

Lessons From an American Marketing Guru

By Barb Cotton

In 1995 Joseph A. Gerber, a partner at Cozen & O'Connor in Philadelphia, delivered a classic speech entitled "Marketing for Litigators". His speech was subsequently circulated on the internet and has elevated Mr. Gerber to the status of a marketing guru. I would like to summarize his advice for the benefit of the Association members.

Mr. Gerber had this to say:

- **Secretly, clients really want safety**

Especially in litigation matters, clients may tell you that they want creativity, innovation, aggressiveness and other benefits. What clients really want is safety. They don't want too high a profile; they don't want your firm to go crazy - they want safety in who they choose. Thus in your marketing message it is important to affirm that you are the safe choice.

- **Attitude is everything**

It is important to execute your marketing with energy and enthusiasm and not merely go through the motions.

- **Setting goals**

It is important to set goals for your marketing in clear, concise terms. What business do you want? Why do you want it? Are you going to make money on the business being sought?

- **Brand name recognition**

It is important to gain brand name recognition, and tie your firm name to certain kinds of activities. That way you can become high profile in your niche.

- **Everyone is responsible for marketing**

Each and every lawyer in the firm must be involved in marketing to the extent that there is no division between marketing and everything else a lawyer does. Every contact a lawyer makes leaves an impression.

- **Don't blow the opportunities**

Take advantage of every phone call, letter, and other opportunities to market – to make a good impression on the people you are dealing with.

- **Be ready for “what’s new?”**

Your clients or other lawyers will always be asking you “what’s new?” – be ready for this and have a marketing message prepared. It is important to resist the temptation to exclaim as to how busy you are, however, as if you emphasize your busyness, the clients will think you do not have capacity to take on their work.

- **The two best marketing tools – service and results**

Clients tend to pick lawyers by word of mouth, and only service and results will generate that word of mouth reputation that you need.

- **Outside seminars**

Make sure that your firm member is not isolated on the podium as the speaker and that you have other members of the firm in the crowd at the seminar in order to meet and greet the clientele and prospects.

Make sure at client functions that your lawyers talk to the clients, and not their colleagues.

- **What’s your firm’s message?**

Make sure that each member of your firm has a consistent marketing message, which should be in 10 words or less. Why is your firm unique? Once you have established why the client should hire your firm, make sure that all the lawyers are delivering the same message.

- **Not returning phone calls**

Not to return a phone call is a sign of disrespect which will cause a client to leave a firm. It is crucial to show respect to the client.

- **Why clients switch firms**

A lawyer must be reachable by the client 24 hours a day, 7 days a week. A client who can't get his lawyer is going to get another lawyer.

Lawyers must take care not to be condescending to their clients.

The nicest thing you can do for a client is ask their opinion.

The goal of the lawyer is to lift the burden from the client's shoulders.

- **Breaking bread**

The best way to build a relationship with a client is to “break bread” with a client – invite the client to coffee, breakfast, lunch or dinner. This has to do with respect.

- **Mentoring**

Take your junior lawyers along on client calls etc. so they can learn by watching and you can mentor them.

- **Give away free samples**

Think of some way to have the client sample your work by, for example, providing a second opinion for free.

- **“Negative poop”**

Listen to the “negative poop” regarding your firm, and find a way to address the negatives.

- **The client is always king or queen**

Don't let your lawyers forget that the client is always king or queen in the relationship and that it is the job of the lawyer to be the service provider – what's important is the client's agenda, the client's timetable, the client's wants and the client's needs.

- **Establish a firm ombudsman**

Establish an ombudsman in your firm that any client can call at any time to register a complaint or, indeed, call about anything.

- **Use role-playing and rehearsals in order to prepare for marketing presentations**

- **Marketing should come up in compensation reviews**

In order to enforce the requirement that each lawyer market, marketing should come up in compensation reviews. People do what gets paid for.

- **Marketing is all about relationships**

Marketing is and always has been about relationships. It is therefore important to minimize the use of email, faxes, voicemail, and hand-delivery. Human contact must be emphasized – you’ve got to “press the flesh”.

Sound advice from a marketing guru.

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