertising, media relations, networking in trade, legal or community settings, public speaking, direct mail, website, social media, newsletters, etc.
- Provide budget reviews and suggestions for financial resource allocation or re-allocation
- Recommend modifications to key messaging, consistency of identity, appearance and image, and effectiveness of collateral materials

On the tail end of the recession's whiplash, there isn't a better time than now to put a strategic plan in place that guides use of your firm's limited resources and insulates your future. Your strategic marketing plan may easily be the difference between holding ground and gaining ground. It should not be optional.

Kim Proxmire is a senior strategist for [Greenfield/Belser](#) with a background of in-house and entrepreneurial law firm marketing and brand development. With 22 years of experience in firm management and as a legal marketing and brand strategy consultant, Kim brings knowledge of developing and managing strategic-level marketing and business development programs to small and mid-sized law firms. Prior to consulting, she was an in-house Director of Marketing for several Midwestern law firms and corporations, including Anheuser-Busch.

GETTING THE WORK

Know Your Business Development Basics

BY ELIZABETH BUTCHER | Do it now—while the phones are still quiet and your colleagues are off nursing their post-holiday blues. Lean back, put your feet up, stare into the distance and make a few—emphasis on few—plans for the coming year. Eliminate the extraneous and focus on the strictly pertinent. If business development has long been your bugbear, the start of the year is the perfect time to tackle some basics and get set for the coming months. Take time now to do it well, and this time next year you'll be dancing with that ol' bugbear!

Six Business Development Building Blocks

Your biography. If you have not reviewed your biography in a while, this is a great time to give it an update. Add any recognition you have received and any appointments, like chair of a bar or industry trade organization committee. If you have added a new area of expertise to your practice or there are new buzzwords that describe your current practice that will help with search engine optimization (SEO), include them. Don't make visitors wonder what you do, tell them! Most importantly, once you have made these changes, schedule a recurring time on your 2012 calendar to review and refresh your biography frequently throughout the year.

Your experience. What did you do for your clients in the past year? Update your deal lists or representative matters with new client successes. There is no better way to showcase what you do than by putting it into words! Make sure your descriptions are in a format that's ready to use in pitches and that your experience is posted on your firm's website, making it easy to share.

Your contacts. Another year has passed during which you attended networking programs and conferences, obtained new clients and made a good connection with a reporter (and got quoted!). Have you added these people to your contact list? If people in your current contact list have changed jobs, you need to update their information, too. Now is the time to review and update your contact list so it is ready for use in the upcoming months.

Your involvement. What do you want to be involved in this year? Perhaps there is a committee in your state bar you have always wanted to participate in, or maybe you are on a committee for a local trade organization and you want to work your way up to become president. Start planning now for how much you want to be involved and set aside the time on your calendar to dedicate to these efforts. For example, if your state bar's young lawyers committee meets the third

Thursday of every month at lunchtime, then make the commitments now and mark that calendar!

Your virtual real estate. Are your LinkedIn and Facebook profiles up-to-date? Do you belong to groups that help build your virtual network? Do you belong to too many groups? Maybe you don't have the time to manage all your virtual profiles well and should consider paring down. It's also time to think about the blog you publish. Is the time you are spending producing the results you anticipated? How might you tweak it to improve results? Whatever the scenario, set up your virtual presence so that it is easy to manage throughout the year.

Your targets. Clients or prospects, make a list of who you want to keep as the focus of your marketing initiatives in the year ahead. Perhaps you have a client you want to introduce to other lawyers in your firm. Or perhaps you want to visit certain clients more often than you did this past year. Maybe your firm's employment practice sends out monthly advisories and you've always wanted to send them to a client with a personal note. These are items you can jot down now and keep in front of you as a reminder for the entire year. Maybe you didn't have any real client prospects last year, or you have had the same ones on your list for years but haven't reached out to them. Make this the year!

So there you have it. If you spend time on each of these items, you will be able to follow-up with those prospects by sending them a LinkedIn request, or a link to your updated bio with your recent deals or representative matters. Whatever the case, once your basics are covered, moving on to execute more strategic initiatives will be easier for you in the year ahead.

Elizabeth A. Butcher is Director of Business Development and Marketing for Wiggin and Dana LLP, a law firm with over 135 lawyers and six offices in the Northeast. Before her experience with law firms, Elizabeth worked for Madison Square Garden in various marketing and public relations capacities.



Stop Wasting Your Time on Needless Networking



BY ROBERTA MONTAFIA | Networking. You know you have to do it, but does the thought of engaging in endless awkward conversations at cocktail parties leave you cold? Does another round of seemingly irrelevant meetings of trade or civic or association groups make you want to scream? Do you find it difficult to engage in meaningful conversation with a client over lunch? If this describes your networking efforts, then you've been wasting your time.

Networking, like every other aspect of your professional life, is based on a set of skills and behaviors—skills that are easily learned and behaviors that can readily become habits. What will you get in return? You will reduce the time you invest and gain a network that goes to work for you. Here are a few easy steps to help you get on your way.

1. Identify Your Targets

You're busy, so only invest your time wisely.

- What are the characteristics of your ideal client?
- What trade, industry or civic groups would they join?
- What trade journals would they read?
- Where do you find this person?
- Are there people you already know who can make the introductions?

2. Narrow Your Focus

You can't be everywhere, so carefully consider where your time should be spent.

- Which associations allow meaningful involvement?
- Do they have a local, regional, national or global presence?

- Do they accept articles for their publications?
- Do they have committees that are active?
- What is the composition of their board?

3. Be Engaged and Engaging

Don't just join an organization and then vanish.

- Be realistic about how much time you have to give.
- Know where your interests lie and focus on how your talents can best serve the group.
- Be conscious of developing a reputation as someone who can be counted on to add value.
- Read and contribute to the trade publications.

What Else? Be Prepared!

Now that you are out there, how do you make the most of your time and your efforts? Calendar a predetermined amount of time each day or each week to manage your network—and stick to it religiously. Then be prepared for each meeting and event.

- Identify your goals for attending.
- Know in advance who will be there.
- What do you need to know about them?
- What do they need to know about you?
- Prepare and practice an introduction that teaches people about you and what you do.
- Focus on forming relationships, not on selling.
- Follow up on your promises.
- Afterward, capture and manage your contacts in a format that makes sense for your business.

- Connect through social media.

And remember, a healthy network is made up of contacts from all aspects of your life. You can never identify where all of your business will come from. It is just as likely that your spouse's first cousin may be as valuable a contact as someone who holds a senior position with your largest client. Make sure *everyone* in your life knows what you do.

Roberta Montafia is the Chief Visionary Officer of [The Legal Mocktail](#), a Fellow of the College of Law Practice Management, a Past President of the Legal Marketing Association and a member of the Legal Marketing Association Hall of Fame. She can be reached at Roberta@montafia.com.

Need An Ice Breaker?

Some people are born schmoozers and like nothing more than to meet and mingle at professional events. For others, this is about as painful as watching a “Kardashians” marathon at gunpoint. Debra Fine, author of *The Fine Art of Small Talk*, suggests using these top ice breakers at those ubiquitous occasions—fundraisers, cocktail parties, conferences and dinners—where you need to start a conversation with a colleague or potential client you don't know well or would like to meet.

- ➔ What is your connection to this event?
- ➔ What keeps you busy outside of work?
- ➔ Tell me about the organizations you are involved with.
- ➔ How did you come up with this idea?
- ➔ What got you interested in ...?
- ➔ What do you attribute your success to?
- ➔ Describe some of the challenges of your profession.
- ➔ Describe your most important work experience
- ➔ Bring me up to date.
- ➔ Tell me about your family.

—Mary Ellen Sullivan, *“Big Ideas for Small Talk”*

How to Sell More Services



BY KRISTIN ZHIVAGO | If you were selling fruit and customers wanted to buy apples, wouldn't you make sure you had apples? And wouldn't you let them know you had apples? Of course you would. But this simple scenario gets so much more complicated when you're selling something complex, like most legal services.

As the "seller," we always *assume* we know what our clients want. So we include those assumptions on our websites, in our ads and in our search engine terms. Making assumptions, however, is really a very bad idea.

Years of interviewing thousands of clients has convinced me that our assumptions about what our clients really want and how they want to buy it are always off the mark. The reasons why they bought—and the process they went through while buying—are different than what you are assuming.

Not Knowing Is a Problem

This gap between your assumptions and their reality is reducing the amount of money you could be making. It's literally placing "barriers to the sale" in your clients' way as they attempt to buy your services. Here's how the "finding you" process generally goes:

- **Recommendations.** People investigating complex services start by asking others who they might recommend, and by entering certain search terms into Google.
- **Referrals.** Positive referrals only come from positive experiences: How you treat your existing clients and how successful you are at advocating on their behalf. That part of the marketing equation is firmly in your control. [If your clients are satisfied](#), referrals will be positive.
- **Website.** After obtaining a referral or finding you via search, the potential client will then come to your website. How effective your website is as a "persuasion tool" depends completely on its relevance to their need. If potential clients are looking for apples and

you spend all your time talking about figs, they will quickly click away and look elsewhere. If you make it clear you sell apples—and further, just the kind they want—they will stay on your website, finding out everything they can.

- **Contact.** If your website answers the actual, *specific* questions they are asking, and you answer those questions to their satisfaction, they will contact you.

This is how successful marketing works. How do you know the questions they are asking? You may *think* you know, but as thousands of interviews have proven, making assumptions will cause you to answer the wrong questions.

Here's the Big Secret

You can find out everything you need to know about how your *future* clients want to buy your services by asking your *current* clients how they bought your services. If you ask them correctly, they will tell you:

- Exactly what they were thinking as they went through their buying process
- The problem they wanted to solve when they started looking for you
- The search terms they used and the questions they asked while obtaining referrals
- Why they thought you could solve that problem for them
- How well you solved that problem (or not)
- What they think of your competitors, and so on

Your current clients will also reveal that “special something” they appreciate about you. This is the positive message they will give anyone who asks them for a referral. This “special something” should be in all of your marketing and selling materials. It is the promise that you actually keep—rather than the one you’ve been promoting.

Your clients will *never* tell you what they’re really thinking while they are being sold to, because they are defending themselves against the attempt to push them into buying. After they become clients, though, they will happily tell you what they were thinking. But you must ask them the right way.

It's simple, and almost cost-free. You, or someone you hire, calls current clients on the phone and asks open-ended questions. Amazingly, you will get all the information you need after about 10 interviews. Generally, you'll start to see trends by the fifth call.

Armed with this information, you can create a website that will be just what they’re looking for. And it won’t sound like “market speak.” It will sound like *them*. You will also be able to map out your potential clients’ buying process. You can then remove all the barriers to the sale that are currently in their way, and make it easy for them to engage you. You will provide all the right things to them at the right place and time, just as they’re hoping you will.

