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Ethical Considerations of Marketing

A Special Briefing for Women Attorneys

NEW JERSEY STATE BAR ASSOCIATION 1899

by

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Part I - Ethical Considerations in Marketing: Rules and Tips

The Four Pillars of Marketing (sm)

This presentation will discuss ethical marketing strategies for lawyers in New Jersey in four key areas we refer to as "The Four Pillars of Marketing [sm]". Under each of the following Pillars, you can see the specific rules we will be discussing:

I. Retain and Grow Relationships with your Existing Clients and Contacts

a. **Rule 1.1** Competence
b. **Rule 1.2** Scope of Representation
c. **Rule 1.3** Diligence
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Pillar I. Retaining and Growing Relationships with Existing Clients

Rule 1.1 Competence

A lawyer shall not (a) Handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence. (b) Exhibit a pattern of negligence or neglect in the lawyer's handling of legal matters generally.

Tips:

- Attend CLE presentations in your primary areas of practice to continue building your level of competence.

- Select a mentor in your firm or community with a similar practice and learn from that person by calling him or her when presented with a complex set of legal facts.
- Learn to be selective about the clients you attract. Only open files for clients you know you can competently represent.
- Take a moment to note what your best clients have in common (traits, characteristics, type of individual or company, from whom they were referred). Focus on attracting the highest caliber of clients with legal work that utilizes your highest levels of competence.
- Build strong relationships with others in the legal community who are competent in areas of law other than those you have chosen, and develop mutually beneficial referral relationships.
- Identify a substantive area of law in which you have a high level of competence. Develop an outline for a presentation you could present on the topic. Identify the ideal audience for your presentation and contact the appropriate organization concerning your idea.

Rule 1.2 Scope of Representation

A lawyer shall abide by a client's decisions concerning the objectives of representation . . . and shall consult with the client as to the means by which they are to be pursued . . . .

Tips:

- At the beginning of your representation discuss your client's expectations. Are they willing to settle or negotiate? For how much?
- Schedule regular updates with clients and get in touch—even if there is nothing new to report
- Discuss your client's options with him/her thoroughly and provide advice, but always defer to your client's wishes regarding settlement in a civil case and to the plea, jury trial preference, and desire to testify in a criminal case.

Rule 1.3 Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Tips:

- Develop a process for each type of case or matter you work on.
- Ensure all relevant deadlines are noted in your (and your support staff's) tickler system.
- Delegate case management responsibilities to those who support you to ensure you have a backup system in place to prevent missed deadlines.
- Regularly meet with members of your legal team to discuss upcoming deadlines.
- Establish a peer review process in your firm; a check and balance system to proactively manage pending matters.

Rule 2.1 Advisor

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations, such as moral, economic, social and political facts, that may be relevant to the client's situation.

Tips:

- Read a minimum of one daily paper per day. Watch the news each evening.
- Subscribe to and read information published by the Bar Association sections to which you belong.
- Attend CLE's on topics related to broadening your perspective as an advisor.
- Meet with your clients at their place of business to learn more about their industry and business. Gaining a deeper understanding of your client's business allows you to better understand what other legal services you and your firm might be able to provide your client.
- Subscribed to and read the industry publications your clients read. Clip articles and add a personal note to your clients if an article impacts them.
- Visit the websites of your clients and their competitors on a regular basis.
- Join a trade association your clients belong to. Become an active member as well as a legal resource to others in the association.
- Take courses offered through the Bar Association or a local business school on topics such as understanding financial reports (for non-accountants), micro and macro economics for business owners, entrepreneurship, supply chain distribution, and other topics of interest to business owners and entrepreneurs.
- Watch for your clients in the news. If you see them referenced in an article, featured on television or interviewed on the radio, send them a personal note of congratulations.

Pillar II. Developing New Business

Rule 1.16 Declining or Terminating Representation

(a) . . . a lawyer shall not represent a client or. . . shall withdraw from the representation of a client if

(1) the representation will result in violation of the Rules of Professional Conduct or other law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(3) the lawyer is discharged.

