

LSE

BETWEEN MEDIOCRITY & SUCCESS: A LAWYER'S GUIDE



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ABOUT THIS BOOK

Why should you read this book?

Let's say you are partner or attorney at a law firm that is doing fairly well. Or perhaps you are young and upcoming lawyer with bright future ahead. Either way, there are challenges - more competition, demanding clients, and long hours of hard work.

Growing your law firm in this demanding and continuously evolving market is a difficult and long process. To get through it and excel, you have to take new approaches to management and business development in order to stay competitive.

This book discusses the best ways to grow your law firm, make it more profitable, agile, efficient, technologically savvy, and client-oriented. To make it easier for you, we've gathered practical tips from the most forward-thinking and influential legal and marketing thought leaders.

Specific focus is set on how current changes in the field and the increasing client demands are affecting the legal field and specific firms. The book answers the question: "What are the best and most innovative ways to deliver legal services today?"

To do this, we cover a variety of topics such as business development, project management, technology, pricing, marketing, setting yourself apart from competition, client relationships, motivation, and more.

Curious what you can learn and implement in your law practice? Then, read on.

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1. DELIVERING VALUE TO YOUR CLIENTS FROM A DIFFERENT PERSPECTIVE

In Project Management

When most people hear the words "Lean" and "Six Sigma" or "Process Improvement", they think of manufacturing. Some may even know that companies like Toyota, Motorola, Dell Computers and GE have been pioneers in this area and have saved billions of dollars by embracing and putting these ideas and practices into place. These ideas have been completely integrated into their culture.

A big misconception that many have about these practices is that they are primarily a road map for improving profitability. In fact, it is all about improving customer value; both the internal and external customer. A result is most often improved efficiencies, margins and profitability.

One key way to achieve this objective (improving customer value) is to focus on "Waste". "Waste" has been defined for many years in terms of manufacturing principles, but in recent years there are some practitioners, such as myself, who have translated these principles to be used in a Legal setting. The goal of this essay is to introduce you to

"Waste" and what it is as it relates to legal processes. And hopefully the next time you see something that resembles what is described, it will cause you to stop, reconsider and see if there might be a better way to serve the customer or client.

TIM U WOOD - Transportation / Inventory / Motion / Under-Utilization / Waiting / Over-Production / Over-Processing / Defects
These are the eight generally accepted sources of waste that are used in manufacturing, but once you give them some serious consideration, you can see how they apply to the practice of law. Here are a couple of examples to think about:

- 1 Under-Utilization** - What does this mean? It applies to both people and resources. If you have an admin who can serve as a paralegal or a paralegal who has earned a law degree and either one of these individuals is performing at a lower skilled function, that would be considered Under-utilization. Do you have someone on your staff that is not using all of their

1. DELIVERING VALUE TO YOUR CLIENTS FROM A DIFFERENT PERSPECTIVE

knowledge, skills, abilities or licensing to your firm's advantage?

- 2 Over-Processing** - How many times does one document need to be reviewed and edited? Certainly there is an element of risk that all lawyers want to mitigate or client? What if three people have to review and sign off on a document? Does each of them really add value or does each of them review it knowing that others will also do the same review and catch potential errors? Anything above one review cycle by one person does not add any value to the customer or client.

In recent history, a new source of waste has been identified that has direct linkage to professions such as Law. It is the waste of "Lost History". Let's say that in-house counsel

for a company has made a decision on a critical issue. Let's also say that this decision is captured in a document, in an e-mail or electronic archiving system. What happens when that document is not archived properly or that people leave the organization and that same subject comes up again a number of years later? How many hours will be spent by the legal group to come up with an answer that may or may not be the same as the previous decision? And if the decision is different, does it put the organization at risk for being inconsistent?

So, consider some of these sources of waste when you are thinking about how to deliver the most value possible to your client or your customer (internal or external). You may be surprised at the bottom line results.

Pedro Muñoz Lorite

2. PROCESS IMPROVEMENT

In Project Management

Many small to medium size firms can be overwhelmed when they hear what larger firms are doing with process improvement. Some of these larger firms have several departments with a large number of specialized staff for these initiatives. However, that doesn't mean your firm can't benefit from **Process Improvement**.

Process improvement is what it sounds like. Finding something that you already do at your firm, and taking the time to find a way to make it better. A good way to determine which process to improve is to listen to complaints. Concerns and complaints from clients are an invaluable resource to discover areas that need improvement. If possible, sit down with clients to learn about why they are dissatisfied. Then sit down with everyone who worked with the client to work out how to prevent those issues from occurring again. It is important that this process is one that isn't critical of any one person, but critical of the process which is under review. That is process improvement in a nutshell.

However, the real key and struggle for most is where to start since many attorneys are resistant to change and view process improvement as a threat. Talking to a client and understanding what needs to be improved is a great thing, but only if you have the ability and buy-in needed to actual change things. As such, attorney buy-in is just as, if not more, important, as understanding what

process needs improvement.

To get attorney buy-in, what you need to do is pick a project that is small, relatively easy, and fixes a problem that directly affects a specific attorney. If you take a project like this and solve a real thorn in the side of an attorney you will have better buy-in from that attorney to try to take on bigger projects that more directly affect the client. The overall result will be higher client retention.

3. LEGAL PROJECT MANAGEMENT

In Project Management

Legal project management (LPM) has become very popular over the last few years. Many people throw LPM around as a catchall solution to such an extent, that many people are fuzzy on understanding what it really is. Fundamentally, it is just the concepts of Project Management applied to legal matters. While some methodologies differ slightly, most agree there are five main Project Management processes or tasks.

- 1 Initiating** - Determine the client goals, the scope of the matter, how the client would like you to go about handling those goals, and what acceptable outcomes are.
- 2 Planning** - Once you have a concept of what the outcome needs to be, you can make a plan of how to go about achieving that outcome. This includes determining staffing, billing rates, budget, timeline, and key decision points on that timeline.
- 3 Executing** - Do the work. This is what lawyers are probably best at and most comfortable with. However, doing the work with Project Management in mind means you should be doing it within the confines of the initial plan or the plan needs to change altogether. Which leads to...
- 4 Monitoring and Controlling** - Make sure the plan is being followed, budget is on

track, and adjust the prior as unaccounted for events occur.

- 5 Closing** - Lastly, closing is really just wrapping up the matter and doing a review so you can learn what went right, what went wrong, and what can be improved.

While there are many technological tools to help you do these things, it is these five principles that are the foundation of Legal Project Management which will help make sure you are the most effective you can be for your clients.

4. KANBAN FOR LAWYERS: GETTING STARTED

In Project Management

Excerpts from John Grant's forthcoming book, *Kanban for Lawyers*...
(<https://leanpub.com/kanbanforlawyers>)

Recently the ABA's *Law Practice Today Magazine* published my article *The Dawn of the Agile Attorney*. In it, I profile several lawyers, some practicing attorneys and others who have gone on to legal tech careers, who have adopted Agile methods in their work and lives. Reception to the article has been great, and several people have asked me for resources on learning more about Agile.

On the one hand, there's no shortage of information online about Agile and its subsets like Scrum, Kanban, and Lean Startup. On the other, much of the available info is specific to the needs of software teams and developers. I'm working on a backlog of article ideas for Agile techniques that I (and others) have specifically adapted for use by lawyers, but I want to get started by discussing the Agile methodology that I think is often the best and easiest-to-implement entry point for attorneys (and other professionals) who are new to Agile: Kanban.

To that end, I've started writing a book titled, wait for it, *Kanban For Lawyers*. The book is

currently for sale through Leanpub, a Lean Startup inspired self publishing platform. You can read the first three chapters for free, and I'm also going to publish them on my blog. I also promised in my last post an explanation of why I think you should buy my unfinished book, and I'll get to that soon. For now, however, I want to make the first chapter available.

I'm looking for as much feedback as I can get on this, so please don't hesitate to send me your comments, criticisms, or questions—I can take it! And if you like what you see, maybe head over to Leanpub and drop a dollar or so to get the next 6 chapters now. Also, please consider joining the *Agile Attorneys Community on Google+* to connect with other legal professionals who are using Agile tools in their work (and personal!) lives. You can also subscribe to my newsletter in the box below this post to receive updates on using Agile in a legal setting.

Without further ado...

Kanban For Lawyers, Chapter 1: Do this Now

Most books begin with a bunch of "why" statements, or a history of the topic, or some

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other bunch of words designed to convince you that buying the book is or was a good idea. We're not going to do that.