You will also find out what you could be doing better. This is important to know, because when asked for a reference, your current clients will include this “not so great” information, too. You want to know these negatives and fix them.

By doing the interviews and attacking the low-hanging fruit, you will start seeing positive results—in most cases, within weeks.

Kristin Zhivago is a revenue coach who helps entrepreneurs and CEOs increase their revenue. She is an expert on the customer's buying process, and the author of [Roadmap to Revenue: How to Sell the Way Your Customers Want to Buy](#). Kristin blogs at [Revenue Journal](#).

Client Service: Make It More than a Buzzword

BY BOB DENNEY | Many firms talk about the importance of cross-selling—or cross-marketing, if you prefer—their clients. The problem is that you must *serve* the client before you can cross-market to the client. Too many firms fail to realize this and then wonder why their cross-marketing efforts fail. The place to start in business development with clients is with **client service**.

Start Here to Build a Client Service Program

Here's a brief list of some of the more important points to keep in mind when developing and implementing a successful client service program.

- **"Satisfactory" or "good" isn't good enough.** Your goal must be *outstanding* client service. Most clients can't evaluate the quality of legal work—the level of service is often the only factor that distinguishes your firm from another.
- **Client service begins with the intake.** Listen to the prospective client. Make them define their expectations, then match those expectations with reality. Discuss how the fee will be structured, costs and billing procedures. Introduce the client to your staff—your assistant and any other timekeepers who may work on the matter.
- **Keep the client informed.** There's an old lawyers' adage that translates to the digital world: "Shower the client with paper." Send copies of correspondence, briefs, other documents. Discuss strategy with the client. Tell clients what they need to do—they won't know unless you tell them. And don't wait until the last minute. Remember that people often need time to act or make a decision.
- **Anticipate the client's needs and questions.** Tell them what will happen. Also advise them what *might* happen. Clients don't like surprises.
- **Meet court-imposed deadlines.** *Beat* client-imposed ones.
- **Be responsive.** Return phone calls and answer emails and letters promptly.
- **Be courteous and patient.** Clients sometimes ask questions the lawyer thinks are dumb, or they ask the same question repeatedly. Take a deep breath and answer.
- **Use a team approach.** Half the time when clients call, they don't need to talk to you. Your assistant, a paralegal or another lawyer working on the matter can help them. To make this work, you have

to train and trust your team, which is why you should introduce them to the client at the intake. Keep your assistant informed. When clients call and ask for you, encourage your assistant to ask if he or she can help them—particularly if you can't take the call. This makes the client happy and saves you time.

- **Bill regularly.** Clients much prefer that. It helps them plan their cash flow. Regardless of how the fee is structured, most clients also prefer descriptive bills so they can see what has been done for them. Send a cover letter or an email with every bill. If you haven't talked to the client recently, give a status report. A wise lawyer once said to me, "I bill promptly, while the glow of appreciation still shines in the client's eyes."
- **Startling idea.** Go visit the client, particularly when you don't have to.
- **Learn everything you can about the client's business or profession.** If the client is a company or organization, get to know other key people, too, and keep abreast of any changes.
- **Let the client know when you send the final bill.** In addition to saying that in the cover letter or transmittal email, also state it on the bill. As Peggy Lee sang many years ago, "That's all there is." Thank the client for selecting you, too.
- **Ask for feedback during the matter and at the conclusion.** Many clients won't tell you when they have a complaint unless you ask them, but they will tell others—and sometimes even your competition. Also ask how you can serve them better.

"Many clients won't tell you when they have a complaint unless you ask them, but they will tell others—and sometimes even your competition."

- **Follow up or keep in touch.** Put the client in your database or on your mailing list if you haven't already done so—which you should have done at the intake. Contact clients occasionally just to find out how they are doing.

This list is by no means complete. But it's a start. If you are going to provide outstanding client service, it must be a top-priority program, not just a buzzword. Yes, all of this takes time and effort. But considering the alternatives—clients you can't cross-market to or, even worse, lost clients—it's worth it.

Bob Denney is President of Robert Denney Associates, Inc. He says "it seems like forever" that he has been providing counsel on management and growth strategy to firms throughout the United States and parts of Canada. His annual "What's Hot and What's Not in the Legal Profession" is available as a download on his firm's website, www.robertdenney.com.

More On Clients

- [Annoy Your Clients Less: Five Steps](#) by Matt Homann
- [Create Legal Annual Reports for Your Clients](#) by Jordan Furlong
- [Be the World's Most Client-Accessible Lawyer](#) by Jordan Furlong

Fear of Speaking?



BY MARY ELLEN SULLIVAN | Yes, we can hear the jokes now. A lawyer who is afraid to speak is like a vegan at a steakhouse—not only rare (no pun intended) but also a bit laughable. But wait. To many a lawyer, fear of speaking is not funny, it is an unhappy reality.

Some lawyers work behind the scenes precisely so they don't *have* to talk. And some litigators shine in the courtroom but cringe at other types of public speaking. But somewhere along the way, everyone gets called on to speak. Now what? We contacted three speaking experts—highly sought out lawyers on the speaking circuit as well as a trainer of litigators—on how to once and for all banish fear and give an applause-worthy speech.

First: Shift the Paradigm and Forget About Yourself

According to Karen Lisko, PhD, senior litigation consultant at [Persuasion Strategies](#), “Speakers need to understand that the speech is not about them. It is not about who they are or what they wear or how they look. An audience is basically narcissistic and wants to know how the speaker is going to solve their problem. Good speakers always ask themselves, ‘What do I need to do to teach the audience? What can I do to help them?’ This very simple shift in focus goes a long way in allaying fear and eliminating self consciousness.”

Plus, you have to remember, the audience does not want you to fail, says [Tom Mighell](#), a speaker on the tech legal circuit and creator of a popular podcast series on the [Legal Talk Network](#). “Know that they are on your side.”

Next: Plan, Prepare and Practice

For Mighell, nothing beats solid preparation. “I need to have my entire presentation laid out, know what is on every slide, and even plan my transitions between slides. Then I’ll run through it a number of times until it sounds like I am having a conversation, not giving a speech.”

Attorney John Tredennick, CEO of [Catalyst Systems Repository](#) and a former litigator at Holland & Hart LLP in Denver, found the best way to get over his fear, or lack of experience in speaking, was to

practice everywhere and anywhere. “In my second year at Holland & Hart, I realized that I knew nothing about speaking, and it hit me that if I was ever going to succeed I needed to speak, and speak well.” Tredennick took every available opportunity to speak in public—Kiwanis Club, high school programs, NITA meetings, introductions for other speakers—to hone his skills. “I was terrible when I first started,” he admits, “but I put the time in regardless, and gradually I got good at it. I’m not a nervous speaker because I’m prepared. I work hard at it, and that fills me with energy.”

Lisko also advises preparing so well that you don’t need notes. Or, if that is just too scary, keep one note card with the skeletal structure of your speech bullet-pointed. “Each speech you give, even if it is a topic you have spoken on frequently, should come out slightly differently each time. Remember, you are having a conversation with the audience.”

Finally, Rely on Some Time-Honored Strategies

Everyone has their little tricks for grabbing hold of the audience, keeping momentum up and the insecurities down. Here are some of our experts’ favorites.

Karen Lisko:

- **On keeping perspective.** “Keep in mind that the audience doesn’t know what you *didn’t* say, so if you skip over some material or can’t get to everything, don’t worry. Better to skip material than to speed up and try to get everything in.”
- **On inevitable screwups.** “Plan for them—even script them. If you know you are prone to brain freezes, figure out in advance how you can handle it. For example, if you are presenting on a new organizational software available for law offices and you lose your train of thought you can say something like, ‘See, this is exactly why you need to hire us ...’ Not only will you get a laugh, but you have created a marketing opportunity.”

- **On feeling nervous.** “Know that when you feel nervous, it is a physiological reaction. The trick is to NOT reign it in—that’s when people get the shaky knees or trembling voice. Instead, release the adrenaline and use it to help you with the strength of your voice, the speed of your speech or even movement around the room.”

Tom Mighell:

- **On giving yourself a break.** “I like to keep a glass of water near me when speaking. Not only can it help with dry mouth that often accompanies speaking, but taking a sip also allows you to step back and take a breath—giving you a natural pause.”
- **On visual aids.** “Use pictures, rather than slides with words—more provocative. Plus, the words should only be coming from the speaker.”
- **On the first 45 seconds.** “I like to start out with a story about me, rather than a joke. It not only relaxes the audience and gives them a little more info about you, but it also relaxes you because you know yourself so well. Plus, it relates you to the topic and lets the audience know you have a stake in the topic.”

“When you feel nervous, the trick is to NOT reign it in—that’s when people get the shaky knees or trembling voice. Instead, release the adrenaline and use it to help you with the strength of your voice, the speed of your speech or even movement around the room.”

Some Speaking Dos and Don'ts ...

Here are a few quick tips to keep on hand as you prepare to switch on the microphone.

- ➔ DON'T talk too fast or too slow.
- ➔ DO practice in a mirror or videotape yourself so you can see what the audience will see.
- ➔ DON'T script a speech word for word.
- ➔ DO go for a conversational style. Act as if you are speaking one-on-one with the audience.
- ➔ DON'T start with a joke or use all your creativity in the opener. To do so is to set an expectation with the audience.
- ➔ DO learn how to handle technology glitches gracefully. This includes knowing when to try again and knowing when to move on.
- ➔ DON'T start with "I'll try not to bore you" or "I'll try to get through this as quickly as I can."
- ➔ DON'T overload the audience with too much material. They can only take in so much information at a time.
- ➔ DO remember to enjoy yourself. If you are having fun, the audience will too.

—Mary Ellen Sullivan

John Tredennick:

- **On body positioning.** "I advise walking around the room. Don't remain sitting, don't just stand at the podium, MOVE. This engages the audience, gives you energy and livens the pace."
- **On reaching the back row.** "If you are using slides, during your speech rehearsal, put up a slide, turn out the lights and go to the last row of your venue to see if they are readable—you want to make sure you reach everyone in your audience."
- **On Q and A's.** "Plant one or two people in the audience to ask questions during the Q and A period. This gives you confidence because you will be familiar with the topics, and also sets the tone for the audience on the kinds of questions they should be asking."