(b) . . . a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if

(1) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(2) the client has used the lawyer's services to perpetrate a crime or fraud;

(3) a client insists upon pursuing an objective that the lawyer considers repugnant or imprudent;

(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists. . . .

Tips:

- Identify your A-level target audiences – those prospective clients who best utilize the highest level of your expertise as a lawyer.
- Create three to five statements on why you are THE best lawyer to work with your target audiences - - really focus on what makes you <u>unique</u> as a lawyer.
- Create a list of the top five clients you would like to attract in 2010; clients you are not yet working with but would like to next year

- Plan time to reach out to your top prospective clients. Identify who could introduce you or schedule a follow-up activity if you have already met

Rule 7.3 Personal Contact with Prospective Clients

(a) A lawyer may initiate personal contact with a prospective client for the purpose of obtaining professional employment, subject to the requirements of paragraph (b). . . .

Tips:

- Join at least one association attracting prospective clients or referral sources. Become an active member of the association. Volunteer for at least one committee. Offer to speak to members on substantive legal topics of interest to them. Submit articles for publication in their magazine or newsletter. Build your relationships by attending events and extending yourself to others.
- Practice your networking skills. Remember people refer business to those they like, trust and respect. Become a high profile member of your community, offering to serve as a "free" legal resource to those in your network.
- Remember not to refer to yourself as an expert or a specialist unless you have achieved your Bar Association's designation for such specialties (Rule 7.4A).
- Market your experience by offering substantive programs to the public in the form of seminars. Offer this programming with other professionals marketing to the same group.

Pillar III. Increasing Name Recognition and Awareness

Rule 6.1 Public Interest Legal Service

A lawyer should render public interest legal service. . . .

Tips:

- Volunteering takes time and commitment. So make sure you select an organization that aligns with your personal values. Before you volunteer, consider what is important to you. What issues are you passionate about? What organizations could use your competence and experience?
- Ask lawyers and colleagues in the community for a list of non-profit or charitable organizations in areas you would like to volunteer.
- Talk to your state Bar Association. Nearly all Bar Associations offer pro bono opportunities in the form of public outreach programs.

Rule 3.6 Trial Publicity

(a) A lawyer shall not make an extrajudicial statement that a reasonable lawyer would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding. . . .

Tips:

- Proactively communicate firm events including the announcement of new partners, new lawyers joining the firm, awards received (like Super Lawyers, Rising Stars, and many others), a merger with another firm, community and board affiliations of lawyers.
- Develop article ideas relevant to a particular audience and actively pitch the story to a publication willing to publish the article. Generally bylined articles begin as an outline which is then presented to the editor with the rationale of why readers of his or her publication need to know the information contained in the article. Only when the article concept has been accepted by the publication should the lawyer actually begin writing.
- Another way to utilize public relations in a law firm is to define a broad issue that has not received adequate attention in the press. If you work with a public relations professional, that person will work with you to define the pitch, develop the concept and contact editors and reporters he/she knows will be interested in the story.
- Reporters are always looking to find objective subject matter experts they can call upon when covering a story. Many times having the reporter talk with you will result in you being quoted (and hopefully the name of your firm too!).

Rule 6.3 Membership in Legal Services Organizations

A lawyer may serve as a director, officer or member of a legal services organization, other than the law firm with which the lawyer practices . . . .

Tips:

- Identify which organizations mesh with your interests and begin investigating the process of becoming a board member. Contact the executive director of the organization(s) and ask about board nomination or the volunteer process. If in doubt, always begin by volunteering for the organization; and then as you build relationships, volunteer to serve on the board.
- Attend all meetings sponsored by the organization and use your pro bono work to refine your skills in the areas of competence, diligence, communication and serving as an advisor to the organization.
- Go to Board Source, www.boardsource.org, formerly the National Center for Nonprofit Boards, for practical information, tools and best practices, training, and leadership development for board members of nonprofit organizations.