You've started reading—that means you're at least minimally interested in using Kanban. That's good, but the best way I can get you really interested in using Kanban is for you to start using Kanban. We'll get to some history and why stuff later, but starting with Kanban is so darn easy that it simply makes no sense to delay. The number one thing I hear from people who have started using Kanban to visually manage their work is that once they have seen their work this way, they can never unsee it. And they love it.

So if you are ready to commit to improving your productivity, your delivery of client value, and the way you feel about your law practice, I ask you to do the following:

- 1 Grab a pad of sticky notes. Any shape or size. (If you honestly don't have sticky notes, some paper and tape will do.)
- 2 Find a pen.
- 3 Look around and identify a wall with some empty space.

Great. Now you have all the tools you need to start Kanban. I'm dead serious about you physically doing this. Kanban is participatory, not conceptual. If you just scanned the above list and thought to yourself "Ok, I'll go get those things in a bit after I read some more" then stop. Go back. Now please actually do those three things right now. Thank you.

Okay. Now write on a sticky note "Build Kanban Board." Look at your wall. Mentally divide it into three vertical columns. Take the

sticky note you just wrote and put it in the left-hand column.

Now write each of the following on three more stickies:

- 1 To Do
- 2 Doing
- 3 Done

Put the "To Do" sticky at the top of the left-hand column on your wall, above your "Build Kanban Board" note. If you need to move your existing note around a little to accommodate the new one, please feel free to do so. Now put the "Doing" sticky to the right of the "To Do" sticky. Then do the same thing with the "Done" sticky, to the right of the "Doing" one. The spacing is up to you — make it feel right. Then take your "Build Kanban Board" sticky and move it into the "Doing" column.

This next part is very important. Do not skip it!

Step back from your wall and look at it. Take a moment to appreciate that there is one thing right now that you are doing.

One.
Thing.

I'm sure you have lots of thoughts in your head about things that you could be doing, maybe even should be doing. We'll deal with those things very soon. But right now, at this moment, you are doing one thing: Building your Kanban board. Great.

Now take your "Build Kanban Board" sticky and move it to the "Done" column. This next

4. KANBAN FOR LAWYERS: GETTING STARTED *In Project Management*

part is also very important. Do not skip it! Step back from your wall again and look at it, especially that item in the “Done” column. Appreciate that you have just taken something from start to finish. It took very little time, almost no financial investment, and not a lot of effort. But it is done. Finished. Complete.

So savor the accomplishment! It is a small accomplishment so a small savoring will do: maybe a deep breath or a quick sip of tea. But savoring accomplishments is essential to your success with Kanban, so make sure you do it. Nicely done. You have started, and that is the most important thing.

5. KANBAN FOR LAWYERS, PART 2: A RETROSPECTIVE

In Project Management

Wait a minute - we're one chapter into this book and already we're having a retrospective? Seems a little premature, doesn't it? Bear with me.

When I said before that completing your "Build Kanban Board" task was a small accomplishment, I was lying. You have actually accomplished a great deal. First, you have conceived, implemented, and tested a Minimum Viable Product*. That is, you have created a simple thing of value that you can actually use right now to accomplish your work. Oh it is going to get better - a lot better actually - but you've built something: A good start. Equally important, you've learned something from the act of building (and from the act of using) your creation. You are now a little bit smarter, a little more experienced. Everything from here forward will be improvement.

Second, you have made your workflow visible. Granted, what you have on your wall right now is a crude approximation of your workflow, but the basic structure is there. We'll tease out some more detail shortly (maybe a lot of detail eventually). Even this simplistic level of workflow visibility, however, will begin to unlock the incredible power of Kanban.

You have also made your work visible. Well, one task is visible for now. But you saw it! An actual, tangible task that you took from conception to completion through your workflow.

As lawyers, especially modern computer-oriented lawyers, our work is largely invisible. We do lots of things every day, possibly every hour, but we don't really see most of them. A contract reviewed, a motion drafted, some research done - all of the progress typically lives in our heads, or at most in the ones and zeros of our devices and the ephemeral glow of our displays. We may print off something on occasion, but we quickly send it away to somewhere else. Our

5. KANBAN FOR LAWYERS, PART 2: A RETROSPECTIVE *In Project Management*

work is hard to see.

As humans, this is foreign. We evolved while doing physical, tangible things. If we needed to gather food, we went out into the physical world and plucked edibles until we couldn't carry any more or it was time to eat. If we needed greater capacity, we wove physical baskets that started with nothing but a pile of reeds and, through a process, finished with something significantly more valuable.

This series of events - identifying a need, inventing some methodology for meeting that need, and then refining the methodology to satisfy the need more effectively—is the baseline for all human progress. It is what distinguishes human progress from evolutionary progress, where a random mutation renders an individual slightly more or less fit to succeed in its particular environment (and, if all goes well, successful mutations are passed along to the next generation).

There's the thing: Evolution requires generations to progress, but Humans can conceive, build, test, and improve much more quickly. Think about that. Conceive. Build. Test. Improve. Just pondering those steps feels like progress. My point is that we are much better at interacting with the physical world than the virtual one. If you disagree, then ask why our virtual devices are constantly becoming smaller, more portable - from ENIAC to desktop to laptop to mobile to wearable. I tend to think it is because most people want our devices to accompany us into the world at large where they complement, not supplant, our physical experience.

Kanban gives all of your invisible, virtual work a visible, physical analog. It isn't quite the same as doing actual physical work, but it is enough to trick your lizard brain into experiencing the work in a more familiar way.

This, in turn, allows your brain to start doing what it does best: recognize patterns, categorize items, perceive threats and dismiss trivialities. Once you can actually see your work in a Kanban board, you will experience a sense of order and control that has no-doubt been missing from your work-life for some time.

The third thing you have accomplished (or the fourth, it isn't important) is that you've experienced the power of working on one thing at a time, and of working on it until it is done. In manufacturing this is called Single Piece Flow. There is decades of evidence showing that Single Piece Flow - as opposed to the alternatives, multitasking and batch flow — is the best way to get lots of things done in a fixed amount of time. There is other, more recent, evidence that we humans are pretty lousy multitaskers (texting and driving is a familiar example), and don't get me started on batch flow — a false idol of misperceived efficiency if there ever was one. But we'll dive into the concept of Flow very soon.

Finally (for now), you are about to complete a **Retrospective**. This should become as familiar a part of your personal cadence as brushing your teeth. This first Retrospective isn't actually a great example - I've been a little long-winded and we haven't followed much of a structure. But we can fix that now.

As you develop a habit of retrospection**, I find it helpful to ask the following three questions:

- 1 What went well that I should keep doing?
- 2 What didn't go well that I should stop doing?
- 3 What should I try next time that is

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different?

This chapter so far has focused on the first question. Although you may not fully understand all of the whys yet, many things went well when you used Kanban for the first time. We won't always go into such detail, but acknowledging and appreciating success helps to reinforce it. Early success, no matter how small, establishes a foundation for progress.

As for the second question, I'll leave that mostly up to you. Perhaps you didn't choose the best section of wall, or your writing was hard to read, or you ran out of room on your stickys, or who knows what else. For me, I'll admit again that this first retrospective is taking too long.

This isn't the time to beat yourself up. The shortcomings aren't nearly as important as the successes, for they can always be fixed.

This also isn't the time to do the fixing; it is a time for thinking. More diagnosis, less prescription. Spending time just thinking may be harder than you suspect since our culture predisposes us to want to take action. To everything there is a season, however, and the season for reflection is every bit as important to your cycle as the season for doing.

The third question also requires some discipline, especially in the early stages of Kanban. Already your mind may be racing through different ideas about how you can improve your board, define your tasks, or maybe get other members of your team up there. These are great, and we'll want to consider them all, but not immediately. For each idea you have, write it on a sticky note and put it on the wall to the left of your To Do column. Wait... To the left of "To Do?" That sounds like we need to add a column to our Kanban board. Let's start there.

* The Minimum Viable Product concept comes from Eric Reis's excellent book *The Lean Startup*. It is an essential guide to entrepreneurship and product development that any technology client of yours has almost certainly read. If you have technology clients, you should get familiar with it so that you can better connect with those clients. But even if you don't, its concepts will absolutely help you improve your own practice and better understand your value proposition to your customers.

** Weekly is great, every other week is totally fine for personal work or smaller teams. If you stretch it to monthly you'll probably find that you have too much to handle in a single Retrospective. As you start with Kanban (and Agile methodologies in general) I'd say more frequent retrospectives are better. Once you get the hang of it, you may or may not want to stretch them out over time.