*Mary Ellen Sullivan is a Chicago-based freelance writer who writes frequently about the arts, music, travel and women's issues, with a specialty in health care for more than 27 years. She is the author of the best-selling book *Cows on Parade in Chicago*, and several travel guides, and has been published in The New York Times, The Chicago Tribune, the Chicago Sun-Times, Woman's Day, For Me, Vegetarian Times and other publications.*

Speaking Soon? More Tips to Help You Kill It

- [Afraid to Talk? Dealing with Social Anxiety](#) by Mary Ellen Sullivan
- [A Fear Worse Than Death](#) by Mary Ellen Sullivan
- [Get to the \(Power\) Point](#) by Ruth Carter
- [Top Podcasting Tips for Lawyers](#) by Ruth Carter
- [How's Your Image?](#) by Teddy Snyder
- [How to Behave at an Event](#) by Mary Ellen Sullivan
- [An Introvert's Guide to Surviving Networking Events](#) by Ruth Carter

Let Video Market Your Legal Services

BY MARK BEESE | YouTube. The word evokes images of cute kittens, crazy stunts and viral video classics, like what happens when you mix Diet Coke and Mentos. It's not where you would expect to find interesting and helpful videos on timely legal topics by some of the leading lawyers on the planet. Yet. Recently, I was a panelist in a webinar focused on using video in the legal marketing mix, along with marketing innovators [Adam Stock](#) and [Adam Severson](#). The webinar, sponsored by the Legal Marketing Association Social Media SIG, offered a primer on marketing videos for lawyers, and here are some key points.

Why Use Video?

All three panelists have used video to market lawyers and their services. Adam Stock, who is CMO of [Allen Matkins](#), explained that web pages that feature video are 40 to 50 times more likely to end up on the first page of Google search results. "Google loves video," he said. "It is great for SEO (Search Engine Optimization)." He added that Allen Matkins' website saw 30 percent more traffic after the firm started to use video on its home page, and the site now features more than 150 videos.

"Video gives you the ability to deliver emotion like no other media. It's the best way to capture an attorney's personality. Clients hire lawyers, not firms. Video gives clients a chance to get to know our lawyers," said Stock.

"At Allen Matkins we took an approach of experimenting by creating videos of types of communications we would normally do with clients. This provided us a basis for comparing the performance of videos to written or online communications formats. The strategy that we used and the results that we got are summarized in [this video](#), which was created for the 2012 LMA Your Honor Awards."

Adam Severson, who is CMO of [Baker Donelson](#), saw an increase in web traffic of more than 500 percent once his firm started to promote its [Entrepreneur Minute](#) videos. Baker Donelson sends a weekly email to a growing list to promote its Emerging Companies industry group, featuring a one- to three-minute video on topics of interest to entrepreneurs. The practice group's page quickly became the most visited practice group page on the website, and the weekly email and video tip has attracted attention of traditional media and has been reposted on industry blogs.

Well-produced video on law firm websites can build credibility for the attorneys and the firm. Video is also very mobile-device friendly—something that's worth considering since as much as 30 percent of law firm web traffic originates from a phone or tablet.

When to Use Video?

The panelists described using video in a variety of ways, including:

- **Microsites** promoting a particular industry or practice group. Videos become mini-news stories to illustrate an aspect of the law or how a court ruling could affect clients.
- **Event invitations or announcements.** Videos can be used to create excitement around a conference, seminar or merger announcement.
- **Community involvement.** Video is a powerful way to communicate stories, including how an attorney's involvement in a charity makes a difference in people's lives.

Panelists' Sample Videos

Adam Severson

- ➔ [Internal launch video](#) developed for Faegre Baker Daniels to generate excitement and enthusiasm for its merger
- ➔ [Entertaining promotional video invitation](#) for Faegre & Benson's complex litigation seminar
- ➔ [Entrepreneur Minute](#) videos promoting Emerging Companies practice
- ➔ [Introduction](#) of new Baker Donelson lateral to firm

Adam Stock

- ➔ [Legal alerts](#) describing changes in the law, intended for clients and potential clients
- ➔ [Video press releases/thought leadership](#) videos focused on industry survey results and insights
- ➔ [Events/thought leadership](#) videos spotlighting industry developments
- ➔ [Community involvement](#) videos used for clients and recruitment

Mark Beese

- ➔ [Legal Marketing Insights](#), 25 interviews of marketing and business development professionals used for online training and knowledge sharing
- ➔ [Business Class Series](#) videos of innovative clients

- **Highlighting and recognizing clients of the firm** (with their written permission, of course).
- **Introducing a new service**, product or solution to a complex problem.
- **Email** newsletters and blogs.
- **Internal communications** about a new initiative, service or practice group.

How Do I Start Using Video?

The panelists agreed on some basic start-up concepts:

- Start with something newsworthy—for example, a topic you might include in a client newsletter. Avoid boring “about the firm” or “attorney bio” videos. Snooze.
- Consider hiring a professional videographer and editor to start out. Aim for broadcast-level production levels. After you get the hang of it, considering buying a quality HD camera and editing software and training someone in your firm to edit and produce videos.
- Animations, professional titling and graphics make a video more like what people are accustomed to seeing on television, and therefore appear more professional.
- Be aware of small things that can be a distraction, such as background noise and bad lighting.
- Keep the video to no more than three to five minutes long.
- Host your video on YouTube.com, rather than on your website, and simply embed the link on your website or blog page.
- Promote your video content through social media and distribution channels such as [JDSupra.com](#) and [conveycontent.com](#).

Mark Beese is President of [Leadership for Lawyers, LLC](#), a consultancy dedicated to helping lawyers become better business developers and leaders. He also teaches Marketing and Business Development at the University of Denver Sturm School of Law. Mark is a Fellow of the College of Law Practice Management and the former CMO of Holland & Hart.

Can Lawyer Networks Really Bring You Business?

BY DONNA SEYLE | To some lawyers, the phrase “legal services industry” is a series of bad words. Out with the collegial profession, in with commoditizing legal “products.” But that's a very shortsighted view. The emergence of the legal services industry is not only a result of market demands and advancements in technology. Technology expands the ways you can practice law (or “deliver legal services”) to the benefit of clients *and* lawyers. It also creates new marketing and business development opportunities. Enter lawyer networking sites

Options for Building Your Client Base

Joining a lawyer network website is one of many methods now available to lawyers to build up their client bases, by enabling online outreach and communication to potential clients they would not otherwise have been able to reach. The sites come in different shapes and sizes, offering a wide variety of optional services. But in general, their primary goal is to help lawyers develop new business through immediate access to potential clients. Here's a roundup of lawyer network sites at the end of 2012.

[Avvo](#). It emphasizes business development efforts by offering a search-engine-optimized profile, and it includes a Q&A Forum where any lawyer can answer questions submitted by consumers. Your answers are sent to the consumer with your profile attached, and also posted to the Q&A Forum so other potential clients can find your answer as well. The more answers you give, the more prospective clients see your legal mind in action. You also receive email alerts when a question is posed by someone in your jurisdiction and practice area, and can embed your answers in your own website. Avvo has developed “Call Now” (in beta), which connects answering lawyers to the consumer by phone, if the consumer has permitted this access.

[Findlaw](#). A robust Thomson Reuters platform, Findlaw offers a variety of services to lawyers and consumers. Its consumer site offers legal forms and informational products as well as the ability to find a lawyer from an information database, searching by legal issue and location. It allows the consumer to select a lawyer from the search results, and then lawyers and clients make their own fee arrangements. The lawyer site offers limited research capabilities, access to legal documents, law management resources and more.

[Lawdingo](#). This site allows consumers to either browse its network of lawyers or ask a quick question. They can talk immediately or schedule a consultation. Lawyers in the network will offer a free consultation from two to 90 minutes, and then choose how and what to charge if representation ensues. Consumers can also connect by

email or phone by joining Lawdingo and giving credit card information for phone charges after the first 30 minutes.

LawPivot. It offers free sign-up for lawyers and enables consumers to ask detailed questions online, for a fee of \$29 per question for personal law and \$49 for business law. It then matches the question with networked lawyers who meet area-of-law and location requirements. Consumers receive several answers, and all follow-up is free. They can also search lawyers in the network, and review questions others have previously asked and answered.

Law99. Lawyers who join this network can maintain either free or premium accounts. Consumers complete a short questionnaire sufficient to enable the site to select lawyers appropriate for the case, and the consumer then makes a choice from the results. All lawyer fees are set at \$99 per hour or less for the duration of the representation.

LawQA. LawQA builds a robust profile page for registered lawyers and includes a variety of social media tools as part of its marketing program, all for free. When lawyers provide answers on the site, the content is distributed through social media to increase exposure. Consumers complete a short form to ask their questions anonymously, and for free, and are then matched with prospective lawyers based on locations and areas of expertise. This site is affiliated with Total Attorney's marketing platform.

LawZam. A new player on the block, it was the first to offer videoconferencing for initial consultations. Clients can either ask questions and be matched to networked lawyers, or browse the LawZam network to find a lawyer based on location and practice area. Lawyers can respond immediately to any question or schedule a videoconference. The service is free to both lawyers and clients.

MyLawsuit. "Equal access to justice for all" is the mission of MyLawsuit, which is uniquely designed for contingency-fee lawyers only. Lawyers sign up for free. Clients submit their disputes, lawyers review the case and respond if they are interested, and clients are free to choose the lawyer they want to work with. As with all contingency cases, they only pay if they win. The site does not perform a matching process. The developers are also creating a community forum looking for ways to improve access to justice.

Pearl.com (formerly justanswer.com). This site offers a Q&A format for a variety of professional services. Clients pay \$20 to \$60, according to scope of need and urgency, and get immediate access to lawyers who are standing by via a chat service. Professionals register for free and are vetted via testing of subject matter expertise, credentials and reviews.

RocketLawyer. This site has a fee-based membership model for consumers, where they can create documents, search legal information and connect with lawyers. Networked lawyers join for free, agreeing to pass on the savings by negotiating deep discounts for complex matters that go beyond a telephone call. The "On-Call" service enables clients to contact networked lawyers directly; lawyers schedule a free phone conversation within 24 hours.

Shpoonkle. This is a bid-based model, where consumers submit their legal issue, and lawyers in the network quote a cost for the matter. Since lawyers can see how much others are bidding on the project, the process tends to drive down prices. Consumers then choose who they want to work with. The site also provides limited articles and videos as informational resources for consumers.

Total Attorneys. Its lawyer-connection component is part of an overall marketing and management strategy. Called LegalLeads, it offers free answers to questions from lawyers in Total Attorneys' marketing program when a consumer completes a case evaluation form. Lawyers must pay once they receive a lead. The company also partners with a

variety of other practice-related apps and offers a fully functional case management SaaS platform for \$1 a month.

UpCounsel. Lawyers sign up for free. Prospective clients submit information on their cases, and UpCounsel matches the job to the right lawyers in the network. The lawyers submit competitive quotes for legal work, which clients then review, and they also have access to other clients' reviews of lawyers to help with their hiring choice. Clients pay their fees via UpCounsel, but only when the work is complete. In addition, they can receive a one-hour consultation for \$99.

Virtual Law Direct. This site is packed with resources for consumers and features for attorneys, including case-management-lite. Consumers enter their location, answer questions about their legal matter, then click "Search" to browse available attorneys, and either send a message or chat live. The attorney can then take details, answer questions and also request payment to open a case in the lawyer's case management platform. Consumers, who can also post anonymously and invite attorneys to connect via a "contact me" button, get to monitor their case in the case management system.