Pillar IV. Targeted and Effective Communications

Rule 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Tips:

- Set communication expectations up front with your clients. Find out how your client prefers to be communicated with (via telephone, e-mail or letter) and consistently follow through.
- Show clients you are on top of their matter. Regularly (each week or month, depending upon the size and duration of the matter) send a brief email or written communication summarizing highlights, next steps, action items, and pending activities.
- Return your telephone calls within four hours. If you cannot returns the calls, make sure someone in your office returns the calls on your behalf.
- Reply promptly (same day) to emails you receive from your clients.
- It is okay to let clients know there is nothing new to report. It is better to do this than not return a phone call.
- Call a client for whom you have recently completed a transaction or case just to see how well his or her expectations were met.
- Ensure your support staff has the opportunity to meet your clients. The more your assistant and paralegals can step in to help you communicate, the more likely your clients will feel taken care of.

Rule 7.1 Communications Concerning a Lawyer's Services

(a) A lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement. . . .

Tips:

- Do not imply results generated for a client can likely be generated for another.
- Do not compare your services to those of your peers and colleagues in other firms.
- Do not cite fees in your communications or advertising.
- Focus on other communication strategies to build your name recognition (beyond advertising) like speaking to community and business groups, and publishing articles in publications read by current and prospective clients.
- Regularly review and update your biography. Enlist your assistant to automatically add speaking engagements, published articles, and new professional affiliations to your professional biography.
- Develop as many substantive examples of representative experience as you can and add them to your biography. Use them in your website, proposals, or to give to prospective clients and referral sources. Include:
    - The Client’s Industry.
    - The Client’s Situation (the problem).
    - Your Approach (the solution).
    - The Results Achieved.

Rule 7.2 Advertising

(a). . . a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, radio or television, or through mailed written communication. All advertisements shall be predominantly informational. . . .

Tips:

- How do your competitors market? Are you advertising simply because everyone else is doing it?
- On your file opening and new matter reports, find out how clients heard of you and your firm. If advertising is in the top five responses, it is likely delivering a return on your investment; if not, look for other creative ways to reach your prospective clients (such as publishing articles and making presentations).
- What unique messages are you using to advertise your firm? If they sound like everyone else's messages, you need to focus on why clients hire you and your firm, and let those messages be reflected in your advertising.
- Consider other methods for building your name recognition, including tapping into the "free" coverage associated with writing bylined articles or being interviewed. Public relations is simply more credible and cost-effective than advertising because it carries with it the third party endorsement of the media outlet you are featured in.

Part II - Develop an Ethical Marketing Plan: A Tool for NJSBA Lawyers

Identify Your Best Contacts

Current Clients

Create a list of your top ten current clients; those with whom you could do more work in 2010/2011

Prospective Clients

Create a list of the top ten clients you would like to attract in 2010/2011; clients you are not yet working with but would like to

Referral Sources

Create a list of your top ten referral sources - - those you would like to continue building a relationship with

Current Clients	Prospective Clients	Referral Sources
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.

Create your Audiences, Messages and Marketing Objectives

Client Criteria and Target Audiences

Identify your A-level target audiences – those prospective clients who best utilize the highest level of your expertise as a lawyer.

A-Level Client Criteria

If you were to tell a referral source what type of client to refer to you, how would you define your A-level client criteria?

Industry: ____
Type of company or individual: ___________________________________
Number of Employees: ____
Job or position: ____
Type of Legal Issue: ____

Referred by someone you trust? Yes_____ No_____
Would you refer this person/company? Yes_____ No_____
Do you like, trust, and respect this person? Yes_____ No_____
Do they have realistic expectations? Yes_____ No_____
Are they responsive/easy to work with? Yes_____ No_____
Will they accept advice (or resist it)? Yes_____ No_____
Do they see the value you bring as an attorney? Yes_____ No_____
Other criteria:
____
____
____

Define Your A-Level Target Audiences

Individuals: ____

Industries: ____

Companies: ____

Other: ____

Key Messages

Create three to five statements on why you are THE best lawyer to work with your target audiences - - really focus on what makes you unique as a lawyer.