6. PRICING: "THERE ARE A LOT OF TRICKS I KNOWS..."

In Pricing

*'Charge 'em for the lice,
Extra for the mice
Two percent for looking in the mirror twice
Here a little slice, there a little cut
Three percent for sleeping with the window
shut
When it comes to fixing prices
There are a lot of tricks I knows
How it all increases, all them bits and pieces
Jesus! It's amazing how it grows!'*

These lyrics from the musical *Les Miserables* (Master of The House) are the inspiration for this post. It has for many years been customary for firms to include a variety of sundry charges at the end of the bill but a cost benefit/analysis may well reveal that whilst the practice generates additional gross revenue, this is probably outweighed by the negative effects on client perception and attitudes.

Genuine disbursements or 'extras'?

Let's also be clear what we mean by sundry charges. These fall into two categories. Although we find that the terminology can vary from one country to another, let's call the first category 'disbursements'. For the most part, these are readily identifiable as they are

payments to third parties; court filing-fees, title search fees, company's office charges etc. These are distinct from the second category, which is what this blog post is about, variously referred to as office expenses, bureau charges, tolls, faxes, forms, postage, photocopying and stationery. In other words they tend to be operational consumables.

The morning after a family wedding back in New Zealand last year saw a small group of us head out to a cafe for brunch. We all ordered and I paid at the counter – about \$140. As all the meals were brought out, my brother-in-law asked the waitress for some tomato sauce. She duly returned with a very small saucer of sauce (I estimate 3 tablespoons) and said; "that will be 70 cents thanks".

My brother-in-law just paid but we all looked at one another. Seriously? You can imagine the comments that were made amongst us after the waitress was out of earshot. I concluded that it was the overt pettiness of the charge that irritated me rather than the cost itself. Perhaps ironically, if the bill had been \$141 and the tomato sauce included in the charge I would not have batted an eyelid. Indeed I wouldn't have known any different.

6. PRICING: "THERE ARE A LOT OF TRICKS I KNOWS..." *In Pricing*

So what do clients make of it?

All of which got us wondering about how the legal equivalent is perceived by clients. We think that it is a safe bet that many clients reaction would be similar to mine in similar circumstances. In a recent post from George Beaton of Beaton Research + Consulting entitled, "10 Trends in Client Service Expectations" which was inspired by a piece in Forbes, George identifies one of the ten client expectations as; "Clients don't want to pay for extras, like minor disbursements, or other "hidden fees".

As against that, as a former managing partner, I am very conscious of the fact that the charging of these disbursements can equate to anywhere between 2% and 6% of the base fee. Doing away with those charges entirely without any corresponding adjustment would have a very significant impact on firm profitability. Equally however, it does seem to us difficult to justify discrete charges for these items when they are in fact simply operational expenses. Why draw the line with the items I have referred to? Why not attempt to amortise

rent and wages into each bill?

Perception is everything...

I think that the answer lies in my reaction to the \$.70 charge for the tomato sauce. I wasn't actually concerned about the cost per se. Rather, it was the way in which it was treated separately, almost as if it was a special item instead of being treated as a normal part of a brunch of sausages, egg, bacon etc. We certainly advocate transparency when it comes to pricing but this is an example of where too much of a good thing can be counter-productive.

In the final analysis, most clients simply want to know how much a particular task or project is going to cost in its totality.

When you give them a total figure, they will then decide subjectively, based on their own frame of reference, whether that figure accords with their perception of fair and reasonable value. By all means, incorporate those expenses in one form or another but in our view, you charge them "...two percent for looking in the mirror twice..." at your peril.

7. FIRMS: GET OVER IT – THE PRICING DEBATE HAS MOVED ON!

In Pricing

I know the death throes of time based billing in firms are significant with some clockroaches now finding even more ways to track their time via mobile apps & the like just in case they miss out on some time while driving, flying, eating and in those little intimate moments (clients must be deliriously happy with this as they have always felt their law firms have never been able to “capture” enough time!), yet the smart debate has really moved on from do I continue to only time base bill? to two much more salient questions:

- 1 What range of billing and pricing options do we offer?
- 2 Do we still keep recording time?

There are numerous ways law firms can and are pricing their services. US law firm pricer Patrick Johansen's very handy guide to Continuum Fee Arrangements reproduced below with kind permission lists 16 different fee arrangements used by law firms in the US starting at one end with the one dimensional hourly rate model right through to value based fees

Patrick himself defines value based fees as:

“Value offers a true partnership between buyer and seller. The law firm understands what the client wants and what the client will pay for, and the client understands what the law firm can contribute and why its services are valuable. Value is the antithesis of Cost-Plus: there is no connection between the law firm's costs and its fee arrangements. Value aligns client and law firm objectives and promotes an open relationship.”

I make no apologies for absolutely believing that the optimum pricing approach for any professional firm, for any situation, client and matter, is to adopt value based pricing principles.

In short that means we first need to clearly understand that the value of whatever we provide is determined solely by our clients perception of value - not ours. At best we can only try and influence our clients perception of value. We need to have a conversation with our clients around what they value, agree on both the scope of the work and the price of the work before the work is undertaken - not

7. FIRMS: GET OVER IT-THE PRICING DEBATE HAS MOVED ON!... *In Pricing*

after. It is about focussing on outcomes and results - not activities and time spent. Even if you agree on a fixed fee, if that fee is solely calculated by projected time to be spent it is not in my view a value based fee - it is merely time billing in drag.

Many law firms continue to confuse fixed fees with value based fees and I find firms get themselves in such a knot and partners start sweating profusely whenever the term fixed fee is mentioned. It conjures up all sorts of nightmares for the partners, principally because they feel they are forced to "discount" their fees or worse still lose money. One of the reasons they feel that way of course is that those firms still calculate everything back to time under the mistaken and totally disproved belief that for professional firms time is money. It logically follows from such a mindset if our time is reduced or fixed so is our ability to make more money.

If firms are going to continue to calculate any fixed fees based on time, of course they are never going to get it "right"-actual time is never ever going to equate exactly to anticipated time. This is why firms practicing under the time based billing model have so many problems providing accurate or even realistic estimation of their proposed fees to their clients (clients of law firms continually tell me that rarely does a final bill they get from their law firm get within cooee of the initial estimate) and therefore provide their estimates and even fixed fees with so many disclaimers.

Another reason why firms recoil from fixed fees if they possibly can, is that when they fix a fee many firms still continue to produce their work in exactly the same way as if their client was still paying them an open ended time

based fee. The smarter firms however have focussed on reengineering the way they produce their work- or in economic parlance reduce their own costs to serve- and at the same time have put more skills and emphasis into proper project management.

Legal project management is about focussing on what you want to happen in the future whereas timesheets merely reflect on something (and one thing only-time) that happened in the past. The only "time" good legal project managers focus on is elapsed time or turnaround time as that is the only time your clients should really ever care about.

I always encourage firms to look at a range of pricing model options but only if those models use value based pricing principles. Not all fixed fees are value based and not all value based fees are fixed fees. Value based fees don't have to be a fixed fee from whoa to go, they can and do encompass a huge variety of fee arrangements which might include such models as retainers, event based, staged pricing, success/bonus fees, contingency fees (just not in Australia, at least at the moment, in litigation), holdbacks, etc.

What value based pricing does not include are any fees that are solely time based and cannot be agreed in advance, such as blended rates, capped rates, volume discounts and the like. Rates are not prices. You might ask why shouldn't a firm, in addition to offering non time based fees also offer time based fees? After all aren't you limiting your potential client base, revenue and profitability-especially if a client insists on paying you by the hour- by limiting your pricing offerings?

My short answer. No. Properly explained and properly discussed the overwhelming majority of your clients would understand the benefits

7. FIRMS: GET OVER IT—THE PRICING DEBATE HAS MOVED ON!... *In Pricing*

to them of agreeing prices up front—price certainty and predictability, no bill shocks, for starters. After all that is how the vast majority of your clients deal with their customers and it is what you do in just about everything you yourself purchase.

You will of course encounter the odd client who won't like your price but when are you better off knowing that—before or after you do the work? You might also experience the client who won't accept your fixed fee if you continue to relate that fee to time and have so many disclaimers attached it is not really a fixed fee at all.

But as those firms and those clients of firms who now use value based fees will attest, once both parties become more accustomed to discussing and understanding value from the clients perspective and work together to become more competent and confident in pricing, the benefits to both the law firm and their clients far outweigh any effort and courage required to make the change. You will make pricing mistakes - you do now - its just we can learn from any mistakes.

