MARKETING 101 FOR THE LITTLE GUY

By Barb Cotton of Bottom Line Research & Communications*

Large law firms have many resources, which usually include a marketing director and a marketing department. With their considerable budgets they can throw money at advertising, engage in branding exercises, host client events, purchase lavish client gifts, and give away entertainment tickets.

This is not the case for "the little guy" – the solo practitioner or the practitioner in a small or specialized firm with a shoestring marketing budget.

There is good news, however. The essence of effective marketing is "relationship marketing", which involves establishing an ongoing relationship of caring and trust with your clients within the context of a long-term horizon. Such relationship marketing does not require a large marketing budget, nor a marketing director or marketing department – it merely requires that the "little guy" lawyer assiduously and, in most cases, personally, maintain an ongoing marketing program based on cultivating relationships.[1]

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What do I mean by “assiduously”? The solo, small or specialized practitioner must devote, ideally, at least one hour per day on marketing activities, even when work is pouring in the door.

It is said[2] that effective marketing is like riding a bicycle. You must pump hard in order to build momentum and get the bicycle going, but once the bicycle is underway all it requires is the occasional pump to maintain the momentum. This is also the case with an effective marketing program. It will require a lot of time and effort in order to get it up and running, but, once established, “pumping” of approximately one hour per day should be enough to maintain the momentum.

What are the benefits of relationship marketing? There are many, but a highly satisfied client will:

- generate repeat business
- refer you to others
- forgive your mistakes
- be less fee resistant
- pay your bills more readily and faster, and
- make your work life more enjoyable

Another tenet of relationship marketing is that, although it is difficult to establish a client base, once your client base has been established it is far more effective if you nurture it for new and repeat business, rather than simply trolling for new clients.

With this in mind, then, let us turn to the basic principles of relationship marketing. It seems to me, having reviewed the diverse literature on the topic, that it comes down to three basic principles:

- You must treat your clients as people first, and clients second
- You must establish a relationship of trust with your clients, and
- You must always pay attention to the "feel good factor"[3]

Treat Your Clients as People First

Concerns are sometimes expressed that relationship marketing means developing personal relationships with your client, but it simply means that you must develop a warm and caring relationship with your client, as a person, but within a business context. There is a difference between being friendly and turning your clients into friends, which is not required for marketing success.[4]

This principle has been encapsulated as "life is like high school, not like university".[5] By this it is meant that life is like high school in that it is the relationships we develop and nurture that are important, and not the theoretical or factual information we master, such as at a university.

People want to work with people they like. One of the most basic needs of a human being is to feel important, or special, and the lawyer who keeps this in mind and helps his or her client feel important and special is the one who will ace the high school of relationships.[6]

Another way this is often expressed is that a lawyer must have high “emotional intelligence”, and Nick Marson in “How to Engage With Clients Using Emotional Intelligence”[7] suggests that the following steps are key:

- Treat your clients as people first
- Tune in to your client’s emotional state
- Encourage your clients to share their feelings with you
- Make clients feel fully heard and fully understood
- Understand that your clients’ perception of reality is their truth
- Try to find shared meaning and purpose with your client, and
- Smile a lot

To this list can be added[8]:

- Call your client by name
- Radiate confidence, competence and conviction, and

- Show your enthusiasm

<u>Develop a Relationship of Trust With Your Clients</u>

David Maister in *The Trusted Advisor* identifies four components of trust:

- Credibility
- Reliability
- Intimacy (that is, relating to the other person as a human being), and
- Client orientation

How does one develop a trusting relationship with a client? It seems that one of the fundamental rules is to always do exactly what you say you are going to do so the client can come to rely on your word.

Other ways to develop trust include:

- Always meet the client's expectations.

At the commencement of a project or assignment manage the expectations of the client by establishing a timetable and a budget. Then make sure that you meet the deadline for the project, and come in on budget. Other expectations that you may want to clarify are: the steps you will be taking, how long they will take, what might affect the timing and costs, who else will be working on the file, and how payments are to be made.[9]

- Honour all other promises to the client.

If you say you are going to send the client something, for example, then do so immediately.

- Keep the client informed of the progress you are making on the project or assignment. Don't make the client phone you for a progress report, give the client a call, or send out frequent status reports.

- In a nutshell, then, make sure there are no surprises for the client.

- Readily admit your mistakes.

Honest communications with a client are essential, including admitting your mistakes candidly. Cut back or cancel your bill, with an apology, in the event of a mistake.

- Give a premium to the client as compensation for making a mistake.

For example, a ten percent reduction in your fee on the next project.

- Invite complaints and feedback from the client.