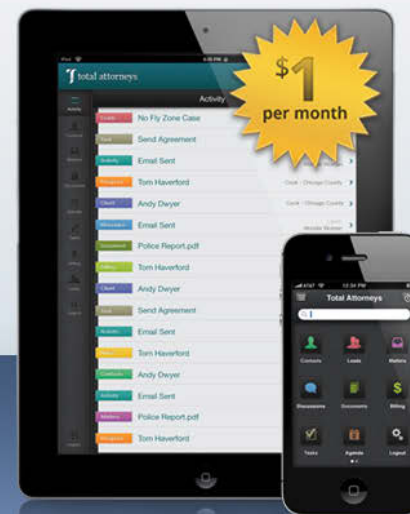
Be aware that, so far, the processes employed by these sites have met with little ethical scrutiny. So, as always you'll want to check with your state and local bar to ensure that use of a particular site complies with your jurisdiction's rules. Overall, though, these sites could definitely prove valuable, especially for lawyers striking out on their own and for smaller firms that want to grow their business. It costs little to nothing to try a marketing approach that can help to do just that.

Donna Seyle is a blogger, writer and founder of Law Practice Strategy, a resource center for lawyers seeking to establish a solo or small firm or wanting to take their existing practices into the 21st century. Donna regularly blogs at the [Law Practice Strategy Blog](#).



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Denney's Marketing Maxims

1. Be the best lawyer you can be.
2. Be afraid. Fear of failure guarantees success.
3. Don't sell. Educate. No one wants to be sold legal services. Ask clients and prospects what their problems are, listen to the responses and then educate them on how you can help them.
4. Focus. Specialize. You can't be all things to all people.
5. Have a marketing plan and follow it. Hell is paved with good intentions—and marketing plans that were never implemented.
6. Market like you were a sole practitioner. If you don't, you may become one—and then you'll have to.
7. Everyone in the firm can be a marketer, from the managing partner all the way down to the messenger.
8. Current clients are your best sales agents.
9. With all due respect to social media, relationships and word-of-mouth are still the best forms of marketing and business development.
10. Your friends may not become clients, but your clients can become friends.

Maxim: General Truth or Rule of Conduct Expressed in a Sentence.

11. Your next client may be across the table.
12. To get and keep your client's business, know his or her business.
13. Treat every client as if he or she were your only client.
14. The three keys to delighted clients: Listen and communicate, listen and communicate, listen and communicate.
15. Under-promise. Over-deliver.
16. Don't be afraid to say "yes," but have the courage to say "no." To a client, the magic words are: "Yes, if ..." or "No, but ..."
17. Be a problem-solver, not a problem-maker.
18. Give the client alternatives but don't stop there. Say, "It's your decision but I think this is what you should do and these are the reasons."
19. Know your competition. It's just as important as knowing your client.
20. Ask for the business.

Bob Denney is principal of Robert Denney Associates Inc., providing strategic management and marketing counsel to law firms throughout the United States and parts of Canada for over 30 years. Reports and discussions of other timely issues are posted on his web site, www.robertdenney.com.



YOUR SOCIAL MEDIA GAME PLAN

The Year's Best Marketing Advice: Being Authentic



BY GYI TSAKALAKIS | When I think about the changes to social media and social networking in the past year, a variety of changes come to mind. Facebook acquired Instagram. Twitter added cover photos. LinkedIn launched new company pages. Google integrated Google+ into search results and added Communities. The list goes on. Sure, we could talk about how each of these changes might impact how you market your law practice. But in contemplating some of the “stuff you must know,” it seems to me the most important thing is still one of the most overlooked: **Being authentic.**

Yeah, I know it’s not glamorous. It’s not the insider tip, trick or technical hack that you might have been hoping for. It’s not “*How to Make It Rain with Social Media: The Complete Guide.*” But if you’re a lawyer contemplating your marketing plan for the year ahead, it should permeate everything that you’re considering to market your practice.

The Beginning of a Shift

You see, from my vantage point, 2013 marks the beginning of a shift online, in these ways:

- A shift away from artificial online self-promotional marketing games toward authentic knowledge sharing, discussion and socializing.
- A shift toward earning credibility, authority and recognition.
- A shift toward recognizing that social media and online networking are not magic bullets for practice growth but are, instead, effective tools for communicating with other people, both locally and globally.

I believe this shift is partly due to the significant updates made by Google's search-quality team, and partly due to users beginning to understand how to filter noise from their networks.

Whatever the root cause, the result will be that those who develop an authentic online presence will create, nurture and solidify professional relationships that will lead to more business.

Conversely, those who resist the shift to authenticity will find themselves wondering why the Internet "just doesn't seem to work for business development."

Here are a few things that will help make your online activities more authentic.

Authentic Blogging

Whether you're thinking about entering the blogosphere for the first time or revising your approach to blogging in 2013, you should look at the authenticity of your blogging with a critical eye. Do you:

- Write your own posts?
- Include author information (name, picture, contact info)?
- Link your Google+ profile to the content you create?
- Include a link to your profile or bio?
- Quote, cite and link to other blogs and bloggers?
- Allow for comments?
- Encourage comments?
- Respond to comments?
- Answer real questions in your posts?
- Cover subject matter about which you know a lot?

Lawyers have been told that blogging is a good way to attract new business. And it certainly can be. But not all blogging is equal.

Posts that are published for the sake of targeting keywords, that are self-promotional, that regurgitate news stories and that don't motivate readers to subscribe, share and cite won't be effective for attracting new business.

Instead, they are likely to be a waste of time and money, harmful to your professional reputation—and potentially unethical.

Authentic Social Networking

Lawyers have been told that they need to be on Facebook, Twitter and LinkedIn. So, many lawyers have flocked there—or paid someone to "set them up" there.

But having social profiles and auto-distributing your blog posts there isn't social networking.

People aren't on these platforms to read your thin self-promotional updates. On the other hand, these online networks might be a good way for you to keep in touch with people in your professional network. They might also be a good way to meet someone new or access someone you might not otherwise be able to connect with. Do you:

- Use your real name in your social media handles?
- Use a real photograph of yourself in your profiles?
- Follow people you already know in real life?
- Meet people in real life that you follow online?
- Give attribution to other authors when sharing posts or articles?

"People aren't on these platforms to read your thin self-promotional updates. On the other hand, these online networks might be a good way for you to keep in touch with people in your professional network."

- Organize your contacts into groups and lists?
- Respond to messages and replies?
- Do more responding than broadcasting?
- Post updates that real people care about?

How Much Time? Prioritizing Activities

Lawyers are a busy bunch. They deal in experience and skill, which has traditionally been measured in time. I'm often asked how much time a lawyer should spend online. And, of course, there are no hard-and-fast rules. Having a plan, however, and developing regular habits, will make online participation less of a chore.

Instead of trying to advise you on how much time you should spend with online social media and networking, I suggest you use the checklist ("**Establish Good Online Marketing Habits**") at right as a guideline to help prioritize your online activities.

Feedback

Second only to questions about how much time to spend are those about how to measure social networking activities. While measuring social networking effectiveness is akin to measuring one's sociability at a cocktail party, if you want to see if what you're doing online is resonating, here are some things to measure:

- Are people subscribing to your blog?
- Are people re-sharing your articles, tweets and updates?
- Are people writing about you?
- Are people contacting you after reading something you published?

If you're not getting this type of feedback, change course. Maybe it means you publish less, but more thoughtfully. Maybe it means reaching fewer people, but reaching people who are truly interested in you.

Establish Good Online Marketing Habits

Daily:

- ➔ Review Google Alerts for your name, firm name and topics relevant to your practice.
- ➔ Use a feed reader to skim your favorite blogs, news and industry sites.
- ➔ Write one thoughtful comment on an article or post, in an area where you can offer intelligent insight.
- ➔ Share an interesting post or article with someone in your online social networks.

Weekly:

- ➔ Write one well-researched blog post or article.
- ➔ Have a conversation on Twitter, Facebook or LinkedIn with someone you know in the real world.
- ➔ Find one new author or blog to add to your feed reader.

Monthly:

- ➔ Send out an email newsletter.
- ➔ Meet one person that you've connected with online in real life.
- ➔ Create and share one new piece of non-text content (i.e., an e-book, SlideShare deck, video, webinar or white paper).

Yearly:

- ➔ Speak to an audience on a topic you're an expert in. Publish the slides or video recording online.
- ➔ Host a local community event.
- ➔ Take inventory of your year's online activities.

My Crystal Ball

Okay, you get the point. Now for some lawyer marketing predictions:

- Word-of-mouth referrals will continue to be the best source of new business and the Internet will play an increasing role in who gets referred and who gets hired from those referrals.
- Legal services consumers will expect to be able to find information about their prospective lawyers on the Internet.
- More legal services consumers will rate and review their lawyers online.
- More consumers will seek out information and answers related to legal issues online.
- Lawyers who stop shouting about how great they are and start answering questions, sharing knowledge and experience, and who simply socialize online, will develop more professional relationships that lead to new business than those who continue to either spam or ignore the web.
- Law firm websites designed to market a firm will be of less importance than a firm's lawyers' presence in various online social channels.
- Google will continue to be the top way that your prospective clients will look for you online.

"You have to be authentic. People are not interested in avatars, bots and proxies. Make this the year that you make your social marketing and networking authentic."

- The online legal landscape will become increasingly competitive as more lawyers learn the right way to build a web presence.

Nothing really earth-shattering here, I know. It is clear, though, that the Internet generally, and social media and networking more specifically, can be powerful tools for lawyers to create, nurture and solidify professional relationships that lead to more clients. But ...

- **You have to be patient.** Earning recognition doesn't happen overnight.
- **You have to be good.** What you publish matters, and writing is a skill that takes practice and talent.
- **You have to be authentic.** People are interested in people, not avatars, bots and proxies.

Make this the year that you make your social marketing and networking authentic.

Gyi Tsakalakis helps lawyers put their best foot forward online because clients are looking for them there. He is a co-founder of [AttorneySync](#), a digital marketing agency for law firms. You can find more of Gyi's writing in his "Optimize" column on Attorney at Work, on [Lawyerist](#) and Avvo's [Lawyernomics](#) blog. You can ask him a question (or just say hi) on [LinkedIn](#), [Twitter](#), [Google+](#) and [Facebook](#).

Online Marketing Strategies for Small Budgets

BY KIM PROXMIRE | There's no reason a smaller firm's online marketing program can't be just as successful as a megafirm's—even with a much smaller budget. But it does require focus. No more knee-jerk decisions, no more keeping up with the Joneses—and certainly no more random acts of marketing. Here's a guide to a purposeful online strategy.

1. Define Your Brand

Would you put a roof on a house when there's no foundation to support it? No. Yet most firms try to do just that as they experiment with digital marketing tools. It's tempting to add a pinch of optimization or a handful of Google AdWords to your online marketing mix to feel you're moving in the right direction. But if you haven't first developed and defined your brand, you are making your marketing dollars work harder than they need to.