The other major problem in firms offering both time and nmon time based fees is that, by definition, if you still have time based fees you have to record your time and record it accurately. Invariably what that has meant to many firms practising this way is that, even with the best will in the world, when they attempt to offer non time based fees they usually struggle as they still default to time as their principal costing and billing tool.

When you stop relying on timesheets as your firms indicator of cost and as a prime internal measurement and reward tool, you better and more quickly understand that value is created outside your firm. As Matthew Burgess lawyer, entrepreneur, author and former partner of Biglaw firm McCullough Robertson and now one of the founding directors of the innovative start up Viewlegal explains:

“With timesheets you think what's billable: without timesheets you think what's valuable” For most firms though this requires a mindset and business model change - not simply a pricing or billing model change. Therein lies the main obstacle.

8. CRAFT BEER, THE RECOVERING LAWYER & THE BILLABLE HOUR

In Pricing

Some time ago a recovering lawyer, Kate Henning from Smiling Samoyed Brewery, wrote to me. Kate gave me permission to repost part of her email to me:

*"I have been following what you say about structure/pricing of law firms and how it is outdated. Unfortunately couldn't get the tide to turn where I was working. **It is utterly demoralising working to the billable hour.** I often think when we have something go wrong at the brewery – for example a stuck mash that adds time to the brew day – that there would be absolute outrage if various batches of beer cost more than others. Sorry, something went wrong in the process so this one is going to cost more! Customers would soon turn off a brewery that did that. **I don't know why they accept it from law firms.**"* (emphasis mine).

"It is utterly demoralising working to the billable hour". I would love a dollar for every time I have heard- and continue to hear - a similar expression; be it from current lawyers, ex lawyers or in house lawyers.

Why is it do you think that working to the

billable hour is demoralising especially for some young lawyers? Is it maybe because:

all young lawyers are inherently lazy and only want to work between the hours of 9 - 5 maybe 5 but preferably 4 days per week? (I think not - they are professionals they will work hard if there is a valid purpose) or

daily billable hour targets are too unrealistic (we all know that to do 6 billable hours you need to "work" another 6 non billable hours)? or

given the amount of work available to reach daily billable hour targets some lawyers need to creep/cheat a little each day on their timesheet to appease the system (and who is going to know anyway)? or

at the end of each month some/a lot of young lawyers time is written off by their supervising partner (and they are not told why)? or

notwithstanding what the firm may say

8. CRAFT BEER, THE RECOVERING LAWYER & THE BILLABLE HOUR *In Pricing*

most of the KPI's for young lawyers are primarily, if not solely, based around how much \$ they make for the firm (and as the firm bills by the hour that is directly related to how many hours he/she bills each year)? or

- the inevitable billing dilemma a young lawyer finds himself/herself in when faced with looking at the estimate given to the client at the beginning of the matter and what is now "on the clock" (do I "bill & duck", or write off; who do I fear most- my partner or my client?)? or
- having to face a client who is suffering "bill shock"(perhaps because the partner is too busy/important to deal with fee complaints)? or
- making any professional account for every 6 minutes of their day is 19th century factory floor command and control management? or they, their peers and their employers

I and many others have previously written about why timesheets are, amongst other demotivators, such big innovation killers, and what will happen to firms that fail to innovate.

Ignorance is no longer an excuse for any professional firm - they know there are viable proven alternatives to the "we sell time " business model yet many firms refuse to change.

Why some clients still accept time based billing is also beyond comprehension - perhaps unsophisticated clients know nothing better but sophisticated clients really have no excuse.

There are thankfully now more and more innovative firms and their clients who are reaping the mutual benefits of a non time based environment. The external disruptors and other non law firm entrants taking market share away from traditional law firms have long realised this.

In the meantime for those lawyers and clients who feel "trapped" in the billable hour system, maybe a visit to Smiling Samoyed Brewery or a taste of their craft brew at selected outlets might, temporarily at least, take your mind off your "demoralisation"?*

* Disclaimer: The author has not (regrettably) been bribed or coerced in anyway in promoting this craft brewery or the over indulgence of any alcohol for that matter during the construction of this article.

9. BIOS THAT MEAN BUSINESS

In Marketing

It's probably fair to say that most lawyer bios are not the scintillating stuff of best-sellers or such hot reads that they're in danger of setting the world on fire. Most are so boring they'll put you to sleep.

While your bio is about you, it must appeal to people you want to attract. After all, the point of having a bio is to entice someone to be in touch.

Having drafted more bios than I care to count, here are 10 quick tips to help you craft a bio that means business.

Do:

- 1** Write for your target client audience and tell a story of how what you do benefits those with whom you work.
- 2** Tell your story with colour and let your personality shine. If possible, include a line of commentary about your life outside of your practice. For example, the most memorable and effective bio I ever read was of a corporate lawyer who was known for animal husbandry and making apple pies, but didn't do both at the same time unless he washed his hands between tasks.
- 3** Keep it short (150-words maximum) and use a conversational tone. Better yet,

write like you speak.

- 4** Include examples of representative client work, which act as proof that you do what you say you do. While you don't need to name names, you should certainly mention each client's industry.
- 5** Include a recent colour photo. Your graduation picture – no matter how flattering – won't do.

Don't:

- 1** Bios are not resumes. Clients don't care about your career path; they care about what you can do for them.
- 2** Verbosity, puffery and legal jargon are alienating so don't bother.
- 3** Including a kudo is okay, but only if it's at the level of a Nobel Prize. Nobody – not even your mother – cares that you won a medal in Moot court.
- 4** Education should appear only as a footnote. There's an expectation that if you're a lawyer, you went to law school. Maybe where you studied matters to those to whom these things matter, but maybe not.
- 5** Including Year of Call is risky. While it can



9. BIOS THAT MEAN BUSINESS *In Marketing by Heather Suttie*

show that you're senior enough to know your way around the legal world, it can work against you in terms of ageism and trigger assumptions that your fees will be beyond a prospective client's budget.

Most lawyers take their bio very personally. Rightfully so, since this form of self-marketing provides some degree of control over personal profile and public perception.

10. LAWYER VIDEO PRODUCTION: WHAT ARE YOUR OPTIONS?

In Marketing

Now that you've decided video is compelling enough to invest a portion of your marketing budget in, it's time to take the next step. That next step includes deciding whether you should "Do-It-Yourself", or hire a professional video production company. The video production industry is extremely complex, **however I will provide straightforward information to assist you in pursuing the appropriate avenue for your law firm.**

Let's Start With "Doing-It-Yourself"

I have had many attorneys tell me the same few things with respect to producing video. I've heard, "My friend has a nice camera", "Professional production costs too much" and my favorite, "How hard could it be". The truth is that some of these attorneys did in fact do the due diligence and educated themselves properly on the process of producing quality video. Below are some of the more important requirements to effectively create quality legal videos.

1. Equipment

Believe it or not, quality camera equipment can add up very quickly. To hit the ground running, your law firm is going to need a high

definition video camera, proper florescent lighting, an external microphone (recommended), sufficient soundproofing and acoustics, a tripod, teleprompter and editing software. For pricing information on all of these materials, please see the comparison chart at the bottom of this post.

2. Editing

In my professional opinion, editing is equally as important as actually having the video camera to produce the raw video file. It is where the look, feel, tone and emotion can truly be created. Subtle music, softening, motion graphics and more can all be added to create a top quality feel. It is important that editing is not disregarded, as I unfortunately see many attorneys do.

3. Learning Curve

The learning curve applies to both using the equipment and the editing when producing quality video. Over time, you will find that certain angles work better than others. You may find looking into the camera is easier than looking off to the side. In terms of editing, you may discover different shadowing, brightness, audio levels, motion graphics or file containers

10. LAWYER VIDEO PRODUCTION: WHAT ARE YOUR OPTIONS? *In Marketing*

(MP4 recommended) create a better overall product. It is important to take the necessary time to become knowledgeable about your in-house video production process. These are sophisticated pieces of equipment and software and, thus, should be used as such.

Let's Now Discuss "Professional Video Production"

Professional video production is the act of hiring a Director of Photography (DP) to produce your videos. This can take place at either your office or in their studio. However, through the use of green screen, you can achieve the look and feel of your law office even though your video shoot took place at the studio. Apart from this feature, you should know what to expect when considering professional video production.

1. Experience

One of the most common objections I hear from attorneys are their reservations about actually going to the studio and producing the video. Through my experiences with Directors of Photography, I can advocate in the sense that they typically have the special ability to capture some of the greatest sides of their subjects. Not to mention, a teleprompter serves as a legitimate safety net. I can't tell you how many times I have heard attorneys tell me, "I talk every day for a living... I don't need a teleprompter". Needless to say, a majority of these cases resulted in the use of a teleprompter.