So you know how to improve your services, and so that you can find out about client concerns before they grow to the point where they are irresolvable.

- Give what amounts to a guarantee of service to the client.

Such as, if the client is not happy with the work or service, then the bill is cancelled and any monies paid are returned. This concept of giving a guarantee might sound extreme, but the good will this generates is remarkable, and you will develop a reputation for standing behind your product.

The "Feel Good Factor"

It has been said that people will forget what you said; people will forget what you did; but people will never forget how you made them feel.[10]

It is therefore very important to leave them feeling good. How can a little guy lawyer generate this "feel good factor"?

● Above all else, return your clients' phone calls promptly.

This seemingly trite advice is actually based on a basic human need, the need for respect. As has been flagged by Joe Gerber in "Marketing a Litigation Practice"[11], failure to return phone calls signals a lack of respect to a client, and it is this lack of respect that will poison the relationship.

● Make sure the client knows that you are glad to see them, and greet them in a friendly manner.

People like those whom they see as liking them.

● Make sure all your staff are friendly as well.

Hire your staff for their attitude and their client orientation, and train them for their skills.

- Introduce your staff to the client.

And let the client know if they should call your key staff if they are unable to reach you.

- Always personally conduct the first meeting and other key meetings with your client.

So that they do not feel "sluffed off" if they are relegated to meet with your subordinate.

- Never give your clients the impression you are too busy for them.

It seems to be a knee-jerk reaction of lawyers to respond to the question of "How are you?" by launching into a tale of how busy they are – this is also a mistake flagged by Joe Gerber. You may be busy, but you are never too busy for your client, or to meet your client's future needs.

- Never allow a meeting with a client to be interrupted.

And thereby signal they are the most important matter to be dealt with by you.

- If you receive good news for a client, such as a settlement cheque, deliver it personally.

- When communicating with the client use inclusive words like "our" and "we", as in "Our next step is to…"

- Let the client hear their favourite words: "Let me take care of this for you", and thereby ease their burden.

- Do small favours for your client without charge.

- Make sure you know the names of all members of your client's team-and use them.

- If you are discounting a fee or not charging for an item, mark this clearly on your bill.

- Send a letter of welcome to new clients.

- Be accessible.

Make sure your client can contact you when needed-give your clients your direct line, cell number, fax number, email address and your web address. Let your clients know they are welcome to call any time.

- Be convenient.

Make sure you take credit cards and have convenient parking.

- Be responsive.

Meet emergency needs, staff to make sure you can meet the work flow, and don't charge a premium for rush or special requests.

- And perhaps above all else, be fun to work with – life is too short not to have fun.

Given these three underlying principles of relationship marketing, what are some specific approaches that can ensure a well nurtured client relationship?

Stay in Touch

It is said that there is a hierarchy of communications with the client, and that you should strive to communicate with a client:

- face to face
- on the telephone
- by email, and
- by direct mail,

in that descending order.

"Marketing is a contact sport", and the higher the personal touch, the more effective the marketing.[12]

Thus, perhaps the most effective investment of your marketing time can be simply meeting with your clients, off the clock, at their offices or business premises. What's new with the client? Can you have a tour of the office? Can you meet the new staff that have come on board since the last time you were there? And how about lunch?

I have developed a personal policy regarding staying in touch, based on the best piece of marketing advice I ever received.

Larry Bodine of The Law Marketing Portal (www.lawmarketing.com) attended a lecture by Nido Qubein to an Institute of Management Consultants conference in Nashville, and shared his notes with his listserv colleagues on May 2, 2004. Included in Mr. Qubein's advice was the advice to make sure you have at least four contacts, or "pings", with a client or prospect each day. These pings can be by way of email, phone or personal visit, but the bottom line requirement is there must be some kind of meaningful exchange for it to count.

Larry quoted Mr. Qubein as saying "Every single day, call or write four clients or prospects. That's 20 people a week, 1,000 people a year. "It doesn't matter what the reason is, just call to see how they're doing. I cannot tell you the power of this idea", he said. "Remember, if you are out of sight, you're out of mind."

By ensuring at least four daily contacts with your clients and prospects, you are ensuring that your relationships are constantly attended to, and that you are rolling in a somewhat random way through your "rolodex".

I have taken this advice to heart and, on the theory that what is measured is what gets done, I diligently track my daily "pings"[13] in my contact management system. That way I ensure I have made my required daily contacts. If four o'clock rolls around and I have not made my quota, I pick up the phone and start calling.