A brand is a promise of value, *different* from your competitors, that resonates with the right buyers and gains traction with consistency and repetition over time. Stake out your brand position. Own it. And, allow it to drive *everything* that represents you. Your website is your single most important digital marketing tool. Without a brand strategy, there is no way your website can be any different from the competition.

2. Use Your Brand to Differentiate Your Website

Each day, the Internet serves up a near whiteout of clutter, and the bar to stay competitive just keeps getting higher. To do its job, your website needs to rise above it all and communicate your brand—who you uniquely are—loud and clear. Website visitors determine their impression of the quality and nature of a firm within the first .05 second. So it's no time to be humble. Speak up—clearly and consistently. Communicate emotion, a difference and a message. Create a dialogue and engage your audience. More than static facts, offer value that keeps them coming back.

3. Work Hard to Get Found: Search Engine Marketing

Today, 78 percent of executive-level buyers say they go online to search for outside legal, accounting and consulting professionals, and 67 percent of C-level decision-makers use the Internet as their *primary* source for business information. Deploying these tools wisely—and, yes, opening your wallet—can greatly improve your chances that key prospects will find you. This kind of help is usually worth paying for.

- **Organic search.** A careful selection of a dozen keywords that best capture what you're about, woven throughout your website content, is step one to help people find you. But it doesn't end there. Headers and subheads, buried text and incoming links, among other things, all determine whether buyers wind up at your website. Yes, it's complicated. Google, among others, constantly changes its secret algorithms to keep it honest when ranking relevant searches. But you can educate yourself, and there are helpful experts out there who can advise you on search tactics.
- **Google AdWords.** For advertising on the Internet, the best campaigns inevitably include Google AdWords—hardly surprising, since Google has 67 percent of the search engine market. Call it a monopoly, but Google delivers. Text-only web ads have a low cost of entry and offer perfect search matches for various skills, specialties and location characteristics. And, because AdWords can be changed on a dime, your program can capture time-sensitive opportunities. However, you can waste time and money with poor scheduling, or by not adjusting your words to match desired results. Getting help here is a good idea.
- **Analytics.** Sure, you can experiment with keywords and switch on a new AdWord campaign overnight, but without the ability to track, analyze and manage your website or campaign, you're shooting in the dark. Google Analytics and AdWord reports are free to anyone who wants to track and evaluate their website performance or AdWord campaigns, and there are plenty of how-to resources online. If you are new at this, it can be difficult to know what to look for in the raw data. Find help to parse the analytics so you know what's truly working—or not. Ask for recommendations on how to adjust your site and content to attract the type of visitor you want.

4. Work the Crowd with Social Media

You may think of it as the playground for the young and restless, but social media is now the foundation of any effective online strategy.

Facebook offers a bevy of options for building a community, and more features for business pages are coming. Twitter posts now include corporate announcements, links to updated blog content and invitations to speeches and webinars. Companies like H&R Block hold “ask and answer” sessions via Twitter, while others like Comcast offer alternative customer support. Whole Foods Market asks for feedback on customer preferences and recommends food podcasts to its followers. You can see the potential.

5. Integrate Online and Offline Marketing

Even the most dynamic website and on-point print campaign are significantly compromised when not tightly interwoven. Neither is as good alone as they are together. Print campaigns are typically meant to drive action—including traffic to your website. When your site delivers the promise expressed in the ad, you convert interest into engagement and shoppers into buyers. An integrated program builds a forum where buyers ultimately wind up in the same room as the firm's lawyers, and the payoffs are considerable. A one-dimensional program barely scratches the surface of what you can achieve with an integrated effort.

In the end, you want a globally coordinated brand message. Every interaction with your firm needs to evoke your personality—whether people visit your website, read your brochure or see one of your ads. Plenty of firms pay attention to one or even two marketing channels. Very few—the really good ones—spend the time to coordinate their presence across all of them. Stay focused on your brand, online and offline, and you will reach the audience you want, and move ahead of your competition.

Kim Proxmire is a senior strategist for [Greenfield/Belser](#), with a background of in-house and entrepreneurial law firm marketing and brand development. Kim brings knowledge of developing and managing strategic level marketing and business development programs to small and mid-sized law firms. Previously, she was an in-house director of marketing for several Midwestern law firms and corporations, including Anheuser-Busch.

Want to Grow Your Twitter Presence?

10 Great Tips

BY TIM BARAN

The other day I was asked, "Why am I not showing up in a Twitter search?" There could be any number of reasons, including the search terms used, people searching for archived versus recent tweets, optimized profile keywords and so on. But the larger question should be, "How do I grow my Twitter presence into something meaningful, engaging and useful?" Then you will have no problem showing up in a Twitter search. Here are a few tips to organically and meaningfully grow your Twitter presence:

1. **Don't buy Twitter followers.** People will try to game the system. Some even build up tens of thousands of followers, then unfollow them so they are left with a sweet follower/following ratio. ("Wow, you follow only 2,000 people but have 60,000 followers? People must really love what you have to say!" No, they don't. You *bought* them.) Only celebrities and major entities will have that kind of following. Sadly, [buying Twitter followers](#) continues to be a booming business. Credibility, on the other hand, you must earn. So refrain from shopping on eBay for followers. Instead, look at the Twitter accounts of those you value to see who they follow, and check out their recent tweets. You'll find a gold mine of Twitterers to follow.
2. **Offer useful content.** This takes time and effort but pays off handsomely. You'll get retweets, mentions and favorites and will become known as someone who's knowledgeable and generous. People will follow you to access your great content.
3. **Be consistent.** "I don't have the time to tweet!" It's a frequently cited and legitimate concern, but disappearing for a couple of weeks, then sending out a stream of tweets when you return will not gain you traction. Consider scheduling your tweets and jumping in only two or three times a day for 10 to 15 minutes to reply to tweets, and to check out your stream for useful content to learn from and retweet. A favorite application is [Buffer App](#). Set up a daily schedule of tweets, say 5 to 10 tweets, and add your links and retweets to the queue. That's it! It's a huge time-saver and exposes you to new Twitter users.
4. **Engage to nurture relationships.** Twitter can be used as a successful broadcast platform, but relationships are not built on useful links alone. Engage. Reply to mentions. Start conversations.
5. **Ask questions.** Have an issue you're dealing with? Sure, you can go to Quora, but how about asking your Twitter followers? Some may even retweet the query to their followers. I've had mixed success with results, but it lets others know the topics I'm interested in and provides an opportunity to relate to Twitterers sharing the same interest.

6. **Retweet with attribution.** One of your followers tweets out a useful article that you want to share? Don't do so without acknowledging her. But don't go overboard. I've seen tweets go out with three words, a link and six Twitter handles. That's not useful. Include only the original and *most recent* Twitter user that tweeted the article. You then get on their radar and they're more likely to follow you back and retweet your updates.

7. **Hone your 160-character bio.** This is like the About page on your blog. Pay attention to it. Include keywords, but make it tell a story. Add some personality.

8. **Add your profile to Twitter directories.** Many go hunting in directories for lawyers and legal professionals to follow. Submit your account to directories like [Twellow](#), [Listorious](#) and [Wefollow](#). Legal-specific directories include [Justia's Legal Birds](#), [LexTweet](#) and JD Supra's [Lawyers and Legal Professionals to follow on Twitter](#).

9. **Let people know you're on Twitter.** Add your Twitter handle to your email signature. Do you send out a monthly newsletter? Add a Twitter "follow me" icon. Put the bird on your blog and website. Include it in the brief bio that accompanies your guest blog posts. Tell your Facebook friends that you're on Twitter; you'll be surprised at how many also tweet.

10. **Be patient.** Like most things in life, the more you put into Twitter, the more you'll get from it. And that takes time. Don't rush to thousands of less-than-useful followers. Create a vibrant community within your own network and you'll experience steady, meaningful growth.

The common theme among these tips is *organic* growth. Twitter growth, like all relationship building, is a marathon, not a sprint. It takes time, effort and consistency, and it's ultimately very rewarding.

Pivoting from law librarianship and a continuing legal education venture, Tim is now the community manager at [Rocket Matter](#). He hangs out at the [Legal Productivity](#) blog and on Twitter @tim_baran.

Track Your Time

Without Notes or Timers

The logo for Chrometa, featuring the word "Chrometa" in a white, sans-serif font. The letter "o" is replaced by a yellow circle containing a black bird icon, resembling a paper airplane or a stylized bird in flight. The logo is set against a dark blue rectangular background.

Let Chrometa automatically capture
and categorize your time for you

[CLICK HERE FOR A FREE TRIAL](#)

Optimizing for Potential Clients

BY GYI TSAKALAKIS | In the race to increase online exposure, many lawyers forget about the very people they're trying to attract. Does your Twitter profile look something like the example below? Is this [making the most effective use](#) of the tool at hand? Whether it's because of a lack of understanding or they've gotten bad advice, some lawyers are "optimizing" their web profiles in ways that are at best a waste of time and money, and at worst potentially harming their reputations.

Why Do Lawyers Do These Things?

You might wonder why folks are doing this. For many, the answer is they believe it will help them rank better in search results. Ignoring, for the moment, the futility of these techniques as "search engine optimization" strategies, as well as the [potential ethical problems](#), think about how these "optimizations" might be perceived by potential clients and referral sources. Do you think they're impressed? Do you think they're motivated to meet "Best Attorney In LA"? Are you?



Best Attorney In LA

@bestattorneyla

Helping Los Angeles injury victims find the legal representation they need. Don't take on the insurance companies all alone, call us at [REDACTED]
Los Angeles [REDACTED]

Truth Is, This Stuff Simply Doesn't Work

It doesn't provide some tactical advantage in search engines. It doesn't impress, is far more likely to be ignored and may even repulse. And so, if you want to make the most effective use of the Internet to connect with people, use some common sense:

- Be yourself.
- Be authentic.
- Use your real name.
- Use a real picture of yourself.
- Keep in touch with people you know.
- Participate in conversations that interest you.
- Be mindful of your [ethical obligations](#)—they apply online, too.

You don't earn clients with link juice, followers and "likes." You earn them by building, nurturing and solidifying relationships with the people behind the profiles. So, if you're going to "optimize," you should do it with those people in mind. Looking to learn more? Why not hear it from the [mouths of the horses](#):

- [Best Practices—Twitter for Business](#) from Twitter
- [Facebook for Business](#) from Facebook
- [Search Engine Optimization](#) from Google

Gyi Tsakalakis helps lawyers put their best foot forward online because clients are looking for them there. He is a co-founder of [AttorneySync](#), a digital marketing agency for law firms. You can find more of Gyi's writing in his "Optimize" column on Attorney at Work, on [Lawyerist](#) and Avvo's [Lawyernomics](#) blog. You can ask him a question (or just say hi) at [LinkedIn](#), [Twitter](#), [Google+](#) and [Facebook](#).