2. Final Product

Probably the best part about hiring a professional video production company is the fact that they are responsible for essentially everything. Sure, you are responsible for showing up and doing the video shoot and sometimes providing editing revisions, but they handle the whole nine yards. Everything from the creative, to setting up, to breaking down, to the editing is taken care of. In many cases, you will receive what ends up being the final product. You certainly have say in the editing process, although professional editing teams are typically quite skilled in this area.

Wait, where's the catch? Well, depending on the company you are considering to hire, it may be the number of videos you are set to receive. I have seen a single profile video cost between \$5,000 and \$10,000, but if you do your research, you can find higher volume options for less cost. It is your job to do the research and determine how many videos you want, what style of video you want and how much you are willing to pay for that product.

Ultimately, it's important to understand that different lawyer video production options are available for different circumstances. Depending on the content of your videos and where you plan to place these videos, certain quality levels may be more appropriate than others.

11. 3 UNCONVENTIONAL APPROACHES TO LAW FIRM MARKETING

In Marketing

There is a lot of information out there about law firm SEO, social media and pay per click advertising. While these 3 methods for law firm advertising have proven effective, there are several other marketing channels that are just as useful, and often ignored. It's important to remember that most effective law firm marketing strategies are comprehensive, and incorporate several channels. Having a integrated marketing approach for your law firm ensures a steady pipeline of prospects to make sure that your case flow remains consistent. To help you build a more comprehensive strategy, here are 3 of my favorite marketing channels that are often underutilized by law firms.

Email Marketing for Law Firms

Email marketing is still one of the most effective ways of driving sales both from new clients as well as existing ones. Popular email services Mailchimp has published some data that supports email works well in the legal industry. You can find a list of open and click

through rates by searching for: Mailchimp Email Marketing Benchmarks.

While some prospects may retain a law firm after the initial consultation, many clients take longer to sign on. If you capture email as part of your intake process you can help nudge those that are on the fence about hiring you. Most importantly, if someone doesn't retain right away, you can, and should, send them a follow up email the same day you've met with them. The email should contain a summary of how you can help, and the unique advantages your law firm brings to the prospect's legal issue.

In addition to sending an initial follow up email, your firm should set up what's called a "drip campaign" for all prospects that have not yet retained your firm. A drip campaign is a series of automated emails that are scheduled to be delivered at various time intervals. Here is a sample of drip campaign; the titles used should provide ideas about the content:

11.3 UNCONVENTIONAL APPROACHES TO LAW FIRM MARKETING *In Marketing*

- Day 1 – Summary of initial meeting and thank you
- Day 3 – We have not heard from you
- Day 7 – Can we answer any additional questions
- Day 15 – Time is important when it comes to legal matters
- Day 30 – Checking in to see if all is okay
- Day 60 – Add them to your quarterly newsletter

A drip campaign can and should be automated, so it has little impact on your time. There are several great services out there that provide this functionality. ONE400's favorite is Mailchimp.

Marketing Engineering Tools

Marketing engineering is used to simplify a client's decision making when purchasing services. This tool is a great way to help drive potential client traffic to your website, and create a more streamlined client experience. There are several ways engineering as marketing can be deployed — for instance, a personal injury or bankruptcy attorney can use calculators to help drive traffic to their website. Additionally, any attorney can use an online scheduler to allow prospective business to make appointments with his firm even when the staff is unavailable. Here are three examples of each:

- DUI - <http://bit.ly/bac-calculator>
- Personal Injury - <http://bit.ly/personal-inj>
- Online scheduler - <http://bit.ly/lt-schedule>

Most of these tools can be deployed on your own site with minimal investment and are a great way to set yourself apart from your competition.

Public Relations for Law Firms

Public relations is more than just landing TV spots. It can also be used to obtain guest blogging opportunities on popular online magazines such as Huffington Post. Those high value guest blogging opportunities are a great way to show your authority on a given subject while driving traffic back to your website. Additionally, there is plenty of newsworthy work that attorneys do on a regular basis. Being featured in a local news outlet or a trade journal can have a fantastic impact on your SEO strategy, and highlight your law firm's brand. We had our own PR specialist, Howard Breuer, work with us and shortly after we were covered by Forbes.com. The additional site traffic that has resulted from our own PR efforts have provided a substantial return on investment.

As you plan your marketing strategies be sure to be as comprehensive as possible within your budget. Be sure to consider these three fairly underutilized marketing channels to be sure that your brand gets the maximum exposure as possible.

12. GENERATING UNCONVENTIONAL PR FOR LAW FIRMS

In Marketing

Many attorneys understand the value of Public Relations (PR) for gaining positive exposure. If your firm has been lucky enough to handle a fairly controversial case being covered by the press or being called upon by a journalist for your legal opinion then you understand how that exposure in local publications or TV creates immediate awareness and typically drives sizeable traffic and calls to your firm. The trouble is that it's not everyday that you have a newsworthy case, or are being asked for expert opinion by some journalist. Even when that's the case, the creative law firm can still find ways to generate unconventional PR to make sure that their brand remains top of mind. To see how your firm can generate press through unconventional PR we should first take a look at Amazon.com for examples.

In late 2013, just before the holiday shopping season Amazon.com decided to release news about how they'd like to explore using drones to deliver packages. When the news broke, all the major news networks started covering the story and speculating about how the service might be used. There was also much speculation about whether or not this even

true or if it was simply a prank. The story circulated for weeks and even caused the FAA to address the issue by implementing designated test sites. I personally think it was not a prank but a way for Amazon to test the court of public opinion to see whether or not a service like this was even worth pursuing. Additionally, it was a very clever way to free press that would keep Amazon top of mind as America entered the busiest shopping quarter of the year.

In 2014 it seems that Amazon has used this tactic once again. This time releasing a news story about the thousands of robots that will be used to help fulfill orders for the holiday shopping season. The total number of robots being deployed, estimated at 15,000, again became the news that helped Amazon stay top of mind for weeks leading up to Cyber Monday. It seems that Amazon was able to replicate their use of new technology to create press and generate tons of awareness and headlines right before the shopping season.

This is what we in the industry refer to as unconventional PR. As we can see from

12. GENERATING UNCONVENTIONAL PR FOR LAW FIRMS *In Marketing*

the Amazon example this type of PR can be very effective and have little negative impact if done correctly. Some other have tried what's called "publicity stunts" in an effort to accomplish the same. However, a publicity stunt can go very wrong real quick and produce the wrong types of results. So then how does a law firm go about producing unconventional PR for their firm. Well you're only limited by your imagination, but if you are short on ideas here are a couple examples you can use for inspiration.

Remember when all the craze around bitcoin was in the news? Well a law firm could of capitalized on that and come out with a solid campaign around being the first law firm to accept bitcoin as payment for services. There are several examples of law firms and attorneys accepting bitcoin now, but I don't remember hearing of a particular firm launching a sustained campaign around that concept when it first launched. Since lawyers will always be tied in some way to financial transactions, even those involving Bitcoin, it would have been great timing and fantastic unconventional PR to get in front of that issue.

The key to landing some great unconventional PR is to find an issue that will naturally receive press coverage and tie your law firm to that issue. So what are some of the issues that are or will be top of mind? First, check your preferred news outlet but here are few that are maybe prime:

- Medical Marijuana
- IBM Watson, taking the LSAT
- Google's Driverless Car
- Ridesharing (Uber, Lyft)

Aside from identifying an issue, you also need to find an angle. How do you associate a service you normally provide in the context of the issue you are trying to piggy back on. This is where you'll really have to get creative. Using IBM Watson as an example, you could challenge the supercomputer to a contest involving legal strategy. Even if IBM never takes up the challenge, I bet the press would love to hear and write about that. Not all of the angles need to come across as that playful. You could also take a more serious approach and find an angle that is more consistent with your brand.

Of course once you've found an issue and an angle that you wish to pursue you'll need to get that in front the relevant audience. There are plenty of innovative way to generate unconventional PR for your law firm and start generating more prospects and traffic to your website.

13. 9 CONTENT DEVELOPMENT TIPS FOR LAWYERS

In Marketing

Content is an extremely important component of any online marketing effort. It can influence the reasons users come to a website, it impacts a website's presence in search and forms the foundation of all the other marketing efforts for a law firm. For lawyers in particular, content needs to be well crafted and written by professionals. Here are some tips for lawyers as they develop their own **content strategy**¹.