A Meticulously Maintained Contact Management Database is Imperative

The first step to staying in touch with your clients is creating a meticulously maintained contact management database. I use the ACT software system, but whatever system you choose to use, it is important that you keep critical information about your clients so that you may target tailor-made marketing to them and have sufficient information about them to develop your relationship.

Keep in mind the federal and provincial privacy legislation in maintaining your contact management system, and adhere to the legal requirements.

Assuming that you have done so, it is helpful to keep key information about individuals, noting their:

- home town
- schools and universities
- names of their spouse or significant other, and children
- birthday
- exact title
- names and types of their pets
- hobbies
- and, most importantly, notes of all conversations and contacts you have had with them, especially any feedback you may have received.

Who will you place in your contact management system? I suggest you include your:

- clients
- past clients
- prospects
- referral sources
- media contacts, and
- all entries having to do with your personal life

As your marketing program develops and your contact management database grows, this "house list" will become more and more important to the running of your business, and your most valuable business asset. It is important to update your backup of your contact management database daily, and to place a new backup copy in your safety deposit box once a week.

When a new client contacts you, be sure to ask where they got your name, so that you will know which part of your marketing program is working. In most contact management systems there is a place to enter the source of the client, and you can track your marketing results in this fashion.

You can also use your contact management database to schedule your marketing activities, such as follow up calls to clients to see if they are happy with your work.

A contact management database is key, however, for targeted direct or email marketing to designated groups. Your contact management system should allow you to designate your clientele as belonging to certain subgroups, perhaps according to industry membership or relevant areas of law. Then, when you are sending email alerts, for example, you can target their specific areas of interest and make your marketing highly relevant.

<u>"Ping" Once a Week</u>

Ideally, you will be in touch with, or "ping", individuals or selected groups of individuals within your contact management system on a weekly basis. In addition to meeting with the client or calling them on the phone, you can do this by sending email alerts, your newsletter, personal clippings of interest, or a more traditional handwritten note.

I am a big fan of the handwritten note, as it shows good manners, is more personal, and, if you send a hand addressed card or postcard, it is almost always read.

I keep an inventory of stationery at hand at all times, as well as "fun" postcards on which I can send short messages.

I send:

- Birthday cards
- Christmas cards (no later than December 7)

- "Milestone" cards, such as the anniversary of our lawyer/client relationship
- "Success" cards, to celebrate a big win of the client, a client promotion, or an honour received by the client, etc.
- Sympathy cards, for the loss of a family member, the end of a relationship, etc.,
- "Happy retirement" cards,
- New home/office cards, and, of course
- Thank you cards, especially for a referral

Fun postcards are easy to send and generate good will. I send postcards to:

- Thank clients for a cheque received
- Send a general note of thanks or appreciation
- Thank the various lawyers working with me on projects for a job well done
- Confirm a detail of a conversation, such as specific instructions, and
- Capture a spontaneous thought that I want to communicate

<u>How Am I Doing?</u>

An important piece of marketing advice[14] is to simply call your client at the close of every project or assignment and make sure that they were happy with the work done, and if not, how you can make it right. If this sort of "how am I doing" phone call is made each and every time you complete an assignment for a client, they will come to expect it, and in time will give you very candid feedback. This is invaluable for teaching you how to improve your legal services and letting you constantly adjust along the way. It also communicates to the client that you care about the quality of your legal services, will stand behind your product and will make the extra effort to make things right, if necessary.

More formal surveying can be done, of course, but for the "little guy" this seems somewhat onerous. One idea is to simply have cards printed with these three questions and to insert this card in every bill that goes out:

- What did you like about what we did?
- What did you not like?
- What would you like us to do differently?

Every summer, during what is for me the slow time, I schedule a "how am I doing" meeting with my key clients, when I go to their offices and spend some time meeting with them and engaging in a year-end review. This is an excellent way to stay in touch with your clients, and receive the candid feedback that you need. It also allows you to tune into the subtle rhythms of your clients's office or place of business, and meet any new people that have come on board since your last visit.

When I return to my office from these meetings I summarize the actions that the client has asked me to take in order to improve my service in a letter to the client, and tell the client exactly what steps I am going to take in order to address his or her concerns.

Thank You For Putting Your Trust in Us

Another excellent piece of marketing advice[15] is to thank your client at the end of every project or assignment for simply putting their trust in you. If it was a big matter which required many hours to complete, consider having a closing dinner to celebrate your success with the client. For lesser matters, perhaps a "completion meeting" will be enough, where you meet with the client, review the war story of your time together, and thank the client for putting their trust in you.