Get Past Your Rookie Moves in Social Media

BY JOAN FELDMAN | Once you get comfortable with social media, you'll no doubt chuckle at your early days—including the etiquette quandaries and minor panic attacks. (Will they know if I unfriend them? What was I thinking with that profile picture? I didn't know that comment was public!) Rookie mistakes on LinkedIn, Facebook, Twitter, Google+? We've made plenty. So we're sharing a bit of what we've learned—and brought in Stem Legal's [Steve Matthews](#)—for advice on avoiding, or overcoming, some of the gaffes lawyers make with social media.

Five Social Media Mistakes Lawyers Make

1. **Losing sight of the big picture.** It's so easy to get sucked up in comment drama and Facebook rabbit trails and lose sight of what you came for—and later wonder what you accomplished and [where your day went](#). It's understandably addictive, but indulging in social media is not going to help you build a professional network of any substance, or advance your online reputation a wit, without goals and a plan. It doesn't need to be complex, but you need to be clear about why you are here. Example of a goal? "Build a network of X key referers in Y industry," or "Drive potential clients to my website content and convert them to clients." Matthews says, "Overall, many lawyers don't realize that to have lasting influence online, they've got to have content—something tangible and permanent—to back up their social networking efforts. That can be achieved through blogging, podcasting, or writing columns for trade publications—there are tons of possibilities. When lawyers get both pieces of the puzzle right—the content *and* the social networking—the result is great for their reputation online."

2. **Getting caught up in the numbers.** When you first sign on to social media, it's natural to compare your [numbers](#)—connections, followers or friends—with your peers and get a little nuts about how to ramp them up. It is fascinating to see the people LinkedIn recommends to you and terribly hard to resist clicking to connect, but pace yourself. Sure, some people may judge you by your numbers ("She just retweeted to 4 million followers!"), but for your purposes—say, establishing a referral network in a specific specialty—it's truly not the size, but the *quality* of your connections that matters. "When it comes to using social media to build their reputations, I think lots of lawyers are completely missing the bigger picture," says Matthews. "It's not just about collecting contacts, it's about engagement." Which leads to number three.

3. **Broadcasting instead of engaging.** It's fine to think of Facebook as your personal scrapbook and LinkedIn as your 21st century resume,

if that's all you want. To get real value, though, communication has to go two ways. According to Matthews, "One big mistake is to sign up for Twitter and just blast your content with tweets that are all about *you*. You know the old saying, 'We have two ears and one mouth, so we can listen twice as much as we speak'? It applies to Twitter, too. You have to do as much listening and replying and reaching out as you talk about yourself—and more." It isn't always easy, especially if you are not a natural communicator. So when you are just getting used to how things work, it's fine to lurk for a while before you begin tweeting. "Figure out who your [tribes](#) are: who you want to follow and who you hope will follow you," says Matthews, and get a feel for what sort of tweets will bring value to these relationships.

Eventually, however, you have to get in there and respond to a colleague's tweet, have an opinion and *contribute* something to the conversation. "Only once you start to achieve that quality level of engagement do the social media tools start to pay off in new relationships, media requests and referrals," says Matthews. Besides, it's a lot more fun.

4. Wasting real estate. How often have you signed up for a site, clicked the required boxes and logged off, promising to come back later to polish your profile? Thought so. "LinkedIn has major potential, but lots of lawyers only do the bare minimum," says Matthews. "They sign up, establish a handful of connections, and just let it sit there. They don't know how to effectively ([or politely!](#)) build their contact list, don't take advantage of tools that help showcase their work (for instance, the JD Supra app), and their profiles aren't optimized." For example, LinkedIn automatically inserts your most recent job title as the "headline" in your profile—and most of us skip right on past without realizing that the [headline can be customized](#). That's a wasted opportunity—it's the first thing people see when they click on your name. It's easy to go back and replace "Owner, Smith and Jones" with a pithy "elevator speech" that describes specifically what you do and who you do it for. Include the keywords people would use to search for your services. "If your job title is listed as 'partner' or

'owner,' most lawyers would do best to bump up the level of description—'Real Estate Lawyer,' for example," says Matthews.

How else can you maximize your profile's effectiveness? Put lots of client-oriented, helpful detail into your profile descriptions, says Matthews. Also, [join groups](#) that are relevant to your practice, ideally both law-related and geographic ones. And don't forget to customize your public profile URL with your name. "This will help you rise to the top of Google's search results when someone looks for you by name," he says.

Now let's talk about your profile photo. In addition to accompanying your Facebook or LinkedIn page, did you know that image is probably showing up every time you sign up for a new social media account or app (especially those that require a Facebook login)—or comment on an article or blog post? There's nothing like someone seeing your beach vacation picture next to your sober comment on a new tax law article. Try to use the same professional photo in all of your social media accounts (how about the one in your firm's website bio?), or at least photos from the same decade.

5. Trying to be everywhere at once. In his handy post on figuring out your social media [return on investment](#) (spoiler alert: it's just about impossible), Blog Tyrant says a lot of newcomers don't realize that not all social networks work the same for different business types. Since the amount of time you can spend on this stuff is endless, you need to ask whether it's smart to be on every social media platform. Once you figure out where you need to be, our best advice is to set a specific amount of time each day or each week for social media, and learn to use tools that will make you more productive. If you blog, can you automatically broadcast that link to your social media accounts? If you are on Twitter, can you use tools like TweetDeck to schedule batches of tweets in advance? By all means, measure what you can. If you are using social media to drive traffic to your website or blog, use free Google Analytics tools to show how much traffic your social media efforts are generating.

Joan Feldman is Partner/Editorial at [Attorney at Work](#) and a principal at Feldcomm, a publishing and marketing design firm in Chicago. Follow her [@JoanHFeldman](#).

Small Content Is the Future Present

BY JARED CORREIA | Short is the new black. In a society where each and every one is frenetic, overworked and overwrought, the most effective marketing is compact and to-the-point. But, even if you can write it, they will not come unless you choose the most effective platforms for delivering your message. Enter the micro-, micro blog.

Short sale. We're trained from birth these days to consume information in bite-sized tidbits, and to then move on to the next item, in one never-ending cram session. The tools we use to manage and broadcast content track our learned behavior: the trend is small, easily consumable.

Blogging is the self-publication of short-form articles. Facebook and LinkedIn provide snapshot profiles of users, and new content is published through short status updates. Twitter trims the fat from both Facebook and LinkedIn, with a 140-character limit. A number of attorneys use these platforms, and platforms like them, to market their practices, as well as for personal enjoyment.

In this economy, everyone is hustling after something. People are trying to find jobs, or keep the ones they've got. Everybody is trying to get known, to establish or to expand a reputation for expertise.

Content production and distribution is one of the best ways, if not *the* best way, to establish a niche, to become a go-to expert. Content is to your successful marketing efforts what coal is to a speeding locomotive; distribution of that content is your huffing, churning engine.

Not surprisingly, then, attorneys want to write content and publish it effectively, even in an environment in which sustained effort is quite nearly impossible. Neither readers nor authors have the luxury of time to spare; so, those with shortened attention spans write small pieces for those others with equally clipped attention spans. If authors can become trusted sources of information, the thesis is that business should grow exponentially, alongside the expansion of the content provider's reputation and reach.

And, for both sides of the distribution channel, in today's environment, there is no better way to give and receive than through micro-content publication platforms, like Twitter, and Facebook, and LinkedIn, including through overarching social media dashboards, like [HootSuite](#). Even if the sell is to more rangy content, the introduction must be slight, and for that, these referenced tools answer the call. Everything's got to be hooky, like a [latest jam](#). I think that the trend for shortened content will continue, and expand. That popular microblogging and publication tools will remain so, similar existing platforms will gain steam, and new such products will be developed and utilized heavily. Within that category of existing programs gaining steam, sits, most prominently, [Tumblr](#), which can best be described as a micro-, micro blog, to which [you can publish pretty much anything your little heart desires](#). Tumblr, if the right theme can be derived, has constant viral potential.

The only person I've seen in legal who approaches Tumblr for what it is [Matt Homann](#); here's [his page](#). The trick for law firms will be to professionalize the platform while keeping their feeds [consistently interesting](#). But Tumblr is so easy to use, and so potentially powerful, that it cannot be ignored.

Jared Correia is the senior law practice advisor at the [Massachusetts Law Office Management Assistance Program](#) and the author of Twitter in One Hour for Lawyers.

Measuring Up: Tools for Tracking the Interwebs

BY GWYNNE MONAHAN | I confess that writing a post about ways to measure social media performance took some thinking, mainly because I don't put much stock in the typical metrics, like follower count. Getting people to follow you is easy. Getting people to engage requires effort. And with the proliferation of social networks, keeping track of who you are engaging, and where, is quite the challenge. Factor in blog comments and we're off to the races. So how to keep track of it all? Simple answer: Tools. Duh. But what tools? Here are some options.

HootSuite for the Laptop, Plume for #android

I loved [TweetDeck](#). It, along with UberTwitter on my BlackBerry Pearl, played big roles in the growth and development of my Twitter profile. Then Twitter acquired and summarily killed TweetDeck, and I got an Android smartphone. [HootSuite](#) has filled the void ever since. HootSuite is especially helpful if more than one person manages your social media profiles, or if you have more than one profile to manage. For example, I have my @econwriter profile, and I also manage the profiles of Clío (@goclio) and Small Firm Innovation (@sfinnovation), with the help of Clío's Director of Communications and Community, Joshua Lenon. HootSuite's cool assign feature makes it easy to have someone better suited answer a particular inquiry. To manage each account, I make extensive use of HootSuite columns: Home Feed, Mentions, Sent Tweets, Direct Messages and then a host of tags. One limitation of HootSuite is the number of columns you can have in a tab, so I have additional tabs and tuck a good deal of tags into them: #privacy and #privchat, #legalchat, #cmgr and #cmgrchat, #leadershipchat, #hfchat, #smcchicago. You get the idea.

Since I prefer to eliminate as much risk in posting to the wrong account as possible, I use [Plume](#) on my android smartphone. It is only connected to my @econwriter5 account, and my finger memory is programmed to automatically open it and tweet. It's hard to read [conversation threads](#), though, or even keep track of them with HootSuite or Plume. And Google+ ... whole other animal. I need a better tool, like [Engag.io](#).

Engag.io and Commun.it

I am a big fan of [Engag.io](#), and I have found [Commun.it](#) to be a good companion. It shows me Influencers, Supports and Engaged Members, plus who I should follow, who I should unfollow, and who has followed and unfollowed me. Strange, I know, for someone who "doesn't pay attention to followers," but you'll notice I said follower count. The number isn't important, the people doing the following are important. The next question then: how can I keep track of all the conversations with these new followers, and my exiting followers?