Developing Buyer Personas

Content strategies for law firms can be challenging to develop if the target audience is misunderstood. Creating buyer personas is a good exercise in understanding who potential clients are, what their pain points might be and why they may be searching for an attorney. A buyer persona is a fictional person that is assigned behavioral and personality characteristics that a typical member of a target audience might have.

When businesses develop these personas, they may even have names and pictures associated with them. Sometimes businesses will even keep buyer personas out in the open so they always remember who it is they are

selling to. **Personas are important**² for so many reasons from developing content to targeting advertisements.

Law firms are businesses too and building out a persona is an effective strategy for developing **content marketing ideas**³. Lawyers should spend some time and figure out who their audience is. Information about an audience can come from anywhere including:

- Experience
- Market research
- Analytics platforms (e.g. Google analytics or Facebook Insights)
- Interviews
- Surveys
- Colleagues
- Industry-specific publications

Attorneys will find that the rest of their content strategy is influenced by this first step in the process. By having accurate and complete buyer personas it is much easier to develop content that the target market will find

13.9 CONTENT DEVELOPMENT TIPS FOR LAWYERS *In Marketing*

valuable. Hubspot has a very useful **buyer persona template**⁴ that lawyers can use as a starting point.

Ethics in Legal Content Marketing

Attorneys have to be careful about the content they produce and publish on their website. Of course every business needs to consider what is said carefully but attorneys may be held to higher standards depending on the state they are practicing in. For example, you cannot say “specializes” or make any statement that would imply you are the best. There are some states that are more particular in regards to their advertising ethics than others. For example, in Indiana it is not clear as to whether attorneys can list Avvo rating badges and testimonials on their site. Lawyers should check advertising guidelines with their particular state as it relates to the legal profession before they get too involved with a strategy.

Social Proof

Social proof refers to visual cues that consumers use to validate an attorney online without having to do a lot of research. These could be in the form of awards, designations, badges, affiliations or even simpler things like share or subscriber counters.

Though it may seem insignificant, **social proof goes a long way toward establishing credibility**⁵ with visitors to a website.

Some great forms of social proof for attorneys include:

- Superlawyers⁶
- National Trial Lawyers Association
- Avvo rating badges

- Million Dollar Advocates
- Case results
- As seen in (logos from prominent publications or media channels)
- Local BBB listings
- On-site testimonials

Be Authentic

An attorney's content strategy should strive to be the real voice of that lawyer or the firm as a whole. In other words, a lawyer should not try to be something he or she is not. They should instead work hard to portray who and what their brand really is. This is important for a variety of reasons:

- Consumers crave authenticity
- Being fake can backfire in a big way on the internet
- Not being authentic is easily spotted when it comes to content

Consumers are not oblivious. When they see someone being inauthentic it is easy to spot. Worse yet, if they do not realize it in a lawyer's content, they will certainly find out once they meet. If consumers are ultimately disappointed with a lawyer's services, this leaves the door open for negative reviews, negative posts on social media, and other PR-related issues.

Listen to Your Clients

Part of the process for making good buyer personas is listening to what clients have to say when it comes to what they look for in an attorney. Lawyers can do that by learning

13. 9 CONTENT DEVELOPMENT TIPS FOR LAWYERS *In Marketing*

about their audience on social media, doing surveys, or setting up interviews with past clients.

This does not always have to be a pre-planned effort. Lawyers can find opportunities to make note of what clients feel is important in the relationship they have with their lawyer. Look for what it is that makes people gravitate toward one attorney over another. What kinds of things do people like to learn about? What pain are they having?

Lawyers can then translate what they learn from their clients into a content strategy. For example clients may feel that it is important to trust their lawyer. This could translate into producing content that promotes trust among visitors to a website such as social proof or blog posts on how to develop a trustworthy relationship with an attorney.

Make Content Mobile

This is sort of indirect to a lawyer's actual content strategy but it is important for delivery. After all if people have a difficult time consuming content, they may avoid the source of that content altogether. Mobile device usage has skyrocketed in recent years and it is only becoming more popular.

Lawyers who do not have a mobile responsive website need to get one. If people have to work to resize the window to read text or if the site is not mobile responsive at all, people are more likely to have a bad experience. Having a mobile friendly blog and/or website (although not directly related to content) is an important part of the puzzle. The goal is to make consumption of content as easy and accessible for users as possible.

Outsource Appropriately

Lawyers have a unique challenge compared with other businesses when it comes to outsourcing their content. They need someone who is qualified to write about legal information. Lawyers who plan on outsourcing content need to make sure they hire a JD to do it (or someone else qualified to write about legal topics). Lawyers should also find someone who can align with their overall strategy. No one knows a brand and how the firm should be portrayed better than the people running it. If high quality blogging, writing, direction on video production or other content development can be done in-house, that is the ideal scenario.

Follow the 80/20 Rule

Whether lawyers are generating blog posts, videos, social posts, white papers, eBooks or infographics, 80% (or more) should be non-self-promotional. Branding content is still encouraged but it should be useful to the audience. The fact is potential clients don't care about information about the firm or the attorney when it comes through social channels, or blogs or videos. They only care about how their problems are going to get solved or the information they are searching online for. If an attorney's content only talks about how great they are or what the firm is up to that day or what cases they have won, people will gloss over that information. If there is no other information for them to find beyond that, they will move on.

Lawyers should follow the 80/20 rule in all of their content generation. If they write 4 blog posts per week, at least 3 of them should be helpful to readers and not directly selling services. If lawyers post to Facebook 7 times per week, 5 of those posts should have nothing directly to do with services. They can still be related to the legal profession, the

13.9 CONTENT DEVELOPMENT TIPS FOR LAWYERS *In Marketing*

practice area or the mission of the firm in general, but they should not be trying to sell people.

Cite Authoritative Sources

There is a tendency online to try and keep people on a web page by not offering ways for them to leave (such as links to other sources). Omitting links to external sources does not help keep people on a web page. If someone wants to leave a site, a link placed as a source isn't going to be what causes them to go. Most of the time visitors leave because content is not good or navigability of the site is poor. Lawyers who want to portray their firm as an authority in a specific area of law should

cite sources that people will recognize or that have good information. Not only does this help establish the lawyer as an authority but it gives signals to search engines that the page is of high quality.

In Closing

A lawyer's content strategy is the foundation of their marketing efforts online. They should produce content that establishes them as an authority in their particular practice area. They can do that by making content that is useful and that points users to other useful sources of information. Above all else, they should do this in an ethical way that resonates with their target audience.

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14. HOW TO DO AN SEO TECHNICAL AUDIT FOR YOUR LAW FIRM WEBSITE

In Marketing

Digging through your site and making sure the appropriate elements are optimized can be a daunting task. It's easy to forget what you checked and what you didn't. We've made this audit checklist so you don't miss even the most basic elements that need attention.

Quick Definition (Skip if you already know what a technical audit is)

A technical audit (as it relates to SEO) is a thorough analysis of a website and the elements that could conceivably be optimized to help it rank well for a particular search term. I'm sure there are various other definitions but this one is mine.

On-Site Elements

Search Engine Accessibility

Check to see if you have a robots file (visit www.yoursite.com/robots.txt). You shouldn't really have any pages or directories blocked unless they are administrative and not seen by users. You might also have content you want protected for marketing reasons listed in this file but for the most part, everything should be open to search engines. It's also important



that you have a robots file.

Content architecture

Does your site follow a logical theme in terms of content? Is there one over-arching theme on the home page leading down to sub - categories of that theme. Sites structured in this way (especially if their file structures are built this way) perform much better in search.

Directives

Important directives for SEO include rel canonical and 301 permanent redirects. You should have canonical URLs for pages of your site and any pages that have moved permanently should be 301 redirected. Any 500 (server not found) errors should be

14. HOW TO DO AN SEO TECHNICAL AUDIT FOR YOUR LAW FIRM WEBSITE

In Marketing

corrected and if there are a high ratio of 404 errors (page not found), those should also be redirected to working pages.

Title tags

Does every page have a title tag? Do pages that are optimized for a specific keyword phrase have that phrase in the title? Are title tag lengths no longer than 65 characters and are they all unique?

Meta descriptions

Does every page have a meta description? Do pages that are optimized for a specific keyword phrase have that phrase in the meta description? Are meta description lengths no longer than 160 characters and are they all unique?