Another idea for lesser matters is to simply send a "closure letter", which summarizes the work done, explains the status of the file, and encloses necessary documents for the client. Let the client know of the other legal services that you offer and that you welcome recommendation of your legal services to others. The letter should conclude, of course, with a thank you to the client for putting their trust in you.[16]

Presentation is Everything

There is much talk amongst the big movers and shakers in the legal industry about "branding", but it really boils down to: "Everyone has a brand, with people, we call it personality."[17]

What this means is that presentation is everything, and the solo/small/specialized lawyer must pay attention to detail and design in all matters emanating from his or her office.

Thus:

- All materials should be coordinated so that they have a matching presentation, including your business card, “compliments of” card, envelopes, letterhead, fax cover sheet, brochure, and website.

- Your bills should be clear and crisp, with no typos, and no mathematical errors.

- All of your documents should be clear and crisp, with no typos, and printed on high quality paper.

- All of your labels should be professional.

- You should take care to communicate in plain English with your client.

Be the Expert

One of the keys to effective marketing for the solo/small/specialized lawyer is to build a profile as an expert, so you become the “go-to” person in that area of law. If you are successful in establishing yourself as the expert, clients will come to you rather than you having to seek them out.

Thus, a winning strategy is to specialize in a narrow area so that you may build your expertise.

You can then establish your credentials as the expert by:

- Publishing articles on your area of expertise in trade or professional magazines which are read by your clients, or in local or specialized newspapers.

- Copying your articles to everyone who is interested in the area in your contact management database.

- Writing a regular column for a trade or professional magazine or newspaper read by your clients.

- Advertising selectively in the trade and professional magazines or newspapers, in order to support your article or column.

- Giving some thought as to where your clients meet and arranging to give seminars or speeches to target audiences in these forums.

For example, if you are a personal injury lawyer, try to give a speech to the Brain Injury Association. Or do your clients meet in trade associations, service clubs, local libraries, book or investment clubs, church basements etc.?

- Turning your speech into an article and publishing it as above.

- Approaching the organizers of legal education seminars and asking to be designated as a speaker.

- Getting involved in the executive of your professional or clients' trade associations.

- Teaching at a local university or college.

- Sending email alerts to your clients on their targeted areas of interest.

Develop Educational Handouts

One of the key goals of your marketing program should be to expand your contact management database so that you may prospectively market by way of email alerts, articles of interest etc.- your weekly "pings". One of the ways to "capture" new entries for your contact management database is to create educational handouts which you can offer to mail or email to the person expressing interest upon receiving their relevant contact information.

These handouts usually take the form of "Frequently Asked Questions" or tip sheets on specified areas of interest. For example, for a personal injury lawyer, steps that should be taken following a car accident.

In your advertising you can place a line such as: "For free information as to . . . please call or email…", and capture the contact information this way.

Or, for example, you can have a subscription newsletter on your website that will capture contact information; or have people submit their contact information through your website query form so that you can email to them handouts by way of reply.

Create a Newsletter

In my opinion a well done and consistently produced newsletter is fairly onerous for a solo/small/specialized lawyer to achieve, and email alerts and a simple emailing of targeted articles of interest etc. are just as effective. In the event that you want to produce a newsletter, however, the advantages are that a general newsletter can be distributed to the whole of your contact management database.

Ideas to include in your newsletter are[18]:

- Facts and advice about the law in the area that you handle
- Summaries of successful cases you have handled
- Dates of future seminars, speeches etc. you will be giving
- Educational articles that you have obtained from other sources
- Answers to commonly asked questions that your clients may have
- Facts about your background, your staff etc. such as who just had a baby, and
- Your website address

The bottom line is the newsletter should be welcoming and friendly and generate that "feel good factor".

Develop a Website

The key significance of a website to a solo/small/specialized lawyer seems to be that it is, at minimum, a 24 hour electronic brochure. People will want information about you before they hire you, and they can obtain this information about you in an unobtrusive way if they can simply check out your website. For this reason it is important to have some information about yourself and your services on your website, including your credentials and the areas of law that you practice in.

The design of your website will be extremely important, as it will be part of your "branding" and give an insight into your "personality". You should therefore have a friendly photograph of yourself on your website, prominently featured, and include some biographical information so that people can make a personal connection with you.

Other suggestions are to include your:

- industry experience, or expertise in your particular area of law
- a list of your representative clients
- specific services provided, and
- a review of some success stories that you have had so that clients can tell what it will be like to work with you

It is important to constantly add new material to your website in order to keep it fresh and to help with its “rankings” in the search engines. This is easy for me to achieve as I publish two or three articles per quarter and can add them to my website for fresh material. I think this would be a little more difficult to achieve for the typical solo/small/specialty lawyer who is not frequently publishing and they will have to use their creativity to find some fresh material to add. If you are publishing a newsletter, this can serve as your regular new content.