Answer: [Engag.io](#). It makes tracking and engaging in conversations across platforms incredibly easy and useful. It offers up an inbox, and from that I can see all the conversations I've had (or am still having) on any network. It also offers a kind of address book, which I also discovered HootSuite does too, but Engag.io includes contacts for all the social networks I have connected to it. Twitter. Google+. LinkedIn. Blogs using Disqus. (Fingers still crossed Livefyre is added soon!) You can add Facebook, FourSquare, Tumblr and Hackernews. More will no doubt come online as well.

The beauty, though, is that I can click into conversation threads, like I'm reading email, and respond and move on. It also shows me where my network is engaged, which is key. Getting caught in the echo chamber of social media is incredibly easy. Engag.io snaps you out of the echo chamber by showing where else your network is talking. Other blogs. Other Google+ posts. Things you may have missed in the constant flow of information. And from that, you can find other people not yet in your network, but worth adding and getting to know. Being able to build your network, and yet still see with whom you are most actively engaged and where, are two priceless social media assets. Engag.io lets you track and manage both while Commun.it helps identify people you aren't engaged with yet, but probably should. See? Companions.

Livefyre

If you follow me on Twitter, my love of [Livefyre](#) is well-known. One of my favorite attributes is its ability to bring other people into the conversation. This is key because, as you can see, there are numerous platforms on which to have conversations, but no real way to bring them all under one roof. Livefyre, while not perfect, lets you bring in other people, bringing the conversation back to you and some additional eyeballs to your website. You mention someone in a comment, and you get prompted to let the person know. The person then gets a message, maybe a tweet that says something like "Hey @fill-in-the-handle, so-and-so mentioned you in a comment on fill-in-the-blog-title." Your followers see it, and the person mentioned sees it. By that

one action, the blog has reached a wider audience. An added benefit: Fewer spam comments! Comment spam is a problem, so having Livefyre eliminates something I'd otherwise need to track. Granted some spam comments still find their way in, but it requires considerably less work to deal with them now.

CrowdBooster

Yes, I know, it seems contradictory since I don't pay much attention to follower count. [CrowdBooster](#) does, though. And it also does something more: suggests times to tweet. An early challenge for me at Clio and Small Firm Innovation was not to overwhelm (or scare off) followers with an abundance of tweets. I didn't want to copy my @econwriter5 Twitter habit. It does scare people away. (People have told me so.) And the message is different, more targeted than my Equal Opportunity ReTweeter mantra. Fortunately, CrowdBooster not only shows your growth (or decline) in followers, it also shows your reach and then offers up times to tweet in order to reach the largest audience. That information leaves only one variable to test: content. What kind of information, shared at suggested times, gets the most response? When you're starting out, having just one variable to contend with is incredibly helpful. CrowdBooster sends you a report each week, too, so you can easily track what types of information (article, blog post, RT, etc.) results in the greatest reach.

Such are the tools I use regularly, though there are others I use from time to time, too. Like [Twitalyzer](#). And I have dropped TwitterFeed in favor of [Dlvr.it](#). One really cool feature of Dlvr.it, especially if you have themed content, is its Flipstream. It packages posts into an on-line magazine users can flip through and view. It tracks clicks and such, too, so you can see what themes, or content, had the most impact. Perhaps another social media tracking post is in order!

Gwynne Monahan is best known by her Twitter handle [@econwriter5](#). #Writer. Problem Solver. Equal Opportunity Retweeter (EORT). #privacy advocate. @WOMMA #CMCouncil. Clio #cmgr. #Editor Small Firm Innovation, #blawg100 LPM #winner.

THE ETHICS BALANCE



Legal Marketing Ethics at the Start of 2013



BY WILL HORNSBY | The legal profession constantly struggles to set advertising policies that strike the balance between consumer protection and access to justice. What are the boundaries we impose on ourselves to make certain that people are not subject to over-reaching when lawyers are seeking clients, yet still enable people to get the information needed to make decisions about representation? We all agree on the objective, but we don't often agree on the means to get there. In the past year, rule-makers, committees drafting ethics opinions and disciplinary agencies have all weighed in, but frequently not with the same results. Here's an overview.

It Was a Busy Year

In August, the American Bar Association House of Delegates approved changes to the comments to the Model Rules of Professional Conduct that address advertising and solicitation. Nevada's supreme court adopted substantial changes to the ethics rules that govern advertising in that state, while the courts of Florida and Tennessee are considering changes that are far afield from the ABA rules. Ethics committees in several states have issued opinions that attempt to apply the rules to aspects of technology-based marketing, such as daily deals, question-and-answer sites and recommendation requests. Meanwhile, Virginia became the first state to bring disciplinary charges against a lawyer for failure to apply the advertising rules to his blog.

ABA Ethics 20/20

The ABA is the proverbial 800-pound gorilla in the room. Ironically, the [ABA Model Rules](#) of Professional Conduct have no force and effect. Compliance with them serves as no protection for a lawyer who advertises in ways in violation of the lawyer's state rules. The Model Rules are developed to assist the states, but few states have adopted the ones governing client development (Rules 7.1 through 7.5) verbatim. The ABA rules are important, however, because nearly every state has embraced them as a core of their rules. The states then embellish from there.

The cornerstone of the rules governing advertising and solicitation is the prohibition against false or misleading communications.

Rules governing solicitation, or "direct contact," have included other limitations, such as the anti-ambulance chasing prohibition on most in-person solicitations and a requirement to label mailed material as an advertisement.

In 2009, the ABA launched an initiative known as [Ethics 20/20](#). The 20/20 Commission was charged with a reconsideration of all the Model Rules because of globalization and technological developments. The Ethics 20/20 working group on technology and client development sought comments on the direction it should follow. Lawyers from across the country responded with an overwhelming sentiment to focus on the prohibition on false or misleading communications and to abandon notions of micromanaging technology-based advertisements.

"The Model Rules are developed to assist the states, but few states have adopted the ones governing client development (Rules 7.1 through 7.5) verbatim."

Based on this input and a dedication to apply a light touch, Ethics 20/20 retained the rules with miniscule changes. But it recommended important amendments to the comments. Two fundamental changes resulted.

Pay-per-lead. First, the [comment](#) to Model Rule 7.2 explicitly embraces "pay-per-lead." At the 2012 ABA Annual Meeting, the House of Delegates adopted a change to the comments to the Model Rule governing lawyer advertising that states:

... a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with Rule 7.1 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral.

Lawyers have participated in "pay-for-click" advertising on search engines for over a decade. In fact, a 2001 ethics opinion from South Carolina makes it clear that paying for keywords on search engines and coming up in an advertising space in search results using those keywords is nothing more than the 21st-century equivalent of paying for television commercials or ads in the Yellow Pages. While pay-per-lead differs from pay-per-click in some respects, the comment to Rule 7.2 not only clarifies that it is permissible under the Model Rules, but gives clear direction on the circumstances in which it can be done.

Remember, however, that this does not green-light pay-per-lead in each state. It is merely the ABA's recommendation to the states. Until and unless it is adopted by the states, some states may conclude that it is inappropriate for a lawyer to seek clients on this basis.

Solicitation. The great majority of states govern direct contact with potential clients without defining the term “solicitation.” Those states that do define it vary from one to another. The ABA Model Rules also lacked a definition of that term until August 2012, when [the Comment](#) to ABA Model Rule 7.3 was amended to state:

A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a lawyer’s communication typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches.

Prior to this change, the rule imposed no exceptions for information provided by a lawyer or firm upon the request of a potential client. It was something of an “unwritten rule” that these limitations did not apply when someone contacts a lawyer seeking information about his or her services. This change clarifies that exception and goes further to find that technology-generated responses to Internet searches are also acceptable. Again, this definition is not in place in the states and some states will almost certainly continue to have variations defining solicitation.

State Rule Changes

While the ABA focuses on the prohibition against false or misleading communications, and includes a handful of rules imposing requirements and limitations on advertising and solicitations, several states take a more micro view and set out detailed obligations. The related ABA Model Rules cover about four pages. Those of states such as Florida and Nevada have three to four times that volume.

Florida first adopted advertising restrictions in 1990. Since then The Florida Bar and the state supreme court have dedicated an enormous amount of time to considering the policies governing client development. The court has gone back and forth with the bar on rule changes over the past year. Lawyers in Florida must submit ads to the bar for screening, but websites are exempt from this requirement. The current Florida rules position websites as “information upon request.” Like the newly adopted ABA comment on solicitation, information requested by a potential client is not subject to the same level of scrutiny as other forms of advertising. Since people must proactively seek websites, the theory goes that the content becomes information upon request. Some have suggested this is really an exception based on a pragmatic notion, given that it is difficult, if not impossible, for the bar to screen all parts of all law firm websites. At the end of 2012, this issue, with other aspects of the Florida rules, remains unresolved.

Nevada is another state that historically has imposed substantial restrictions on client development. In December, its supreme court adopted changes that removed some restrictions and imposed others. Prior to the changes, Nevada had a rule that prohibited anyone from portraying a lawyer in an ad unless the person was admitted to the Nevada Bar and would be the lawyer providing the service. Under the rule change, lawyers may use actors if they include disclaimers. Stock photos live!

“Like the newly adopted ABA comment on solicitation, information requested by a potential client is not subject to the same level of scrutiny as other forms of advertising.”

The prior rules required advertisements to include a statement:

NOTICE: THIS IS AN ADVERTISEMENT!

The statement had to be in a font at least twice the size of the largest type used in the ad. While the obligation to include the statement continues in the new rules, the court has struck the font size and included provisions that disclaimers must be clearly legible and prominently placed.

In addition, Nevada has joined a short list of states that require emails to include the label “Attorney Advertising” at the beginning of the email’s subject line. The rule changes also require details to be set out when a lawyer advertises past results.

The Tennessee Supreme Court is considering multiple petitions for rule changes, too, some that are based on Florida’s rules. Among other things, provisions would prohibit a lawyer from including past results and using any celebrity whose “voice or image is recognizable to the public.” The proposal would also establish a screening process, requiring lawyers to submit ads to the state for determining their compliance, much like the Florida requirements.

Ethics Opinions

States have issued ethics opinions to address using Internet-based technology for marketing legal services since the 1990s. Ethics opinions are issued by bar association or court committees and apply the rules to various factual situations. Although they are not binding in most states, they generally provide good direction. At the same time, an ethics opinion in one state may come to a different conclusion than an opinion in another state, even when applying the same facts to the same rules. This was the situation for the states that examined lawyers’ participation in daily deals, such as Groupon’s.

At least seven states have issued ethics opinions on a lawyer’s participation in daily deal programs between 2011 and 2012. New York, South Carolina, North Carolina, Nebraska and Maryland have concluded participation is ethical under certain circumstances, while Indiana and Alabama indicate it is impermissible unless the program

has certain safeguards. The issues are not focused on the rules governing lawyer advertising as much as they look at matters of client confidentiality, conflicts of interest and the division of fees with the corporate sponsor of the programs. Lawyers considering participation in these programs should make sure they research the details of the opinions to decide whether it is proper under their state rules. Some who have written on this issue wonder if lawyers would really be interested in participation in this type of client outreach on a broad scale.