[How to Start An Attorney Blog In 4 Easy Steps | Attorney ...](http://www.attorneyrankings.org/how-to-start-an-attorney-blog-in-4-easy-steps/)
www.attorneyrankings.org/how-to-start-an-attorney-blog-in-4-easy-steps/ *
 by Chris Dreyer - chris@attorneyrankings.org ... [How to Start An Attorney Blog In 4 Easy Steps ...](#) For most attorneys this could be a practice area or the name of your firm/private ...

URLs

Do pages optimized for a specific keyword have the phrase in the URL? URLs should be free of special characters. They should use hyphens to separate words and should be descriptive of the page content.

Alt attributes

Do all images on the site have an alt attribute with text? Do pages designed to target a specific keyword have that keyword in the alt attribute if appropriate?

Image file names

Are images on pages designed to rank for a particular keyword phrase named after that

phrase?

Sitemap

Does the website have a sitemap and has it been submitted to major search engines?

Substantial content

Does each page of a site have more than a few hundred words of content on it? More is always better and it should also be informative content or in some way helpful to the target audience.

Duplicate content

This should be taken care of with rel=canonical however there should minimal duplicated content. Don't count things like printer friendly versions of pages or mobile versions. Do use canonicalization to combat this issue.

Structured data

Is structured data used on important elements like reviews, bread crumbs, name, address, phone number and other business related information?

Authorship

Has authorship been configured for the site? If not authorship and the site publishes content as an organization, has rel=publisher been configured?

Site speed/Page Speed

Do the pages of the site load fast? A good range to shoot for is 3-5 seconds on average for the first load and about 1-2 seconds after a page has been cached.

14. HOW TO DO AN SEO TECHNICAL AUDIT FOR YOUR LAW FIRM WEBSITE

In Marketing

Presence of Flash

Does the site use Flash to render important content? If it does, this should be changed so important content doesn't need Flash player to be seen.

Secure site

Google has just emphasized the importance of security and is using it in their weighting system for rankings. Do you have a security certificate installed on your site?

Off-Site

Index status

Are all of the pages you want indexed from your site indeed indexed in major search engines? They should be otherwise there may be some issue with crawling your site. Use Google's search operator `site:example.com` to see what pages it has in its index.

Keywords in WMT

Do you know which keywords you're already ranking for in Google Webmaster Tools?

Links

Do you have any links leading to your site. These are extremely important for ranking well in search.

Social Presence

Does your site or business have a social presence? If not it should. Social signals have been correlated with good rankings in search.

Citations

Are there mentions of your business name on

other websites? For example Yext provides a service where they populate dozens of business listings with your company's information. Listing should be consistent, contain website and phone number information and should be filled out completely.

Finally

There are many more elements you can evaluate. This is just an overview to get you started.

15. ATTORNEYS – GET VISIBLE WITH PUBLIC SPEAKING

In Marketing

Speaking is an effective law firm marketing strategy for attorneys to attract new clients. Not only does speaking allow attorneys to get in front of many people at once and share quality information, it helps an attorney increase their credibility and visibility in the area of law they specialize in.

How an attorney prepares for the live presentation will determine whether they leave the event with a handful of new contacts who are eager to connect with them or, whether they leave empty handed.

There are many factors to keep in mind when considering speaking at live events. These will support you in leveraging speaking as one of your legal marketing strategies:

- 1** Find out the average size of attendance.

- 2** Determine the demographics of the group.
- 3** Find out if you can have the attendees' full contact information (name, phone, email). Get permission to contact attendees after the event.
- 4** Ask if the organization will publish your article in their newsletter before the event.
- 5** Find out if you can offer a 'give-away' during your presentation (CD, book, special report).

Consider speaking at events regularly so you have a steady source of new clients for your law firm.

16. 3 WAYS LAWYERS CAN CAPTURE ATTENTION AT SPEAKING ENGAGEMENTS

In Marketing

Speaking is one of the best ways to connect with consumers who need your help. Finding and securing speaking opportunities is one challenge for many attorneys. If you're looking for ways to find potential speaking opportunities, check out this article '3 Tips to Finding Speaking Engagements for Attorneys'.

Once you have speaking engagements secured in your calendar, there's more work that needs to be done to ensure you captivate and hold your audiences attention. An attentive and engaged audience could mean new clients for your law firm.

Here are three tips to help you keep the attention of your audience:

1. Create Curiosity

Start your presentation with a bang! Invest some time to come up with great opening lines that will intrigue the audience, spark their ears and peak their interest. If you

captivate them at the very beginning, you'll likely hold their attention throughout.

2. Less About You ... More About Them

Do not start your presentation talking all about yourself. Instead talk about your audience – their goals, their challenges, the things that are keeping them up at night. Capture their attention by connecting to what they're dealing with — show them you understand.

3. Tell Them A Story

Storytelling is a powerful way to connect with your audience – in person and in your content marketing (blog posts, articles, videos etc.). Tell a story that relates to the common challenges of your audience – perhaps describing one of your past clients, their situation and the end result.

When you start with a story at the beginning of your presentation (assuming it's a good

16. 3 WAYS LAWYERS CAN CAPTURE ATTENTION AT SPEAKING ENGAGEMENTS

In Marketing

story), your audience will build a connection with you based on you sharing a situation that may be similar to theirs. Through this connection they may even start to like and trust you a little bit more.

Bonus Tip: 4. Connect Emotionally

Use natural humor, a confession or a story to connect emotionally to your audience. Many

people are intimidated by lawyers and the law. Allow your personality and sincerity to come out naturally – allowing people to see that yes, you are a ‘real’ person and they will start to be more comfortable with you and build trust in you.

17. SEO OR REPUTATION?

In Marketing

Here's why these actually work hand-in-hand. Let's say you haven't really built a solid professional reputation. Maybe it's because you're fresh out of law school. Maybe it's because you're just not very good at what you do. So, to "replace" your reputation, you decide to turn to SEO.

You register some exact match domains, create some websites, build links and wait.

You might get lucky for a while and actually "trick" search engines into thinking that your sites deserve to rank. At least for a handful of exact match and partial match queries. Heck, you might even get some visitors from organic search. You may even get a few people to contact you. Of course, when you get them on the phone, they'll likely start asking questions.

Questions like:

"How long have you been doing this?"

"Have you handled situations like mine?"

"Can I talk to someone who has hired you before?"

Uh-oh.

If you haven't developed a reputation, or worse, you've developed a reputation for incompetence, folks probably aren't going

to hire you. I know some of you, particularly you injury lawyer folks, are thinking, "My potential clients don't ask questions like that."

Fair enough.

Let's assume you get a few to sign-up. Let's also assume that you actually are a pretty good lawyer, provide good service and obtain your client an outcome with which they are satisfied.

Guess what, you just started to build a reputation!

Now let's assume that you're inexperienced, make a lot of mistakes, or simply aren't a very good lawyer for whatever reason. See where we're going here? If you have clients, it's impossible to avoid developing a reputation for something.

Now let's do this the other way.

You've put in the time. You've provided great service for your clients. You've done a lot of things that go into developing a reputation for excellence. Your clients get your name from people who know and trust you. You don't need the silly internet. What you don't realize is that most of your potential clients probably do use the internet in some way. Real life word of mouth referrals will likely look you up online to learn more about you. And for most, looking you up will include using a search engine. And

17. SEO OR REPUTATION? *In Marketing*

what they find (or don't find) will play some role in their decision to contact and hire you. Perhaps you're not convinced.

Here's the thing: The internet doesn't care whether you believe in it. The best example of this is from client reviews. If you do a crappy job, it's likely that, at some point, someone is going to say something about it somewhere online. Maybe they'll head to a review site. Maybe they'll set up their own site completely dedicated to bashing you (yes, this happens). Maybe they'll say something to all their friends on Facebook. This is why everyone is in the internet business.

Maybe this is all obvious to you. If that's so, great. But I know a lot of you don't see these things working together.

Some of you are frustrated that, "some kid lawyer out ranks you on Google." Who's fault is that? Some of you "kids" aren't buying into the reputation part. You'll come around... In any event, the point here is to stop pitting reputation against the web. And if someone is trying to sell you "web presence" as a proxy for reputation, don't give them your time or money. Or do, and then complain that, "the internet doesn't work for lawyers".

18. COMMON ATTORNEY SEO LIES

In Marketing

Based on some of the secret shopping I've done of attorney SEO consultants, it's likely you've been lied to. So, I trust I'd give you the following: The Attorney SEO Lie-Detector

Lie #1 – We know a secret.