Describe What Makes you Unique

What makes you unique? ____
Why should an individual work with you? ____
What do your clients value most about you? ____
What makes you a better choice than other attorneys? ___________________________________
What are the highest level skills you bring to your clients? ______________________________
What unique skills do you offer clients in this economy? _________________________________
Other key "Hire Me"
Messages:____
Key messages on what makes you unique as a lawyer and why clients should hire you:

1.____

2.____

3.____

4.____

5.____

Marketing Objectives

Identify your specific objectives for 2010/2011 in the categories of:

I. **Retaining and Growing Relationships with Current Clients and Contacts**

Client Service:____

Client Satisfaction:____

Cross Marketing: ____

Referral Source Development: ____

II. **Attracting New Business**

Networking: ____

New Business
Development:____

Proposal Development: ____

Market Research: ____

Trade and Professional Association Involvement: ____

____

III. **Increasing Your Name Recognition in the Marketplace**

Advertising: ____

Branding: ____

Public Relations: ____

Trade Shows: ____

Community Involvement: ____

Social Networking: ____

IV. **Pursuing Targeted and Effective Communications**

Client Communications: ____

Marketing Database: ____

Website: ____

Client Events: ____

Create Your "Real" Business Development Goal

Identify what amount of revenue you want to generate in 2010/2011 in new business.

Financial Analysis

New Business Development Goal: $___________________________

Client Name	2009 Revenue ($)	2010 Revenue (projected $)	2011 Revenue (projected $)	Comments
TOTAL Projected Revenue	$	$	$	

- Subtract total Projected Revenue

Real 2010/2011 New Business Development Goal $ ______________________________

Other Revenue Goal Comments:

____

____

____

Develop your Marketing Action Plan

Your marketing action plan will be organized around the Four Pillars of Marketing (sm)

Your Retain and Grow Relationships Action Plan

Identify five activities you will do in support of the objectives you created on page 12:

1. ____
2. ____
3. ____
4. ____
5. ____

When in Doubt, Ask Your Clients

Select Clients to Interview:

1. ____
2. ____
3. ____
4. ____
5. ____

Develop your Questions:

- What are the biggest legal concerns you have for 2010 - - What keeps you awake at night?
- What publications do you read on a regular basis?
- What do you value most about working with me as your lawyer?
- With whom do I compete to earn your business?
- Where do you see your business in five years?
- What groups are you active in (industry, social, professional, community, athletic, etc.)?
- Based on past experience, what frustrates you most about working with lawyers?
- How can I (and my team) better meet your needs?
- What are the five most important traits and characteristics your lawyer needs to have?
- How well do I perform in each of these areas?
- Knowing what you do about me and my practice, would you refer me to your contacts?

Make your Services "Must Have" with Clients

Identify the services you offer that are most important to clients in this economy. Click here to review our **Blog Post on this topic**:

1. ____
2. ____
3. ____
4. ____
5. ____

Your New Business Development Action Plan

Identify five activities you will do in support of the objectives you created on page 12.

1. ____
2. ____
3. ____
4. ____
5. ____

Do Your Research

Pick a prospective client or referral source and research them using www.WarmCallCenter.com:

Client Name: ____
Industry Information: ____
Company Information: ____
Individual Information: ____

Join a Group and Be Active

To what trade, professional, social, business, or other organizations do you currently belong?

Organization Name	Your Role	Opportunities for Involvement

What groups serve your current clients, prospective clients, and referral sources? Join and regularly attend meetings (see your client interview responses on page 8 above)?

Organization Name	Industries and Clients Served	Opportunities for Involvement

Your Increase Name Recognition Action Plan

Identify five activities you will do in support of the objectives you created on page 12.

1. ____
2. ____
3. ____
4. ____
5. ____

Stay Involved in Your Community

Take a look at your current volunteer efforts and rate yourself in the following areas. Give yourself a letter grade, A-D (A= weekly B=monthly C=quarterly D=annually). How often do you:

_____ Provide services to those less fortunate
_____ Sponsor an event in the community
_____ Serve on a non-profit board and regularly attend meetings
_____ Volunteer in the community
_____ Contribute legally to an organization you support

Volunteering Resources

Board Source – Formerly the National Center for Nonprofit Boards, this is the premier resource for practical information, tools and best practices, training, and leadership development for board members of nonprofit organizations worldwide.