It is somewhat ironic that so many states have addressed daily deals while lawyers are embracing other technology-based strategies where guidance is needed. For example, sites that provide answers to consumers’ questions have emerged as a client development tool. An ABA report from 2011 indicates that the public is more likely to use Q&A sites than other forms of online legal information when seeking a lawyer. South Carolina has issued an opinion critical of the site www.justanswer.com. The site tends to use terms deemed misleading, such as “expert.” The opinion does conclude that Q&A sites may be compliant, but cautions lawyers about the possibility of inadvertently entering into an attorney-client relationship.

North Carolina has also issued ethics opinions that provide direction on aspects of social media use. The ABA report indicates that client feedback sites are about as well-liked by the public as Q&A sites. States have various standards for testimonials, but North Carolina Opinion 2012-1 tells us that not all testimonials are the same. It divides testimonials into those that are “soft” and “hard.” A soft testimonial goes to the lawyer’s characteristics such as the level of service or professionalism. A hard testimonial goes to the outcome of the matter. The opinion concludes a disclaimer is not necessary for a soft testimonial, but is for a hard testimonial. This opinion should be considered with Opinion 2012-8, which concludes that a lawyer may not only accept recommendations from current and former clients on networking sites, but may also seek recommendations as long as the site and communications conform to the state’s advertising rules.

Disciplinary Action for Blogging

Was there ever a time when lawyers didn't blog? Seemingly they have been doing it forever. However, it took a Virginia disciplinary case for the legal community to get its first direction on the ethical compliance of blogging. Horace Hunter dedicated a portion of his firm's website to a section called "This Week in Richmond Criminal Defense." Some argue it was not a blog at all, but merely a portion of a law firm website that advertised the firm's services. Many of the posts, but not all, pertained to Hunter's representation of criminal defense clients. The state took the position this was misleading without a disclaimer that it is advertising material, and prevailed on this issue at both the hearing level and the disciplinary appellate level.

While compliance in Virginia would have been met with the simple notation that the material is an advertisement, compliance in other states could be far more rigorous. Consider the viability of a lawyer's blog in a state that has a screening requirement. Must the lawyer submit an initial post, with the proper forms and screening fee, wait for the review to be completed before posting and repeat the process anytime someone engages in online conversation about the blog's topic? We may have to wait for a future court to decide about applying the advertising rules to blogs based on the content of the communications and the lawyer's First Amendment rights.

"We are seeing substantial growth in apps pertaining to legal services. Is there anything about these apps that makes them different from other types of communications?"

Looking Forward

So, 2012 provided us with better insights into pay-per-lead, solicitations, daily deals and blogging. What will we see in 2013? We've gotten our first glimpse already, as California has issued an ethics opinion providing direction on when the ethics rules apply to a lawyer's use of social media. The bottom line: The rules apply if the content of the message is "concerning the availability of professional employment." See [CA Formal Opinion 2012-186](#) for more details. Here are three additional possibilities.

- We are seeing substantial growth in apps pertaining to legal services. Is there anything about these apps that makes them different from other types of communications? They are not really websites and certainly not emails, but do they merit special treatment within the rules or analysis for ethics opinions?
- Second, we are seeing a more sophisticated integration of marketing into social networking, not just for legal services but across the board. Some restaurant guides now note that those on your social network sites have reviewed a restaurant you are looking at, or, maybe even two levels down, someone in the network of someone in your network has done so. The management of social networking personal information and its integration into marketing should be frightening to policy-makers. The marketing community has only scratched the surface of those strategies.
- Finally, we are seeing turf wars with the titans of online legal service providers. LegalZoom and Rocket Lawyer have become involved in litigation with one another, which will play out over the next year. And we might wonder how they found *their* lawyers.

Will Hornsby has served as Staff Counsel at the American Bar Association for more than 20 years. He writes and speaks extensively on issues of ethics, technology and client development. Follow him at [@willhornsby](#). This material should not be construed as legal advice or the policy of the ABA or any of its constituent entities.

Is Your Business Card Ethical?

BY WILL HORNSBY | “Dignified, unembellished” business cards have long been ethically permissible, even when other forms of advertising were not. But today's business cards go well beyond name, address and telephone number to include an email address, website, Twitter name, law firm slogan and more. All of these could have ethical implications. Here are a few things you should know.

- **Just the facts.** Cards with only the basic name, address and phone number may be exempt from the ethics rules altogether in some states. For example, Kentucky’s definition of “advertising” exempts business cards with limited information. On the other hand, California specifically includes business cards in its ethics rules. Check the rules in your state to see if cards are covered.
- **Content controls.** Does your card include a slogan? What about a website or email address that includes a message, like “www.best-lawyer-in-texas”? These messages could be in violation of the ethics rules that prohibit false or misleading communications.
- **Content controls II.** Some states include “[safe harbor](#)” provisions. If the information on the card is limited to certain content set out in the rule, it is presumed to be in compliance with the rules. Again, check your state rules for the safe harbor provisions.
- **Disclaimers.** A few states require disclaimers under any circumstance and others only require them if they are triggered by other

content. For example, if a card identifies a lawyer as a certified specialist, Illinois requires a disclaimer stating that the certification is not required to practice law in the state.

- **Cite credentials with care.** Indicating you are a [specialist in a particular field can be a problem](#) on business cards. In addition, in some states it is considered misleading for a former judge to make reference to that status on a card.
- **What about cards for staff?** Business cards for staff must clearly identify the positions of staff members and avoid implying that lay staff members are lawyers. Paralegals, legal assistants, investigators and others need to be properly designated as such on their business cards.
- **It's how you use it, too.** Watch how you go about handing out cards, too. In many circumstances, cold calls are prohibited solicitations, and the use of a business card to advance that can lead to a disciplinary complaint.

The bottom line is that you need to be mindful about every detail of your law practice's client development efforts. Basic information on the simplest business card is no exception.

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What's in a Law Firm Name?

BY WILL HORNSBY | Sometimes a law firm name tells us a lot. A firm name composed of three guys, some of whom may have passed on, tells us the firm has been around for a while. "The Divorce Clinic" tells us what they do. "The Resolution Center" tells us how they approach matters. Don't look for the pit bull lawyer there.

When Naming Your Firm, Be Ethical from the Get-Go

You would think that the ethics rules governing firm names would be consistent from one state to another, but they do vary and are worth noting. If you build up a brand name and then find out you need to change it, you've wasted a lot of time, energy and money. Lawyers in every state should look out for these issues:

- **The common denominator.** No false or misleading names. Most states have adopted ABA Model Rule 7.5, which states that law firm names cannot be false or misleading. Sometimes "misleading" is obvious. Sometimes it is a bit tricky.
- **This is obvious.** If the firm name identifies a practice area, the lawyers need to be experienced in that area. If you have never prepared articles of incorporation for clients, but would like to, it's a good idea to avoid a firm name like "The Incorporators."
- **This is tricky.** If you say you have associates, you need to have associates. Small firm practitioners frequently go by a name such as Jane Doe & Associates. Associates are generally considered to be lawyers who are not partners or shareholders and who are, practically

speaking, employees of the firm. Employees who are not lawyers, such as paralegals, investigators and other support staff, are not considered associates in most states. And "associates"? That means more than one.

- **This is murky.** Firm names must avoid implications they are tied to government agencies and public or charitable legal agencies. The University Legal Center, which is down the block from a university but not affiliated with it, or the Peoples Law Clinic, are examples of names that have been found to be misleading.

Some states have additional restrictions. A few conclude that trade names are misleading on their face and prohibit them altogether. These states include Arizona, Iowa, New York, Ohio, Mississippi and Texas. Be sure to check the rules of your state for direction on the use of a trade name. A few states permit trade names but require those firms to include the name of a lawyer in the firm in addition to the other information, such as the "Smith Bankruptcy Law Center."

Finally, Florida and Louisiana have rules that permit trade names, but also require those names to be used in all circumstances, including letterhead and pleadings. This rule is sometimes known as the anti-AAARDvark rule. It is designed to dissuade lawyers from using ridiculous trade names merely to get a priority listing in directories.

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Label Up!

BY WILL HORNSBY | While some people are “lawyering up,” lawyers are labeling up. Advertisements, as well as brochures and emails, often seem to be screaming out at even the most sophisticated audience: “Lawyer Advertisement!” “Advertising Material!” “This is an Advertisement!”

Of course, lawyers don’t label up because they are concerned people will be confused about whether firm websites are seeking out business. They do it to comply with the state ethics rules. On the one hand, over-labeling may dilute the firm’s message. On the other hand, failing to comply with the rules can lead to disciplinary action. Here are some things to watch for.

- **Mailing labels.** Most states require lawyers to label mailings as “advertising material” under certain circumstances. Although states vary on this, most require the label to appear on the outside of the envelope. Some states get more detailed and require a certain font size, a color (usually red) and the exact placement of the label, such as the lower left-hand corner. Under these state rules, which frequently mirror [ABA Model Rule 7.3\(c\)](#), there are several circumstances where the label is not required. For example, when a letter is sent to another lawyer, a family member, a close friend or someone with whom the lawyer has had a prior professional relationship, i.e., a current or former client, the lawyer does not have an obligation to include this label under the rules of most states. Also, the rules frequently require the label when the material is sent to “prospective clients known to be in need of legal services in a particular matter.”

This is designed to cover accident victims who receive solicitations from lawyers who mine their information from publicly available police reports. The idea is to give fair warning that a letter from a lawyer is nothing more than a solicitation. On the other hand, when in-house counsel receives a glossy brochure from an AmLaw 200 firm, a warning is neither needed nor, in most states, required.

- **Online and over-the-air labels.** The states that follow the ABA Model Rule also require electronic communications, such as emails, to be labeled “advertising material” at the beginning and end of the message. The same exceptions discussed earlier apply. However, a handful of states require email solicitations to include specific labeling language in the subject line. This may be one of the most widely ignored ethics rules that exist. Nevertheless, lawyers who do not comply are at risk of disciplinary action.

Finally, a few states go beyond labeling requirements for solicitations and require certain types of website advertisements to be labeled. For example, New York requires advertisements other than those appearing on the radio, television or billboards or in directories, newspapers or magazines to be labeled “Attorney Advertising” on the front page and the home page of websites. The rule does not indicate just how prominent the label must be. In the spirit of giving them nothing more than they require, some firms in New York snuggle the phrase between the links for the terms of use and their privacy policies at the bottom of their home page.

Like many ethics rules governing lawyer advertising and solicitations, there is nothing intuitive about the obligation to label up. There is no substitute for closely reading the rules imposing these requirements.

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