Networking

As marketing is a “contact sport”, networking is key. I try to achieve my networking goals by having at least one lunch with a client or prospect each week and by rigorously adhering to this requirement. Some advice that I have found helpful on networking is:

- Join the trade associations of your clients and prospects and network within these associations.

- Be sure to read your clients’ trade magazines before you show up at a networking event so that you are able to discuss the issues of concern to them.

- Be sure to show up when it is difficult to do so, for example, on a forty below evening, as the other people in attendance will be highly motivated and a smaller group for you to interact with.[19]

- Be sure to add the business cards you receive at your networking event to your contact management database that very night, while the people are still fresh in your mind and you can add meaningful notes.

- Carry a handheld tape recorder at all times, so you can dictate notes regarding the people you meet, to be entered into your database later.

- Skip the “elevator speech”, wherein you give a canned message as to who you are and what you do, and strive to be sincere, learn about the other person and find areas of mutual interest.

- Ask engaging questions of the other person so that you can have a high energy conversation, whereby you will be remembered. Two of my favourite questions are “How did you get started in your career?” and “What are you reading lately?”

- Give people the opportunity to talk about whatever they like when they are free to talk about anything-and you’ll find out who they really are.

- Network within your local bar associations so that you may meet your fellow lawyers and perhaps get referrals from your colleagues.

- If you join an association and volunteer to do some work, give this work the attention you would a paying assignment, as your reputation and credibility will be at stake within the association.

These then are the insights I have gained on relationship marketing over the last twelve years in developing my legal research business from a solo pursuit to one now staffed by nine lawyers.

It is a different world when it comes to marketing for the solo/small/specialized practitioner – one in which “relationship marketing” is key. Perhaps the bottom line is, as well as being “the little guy”, you must also be “the go-to guy”, and “the nice guy”.

ENDNOTES

[1] Although it must be acknowledged that relationship marketing is the basis of most large law firm marketing as well.

[2] Per Paul and Sarah Edwards and Laura Clampitt, *Getting Business to Come to You: A Complete Do-it-yourself Guide to Attracting all the Business You Can Enjoy*, 2nd rev. ed. (G.P. Putnam's Sons, 1998)

[3] I first became familiar with this phrase in reading *The Fine Art of Small Talk* by Debra Fine (Englewood, Colorado: Small Talk Publishers, 2004)

[4] David H. Maister, Charles H. Green & Robert M. Galford, *The Trusted Advisor* (New York, NY: Touchstone, 2000) p. 64

[5] Henry Beckwith, *Selling the Invisible* (New York, N.Y.: Warner Books Inc., 1997) p. 51

[6] Dale Carnegie, *How to Win Friends and Influence People*, Revised Edition (New York, NY: Pocket Books, A Division of Simon & Shuster , Inc., 1936)

[7] Nick Marson, "How to Engage With Clients Using Emotional Intelligence" *Professional Marketing* August 2004 Volume 1 Issue 5

[8] Trey Ryder's Lawyer Marketing Alert March 26, 2003

[9] CIBA/AABC, *7 Keys to Great Client Service*, p. 10

[10] Per Carl. W. Buehner (1898-1974), Mormon leader, quoted in the Fast Company weblog dated April 11, 2005

[11] Joe Gerber, "Marketing a Litigation Practice", <<ww.lawmarketing.com/news/MarketingforLitigators.cfm>>

[12] Larry Bodine, "The Ten Dumbest Marketing Mistakes Law Firms Make", <<http:www.lfmi.com/pages/articles.asp?Action=Article & Article ID=174>>

[13] I first became familiar with the term "ping" in reading Keith Ferrazzi with Tahl Raz, *Never Eat Alone* (U.S.A.: Doubleday, 2005)

[14] Mark M. Maraia, *Rainmaking Made Simple* (Littleton, Colorado: Professional Services Publishing, 2003)

[15] Henry Dahut, "Rethinking the Client Gift"<<http://www.lawmarketing.com/pages/articles.asp?Action=Article & ArticleID=322>>

[16] Michelle Mann, "How to Irritate a Client" <<http:www.cba.org/CBA/National/nov04/feature3.asp>>

[17] Andy Havens, November 4th 2003 post to the *Law Marketing Portal* list serve

[18] Trey Ryder, "Marketing Secrets of Superstar Lawyers" <<http://marketing.lp.findlaw.com/articles/ryder.html>>

[19] Mary Ellen Bates, Info-Entrepreneur Tip of the Month, September 10, 2004