Access a national database to help you find a wide variety of charitable organizations and IRS-recognized non-profits:

GuideStar – trusted information on non-profits
Charity Navigator **-** America's premier independent charity evaluator, works to advance a more efficient and responsive philanthropic marketplace by evaluating the legal health of over 5,400 of America's largest charities

Use a national volunteer clearinghouse to help you find specific ways to get involved in your local community – from volunteering and donating money, to getting involved with the issues they care about.

Network for Good – Online donation site
Volunteer Match – Find a place to volunteer
Volunteer Solutions – sponsored by United Way
1-800-Volunteer – a service of the Points of Light Foundation
Federal Government volunteer opportunities – this site lists volunteer opportunities at national parks, forests, and monuments

Notes:
____
____
____
____

Take the Plunge into Social Networking

Check the social networking activities you currently participate in (select all that apply):
_____ LinkedIn
_____ Facebook
_____ Twitter
_____ I Publish a Blog
_____ I read others' Blogs
_____ I participate in Social Networking groups (on Linkedin)
_____ I use Google Alerts
_____ Other: _________________

Other social networking resources:
Link: Social Networking Sites on Wikipedia
Book: The New Rules of Marketing and PR, November 2008, David Meerman Scott
Book: World Wide Rave, March 2009, David Meerman Scott
Book: Social Media Marketing: An Hour a Day, October 2008, Dave Evans and Susan Bratton
www.Delicious.com – Social bookmarking site
10 Ways to Use LinkedIn, Guy Kawasaki,
www.Ping.fm – Social media communicator to multiple sites
www.socialoomph.com – Preplan your Tweets
www.Wordpress.com – blog spot
www.Typepad.com – blog spot

Focus on the Media, Not on Advertising

Four concepts for attorneys to keep in mind:

1. Keep members of the media current on happenings at your firm (through regular news releases)

2. Talk to editors and reporters about being a knowledgeable source they can consult when covering stories involving your highest-level expertise (see your responses to Tip #4 above)

3. Develop a timely and relevant story angle and "pitch" editors and reporters to interview you

4. Identify specific ideas for articles you believe their readers, viewers or listeners need to know, contact the editors, and tell them why you are the best professional to write an article or to be interviewed on the given topic.

Identify topics of interest to your clients and your approach to the issue:

Subject/Topic	Your Messages about the Topic	Potential Publications to Target

Your Targeted Communications Action Plan

Identify five activities you will do in support of the objectives you created on page 12/13.

1. ____
2. ____
3. ____
4. ____
5. ____

Update your Professional Biography

When did you last update your biography? ___ last week _____ last month _____ last year _____LONG time ago

Does your biography include organizations in which you are active? _____ Yes _____ No

Does your biography include examples of the work you do for your clients and the results you help them achieve? If not, create and post some well written pieces of Representative Experience:

Create Your Representative Experience

Clients want to see that you have done what they need. Don't just create a bulleted list of services; show your clients the results you deliver by creating pieces of representative experience in the following format:

Client Type:
Client Goals:
Your Approach:
The Result:

Client Type:
Client Goals:
Your Approach:
The Result:

Client Type:
Client Goals:
Your Approach:
The Result:

Client Type:
Client Goals:
Your Approach:
The Result:

Create your Elevator Speech

- Summarize in one simple sentence what you do or what services you provide
- Give an example of the value you deliver to your clients
- Describe the benefits that your firm/you provide; List the features that set you apart from your competition
- Identify what makes you unique in one sentence
- What do your clients appreciate most about working with you?
- Give an example of a successful outcome from serving a past or current client

Combine responses for an introduction which focuses on the value and results you generate for your clients!

Continue Communicating with Your Clients

Identify timely, relevant topics affecting your clients (see responses to your client interviews):

____

____

____

Now, summarize the impact of that topic on your clients and send it to them in the form of a personal email. Repeat on a quarterly basis.

How Is Your Website?

As you consider the effectiveness of your website, ask yourself the following questions:

- What year was your website originally launched?
- How many major enhancements have you made to your site since its launch?
- How often do you add content to your site?
- On a scale of 1-10 (10 highest) how visually appealing is your website?
- On a scale of 1-10 (10 highest) how dynamic is your website (versus static and unchanging)?
- As an objective visitor, what letter grade would you give your current website based on those of your competitors?
- Do you use web-tracking analytics software like WebTrends or Google to analyze traffic to your site each month?
- How do you drive traffic to your website? What are your ongoing plans to promote your website?
- When you do a Google search, where do you (and your firm) show up on Google and other major search engines?

Create Your Current Client Action Plan

Review the current client contacts you identified on page 4, and plan one follow up activity per contact; set a date for when you will follow up with each person and what your message will be.

Current Client Name	Activity	Completion Date	Message

Create Your Prospective Client Action Plan

Review the prospective client contacts you identified on page 4, and plan one follow up activity per contact; set a date for when you will follow up with each person and what your message will be.

Prospective Client Name	Activity	Completion Date	Message

Create Your Referral Source Action Plan

Review the referral source contacts you identified on page 4, and plan one follow up activity per contact; set a date for when you will follow up with each person and what your message will be.

Referral Source Name	Activity	Completion Date	Message

Notes:

____
____
____
____
____
____

For more information contact:

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Part III - Gender and Business Development

MARKETYOURLAWPRACTICE.COM

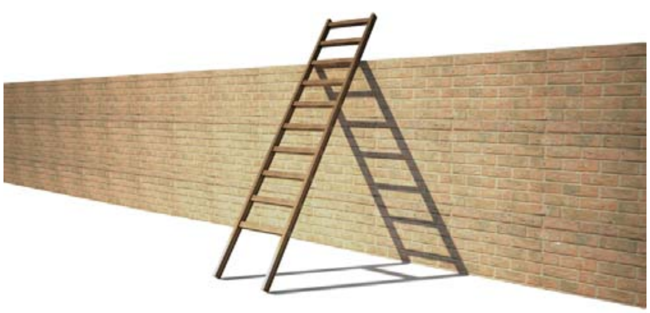
Your Virtual Marketing Coach™

A unique interactive web-based tool to help lawyers effectively develop new business

Gender and Business Development:
Six Predictors of High Originations for Women Lawyers

By Terrie S. Wheeler, MBC
Founder and President of Professional Services Marketing, Inc.
Creator of MarketYourLawPractice.com
Vanessa K. Townsend, Esq.

More women have been graduating from law schools and becoming associates at law firms, with almost half of law degrees now going to women. Yet there is still a significant gender gap at the partner level of most law



firms due to women dropping out of the partner track or leaving the field of law entirely. At the same time, law firms have been changing the way they approach business development—shifting away from relying on a few rainmakers to expecting all senior associates and partners to contribute to new business development. Because business generation is now a significant factor in determining which associates will advance and become partners, business development is a key skill for women lawyers who want to succeed.

Harry Keshet, Ph.D. is a social researcher and marketing consultant who has worked with law firms for over 30 years. In 2007, Dr. Keshet designed and conducted the Women Attorneys Business Development Study with the goal of discovering the activities, attitudes, and organizational factors leading to high origination among women attorneys. The study used a large, national sample of 423 women attorneys, 85% of whom were working full time and more than 50% of whom were equity or non-equity partners. Average origination dollars for the year 2005 for the women was $338,653 with the highest origination at $4 million.

The study found that there were six predictors of high originations for women lawyers.

1. Years of legal practice

The single best predictor of business development success for women lawyers was the number of years they had been in practice. As women develop their career, they build both legal and marketing expertise that helps them succeed. As their legal skill grows, so does their confidence and reputation and they increase participation in community organizations, pitch groups, and referral networks that help them grow their practice.

However, with more women leaving the practice of law, fewer women are gaining the years of experience that lead to business development success. Further, business development and origination are now being expected earlier in lawyers' careers as firms shift away from the rainmaker business model. So what can young women lawyers do to hone their business development skills earlier in their careers?

- **Develop Your Practice:** First and foremost, a young woman attorney, like any new associate, must focus on developing her legal expertise. At the same time, however, she can and should practice providing outstanding service to clients and to the partners with whom she works.
- **Focus on Partners:** Work on building relationships with partners, as your current "clients." Turn work in on time, be details oriented, and ask for feedback on your work. Take a partner to lunch and ask about how she built her practice and ask for advice on how to build your own.

- **Stay in Touch:** Don't lose track of your law school and college friends. Make a point of staying in touch with people you connected with (liked, trusted and respected). They will be the legal services decision makers of tomorrow. Meet them for lunch a couple of times per year. Make it a priority to stay in touch. Practice developing client relationships by developing the contacts and network you currently have.
- **Practice by Selling the Firm:** While you can't market yourself individually until you have solid experience to market, you can practice your marketing skills by marketing the firm. Ask to join pitch meetings or become active in a trade association with clients that interest you and your firm.

2. Time spent doing business development each month

The study found that the more time spent doing business development each month, the more new business generated. In particular, spending over 15 hours per month on business generation was a high predictor of business origination.

This may seem like a lot of hours, particularly to someone who feels they are too busy practicing law to work on new business development. Yet, relationships take time to nurture and grow. If you don't continually work on building your relationships, you may find you have very few clients and a lot of time on your hands! Be proactive in managing your relations by setting aside time each week for business development:

- **Identify Your Top Contacts:** Make a list of 20-30 current clients, prospective clients, and referral sources with whom you would like continue to grow your relationship. Keep a list with their names on your desk to keep them top of mind.
- **Meet with Your Top Contacts:** Make it a goal to meet with one contact per week. Go to lunch, coffee, or a happy hour just to catch up.
- **Have a Contact-focused Agenda:** Gon't go with the goal of selling your services. Rather, your agenda should be focused on your contact. What can you do to help them personally or professionally? Who in your network can you introduce them to?
- **Do What You Say You Will:** Introduce them to that contact, send them that article, etc. Keep a marketing file where you make notes of when you meet with people and list of follow-up items. Put a note on your calendar to schedule another catch-up meeting a few months down the road.

3. Using a targeted approach to business development

Women who have a business development plan in place and follow it are more likely to have high originations. The busier you are as an attorney, the more important it is to take time to create a marketing plan. By focusing your energy on activities proven to generate origination dollars, you can make the most of your limited time.

Check out our blog post from November 2009 on how to create a detailed business development plan in as little as 10 minutes per day.

4. Participation in pitch groups

While participation in pitch groups was a predictor of high origination, many women in the study reported that opportunities to participate in pitch groups were not as available to them as to their male counterparts. Participation in pitch groups is especially important because it is a great learning environment where senior partners can mentor younger partners and associates and demonstrate marketing and selling skills. Moreover, pitch groups often provide an opportunity to meet lawyers from other practice groups and can foster cross-department relationships and cross-selling opportunities.

To become involved in your firm's pitch groups, ask! Discuss your desire to learn more about business development with the partners you work with and with your firm's marketing professional. Offer to do background research on the potential client's industry or the pricing of competitors' services.

5. Cross-selling other firm services

Another predictor of high-origination for women lawyers is an ability to cross-sell other firm services. It is likely that 80% of your firm's revenue this year will come from existing clients. Don't overlook current firm clients – it is far more efficient to deliver more services to current clients than it is to go out into the marketplace to attract new clients with whom you have not yet worked.

Cross-selling is a process that not only seeks to attract new business from existing clients but also to provide referrals of current clients to others in your firm that may deliver complementary services. Many times clients will work with other lawyers or law firms in areas you or your firm have expertise in, simply because they did not realize you offered the service.

Here are some ideas on how to cross-sell your legal services:

- **Identify and Communicate Your Services:** A simple mailing or email newsletter listing the services you and your firm provide can help educate clients as to the breadth of your services.
- **Meet with Colleagues**: Sit down with your colleagues and brainstorm lists of clients that could be better and more fully served by the firm. Learn more about their practice and tell them about your practice and your ideal clients.
- **Identify Colleagues' Clients:** Identify those clients where you could add value with legal knowledge and approach your colleague asking for an introduction to the client.

6. Asking clients for introductions to others who may need legal services

The study also found that women lawyers with high originations know how to ask for referrals. Learn to tap into the willingness of your clients to refer you to others to ensure you maximize your income and earning potential.

Many professionals do not actively ask their clients and contacts to refer them to others. They "assume" everyone knows they are looking for more business – which is just not the case. Learning to ask for referrals will allow you to tap into more work from people who already know you, like you, trust you, and respect you – a logical place to focus a large percentage of your marketing efforts.

Calling all Lawyers!

Participate in Dr. Keshet's current research study on how attorney specialty and diversity effects business generation. The measures of diversity include gender, race, ethnicity (Asian American, Hispanic American and others) and sexual orientation.

We are seeking your assistance in informing attorneys at your firm. Our online questionnaire takes less than 15 minutes to complete. You and the participants from your firm will receive an executive summary of the study results. The study is completely confidential. To take our questionnaire click here:

http://www.zoomerang.com/Survey/WEB22AEMFKQWU5

Terrie S. Wheeler is the founder and president of www.MarketYourLawPractice.com, an online interactive tool designed to help lawyers market and grow their practices. Wheeler has 25 years of experience as a marketing consultant, coach, and in-house legal marketing director and holds a Master's degree in business and marketing. She can be reached toll-free at 888-633-6944 or by email at twheeler@psm-marketing.com.

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Speaker Biography: Terrie Wheeler

Terrie S. Wheeler, MBC, President

Terrie founded Professional Services Marketing, Inc. (PSM) in 1996 - a consulting firm dedicated exclusively to working with professional services firms and the individuals within those firms. Terrie has over 20 years of business planning and marketing experience at all levels including firm-wide, regional office, practice group, industry, and individual marketing initiatives. Since founding the company, Terrie has helped scores of services firms develop and implement strategic business and marketing plans.

Terrie has also done extensive work developing and implementing marketing strategies for individuals in law firms through her personal, on-on-one marketing coaching program and through www.MarketYourLawPractice.com, a unique web-based service where subscribers can access hundreds of tools, tips, checklists, templates and other practical information to design, develop and implement an effective, ethical marketing plan.

Relevant Experience

Terrie is past chair of the Minnesota State Bar Association's Marketing and Client Service Section and served for two years on the Hennepin County Bar Association's Fourth District Ethics Committee as an investigator and member of the Screening Committee investigating ethics complaints filed against lawyers in Hennepin County.

Terrie is a frequent presenter on topics related to professional services marketing and has trained for business groups, educational institutions, and professional services firms in Minnesota and throughout the country. Terrie has also served as a guest speaker for undergraduate and graduate students at the University of St. Thomas, the University of Minnesota's Carlson School of Management, Bethel College, Concordia University, and North Hennepin Community College.

Professional Activities

Prior to founding Professional Services Marketing in 1996, Terrie directed the marketing and client services function at three major Twin Cities law firms - Maslon Edelman Borman & Brand, Larkin Hoffman Daly & Lindgren, Ltd., and Popham Haik Schnobrich & Kaufman. In addition, Terrie served as director of marketing for a national litigation support services firm and as director of client services for a public affairs consulting firm.

In addition, Terrie served on the Board of Directors for Family Pathways in Wyoming, Minnesota, on the strategic long range planning committee for Camp Courage, and on the business advisory board of Heartland Business Intelligence. She is on the development and fundraising committee for Milestone Growth Fund, Inc.; an advisory board member for Tradition Capital Bank; a co-chair for the Marketing and Development Advisory Board for the James. J. Hill Reference Library; and a member of the board of Great River Greening

Education

Terrie holds a Master of Arts degree, *magna cum laude*, from the Graduate School of Business (MBC), University of St. Thomas, St. Paul, Minnesota, where she also earned graduate-level certification in public and media relations. Terrie completed her bachelor of arts, *magna cum laude*, in Organizational Management and Communications, from Concordia University in Saint Paul, Minnesota.

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