Some SEOs like to say that they know something that no one else does. They don't. At least 99% of the time. They don't have a secret tactic that will get you to rank. They don't have some special deal with Google. They haven't built some magic tool. If there's any "secret" to search engine optimization, it's that it takes a lot of knowledge, skill and experience to earn the kind of attention that is rewarded by search engines.

Lie #2 – We can guarantee rankings.

Some attorney seo vendors are still selling on rankings. The truth is, they can't "guarantee" rankings. But even if they do deliver on the rankings that they promised, you're still not out of the woods. Rankings don't necessarily equate to traffic. Traffic doesn't necessarily equate to inquiries. Inquiries don't necessarily equate to the kinds of paying clients you want. So, even if they're not technically lying about their ranking guarantee, they're intentionally misleading you to focus on the wrong metrics.

Lie #3 – We're the experts.

When it comes to marketing and the Internet, everyone is a self-proclaimed expert. The (sort of) funny thing is, that many of these experts can't answer basic questions about how search engines work or show examples of how they've applied their expertise to a specific attorney's SEO marketing campaign. You've simply got to ask them who they're working with, what they've done and what specifically they intend to do for you.

Lie #4 – We have the perfect predefined package for you.

What? Really? You have a predefined marketing package that works for different attorneys, with different goals, in different practice areas, in different markets? No you don't. Sure, there are some things that are fundamental to SEO for any attorney. Increasing site speed, on-page optimizations, mobile optimization.

But these are the basics. They're necessary, but not sufficient. Any marketing campaign, including one designed to improve business from organic search, must be customized to the specific goals of your practice, period. They are no one-size-fits-all or one-of-three-packages-fits-all marketing plans that will deliver consistently. Your practice should be marketed uniquely. Predefined packages simply can't achieve that.

18. COMMON ATTORNEY SEO LIES *In Marketing*

Lie #5 – what works for one business will work for a law firm.

Some attorney SEO consultants think that marketing law firms is no different from marketing hotels or restaurants. You know better. There are a variety of unique considerations to marketing a law practice.

Professional ethical considerations to name just one.

Anyone who is doing SEO for an attorney had better be aware of these unique considerations. If they aren't, they may harm their clients' reputation or even jeopardize their license to practice law.

19. E-MAIL AND THE LAWYER

In Marketing

E-mail is dead. Social media and instant messaging (IM) are replacing e-mail. Those are the messages of emerging communications driven by so-called enterprise technology. These tools, designed for companies that fire more employees than legal professionals comprise the entire Ontario bar, can enhance **internal firm interaction**. But e-mail remains the bread-and-butter tool for solo and small firm lawyers and a primary method for communicating with clients and others.

So why are we not experts at using it?

To be honest, I rarely think about how I use e-mail. My habits run in well-worn ruts. But I was jolted out of that state by a question from a lawyer on how to use e-mail. I could understand if this was something new – like Windows 8 or a Leap controller – but surely e-mail is as familiar as any tool in a legal professional's toolkit? It made me go back and think about what advice I'd give on using e-mail.

Short and Sweet

You've explained in your retainer agreement that you're going to be communicating by e-mail, right? E-mail can be a powerful tool for client communication, a recurring problem for lawyers. It's asynchronous, unlike a phone, so they can read it on their own schedule. It can be written at one moment and scheduled to be sent later. It can be printed and saved to a

client file.

Get in the habit of regular e-mail updates using short, clearly written messages.

Understand the tool. It is sometimes misused as a PDF delivery tool. Instead of drafting a short letter, PDF'ing it, and sending it as an attachment, put the text of the letter in the e-mail and skip the extra file.

My Disclaimer is 1KB

Unless you have a specific need for a disclaimer, don't use one. Lawyer disclaimers are a joke. The reasons have been well laid out by others. I see most of the disclaimers after I have already read the affected content. Many of them warn me that the invitation to go to lunch or to approve the purchase of pens at the office store are confidential.

We seem to use disclaimers because we don't take the time to think about what we're doing when we send e-mails. If you are taking time to avoid unintended consequences, the only disclaimers you'll need are the ones required by regulators. Think about who you are e-mailing. If you have a disclaimer in both French and English – a common thing in Canada – you may decide to just send the one that your recipient can read, if they speak only one or the other language.

Don't Automate Stupidity

This isn't there yet. Most encryption will

19. E-MAIL AND THE LAWYER *In Marketing*

require you and your client to install software. Enterprises are encrypting internal e-mail – because a central IT unit can implement and enforce it – but when a message leaves the company, it's not as simple. Solos and small law firms will be sending most of their communications to people outside. You can use encryption if you have Microsoft Exchange (in your firm or in the cloud). A number of e-mail encryption options require either you and your client to use the same software or the same encryption tools. Alternatively, some services, as with Exchange, have your client receive a link to an encrypted Web page.

It's coming, though. Virtru is a simple and easy tool for Web mail. Google End to End is receiving feedback. Perhaps we'll see some melding of the extensive number of free PGP clients with an easier to use install and interface. Just as technology knowledge is arguably becoming part of your competence, encryption is rising on that same horizon. You may also want to leave sufficiently risky communications to paper and face-to-face meetings rather than putting them in e-mail. It shouldn't be your only communication method even if it can handle a lot of the routine interactions of your law practice.

What Else?

Most e-mail use is common sense. It's a communication tool. If you are using it to document rather than communicate, if you are inconsiderate of the recipient's time and ability to comprehend, if you are sloppy in your sending and receiving, it may not work the way you hope it will. Other things that I do:

- I rarely leave the e-mail trail within my reply. I cut out just the part to which I am responding and if I need the other e-mails in the discussion to be

documented, I save them as PDFs to my file system;

- the subject line can help start your communication. Use it to create context, and then get to the point immediately in your e-mail. The benefit over a phone call is you can skip all the “hi, how are you” niceties;
- sometimes you can't be concise. I often use bold text if I'm sending a dense e-mail, to help people find the key points, particularly actions we've agreed they are going to take;
- I'm not as funny in e-mail. Well, my daughter would say I'm never funny. I leave the humor for people who know me exceptionally well, and it is usually exaggerated. Otherwise, I try to stick to the facts I want to share, the questions I want answered, and the actions I want taken. If someone has to interpret my e-mail, then I haven't written it as well as I could.

There's plenty of additional advice on the Web for how lawyers and paralegals can use e-mail and how they can use specific e-mail software. Hopefully most legal professionals are comfortable with how they approach e-mail. If you aren't, or doing things that you regret afterwards, take some time out of your practice and work out a process to do it better the next time.

20. A BETTER FIRM WEBSITE: IMPROVE YOUR GOOGLE SEARCH RANK

In Marketing

When you search for something online, what makes you decide which link to click? A catchy name? A recognizable company? Your absolutely terrible lack of impulse control? For most people, it's about what appears first. In fact, a recent (massive) study on click-through-rates (aka CTR) put the issue in stark terms. Only about 5% of all users even clicked on a result appearing in the 2nd or 3rd page. On the other hand, nearly 70% of users clicked on a result in the top 5 listings on the first page.

The obvious takeaway: a better Google search rank is critical if you rely on business from the internet. Oh, and in case you haven't been paying attention, that's where people look for lawyers now.

So how do we do it?

Well, a year-long study on Google search rank has these suggestions:

- 1 If you don't have one, start a blog.

You can build your firm's brand, establish your authority, and get your younger associates

some excellent exposure. Moreover, it will likely increase your firm's Google search rank. Another great reason? The tips that follow work best if used in conjunction with a blog!

- 2 Make sure your site is managed properly.

Content may be king, but Google places a lot of value on how your site works too. Generally, unless you have someone in your firm with particular expertise, you probably want to begin with a professional. One option is using a managed platform on WordPress.

A lot of things can impact your Google search rank, and you need to think of that from the start. Google actually tends to rank sites higher that have a shorter URL. Google also does not like subdomains, so use a sub-domain for your blog. Make sure that you're website is optimized to give the fastest performance, and that each page contains title and description meta tags.

- 3 Fill your site with high-quality content, regularly updated.

Have a good website. Great tip, right? But how

20. A BETTER FIRM WEBSITE: IMPROVE YOUR GOOGLE SEARCH RANK

In Marketing

does Google know if what you're writing is good? Technically, it can't (although sometimes I wonder). What Google does know is how many other people think your content is good.

It knows based on how many quality sites have linked to your site. The more links you have from other sites, the better your Google search rank. The boost is even bigger if those links come from unique domains and IP addresses. The biggest boost, though, comes when the links come from other authoritative sites.

The better your content, the more people will link to it. The more links, the better your Google search rank!

4 Utilize the right Search Engine Optimization tools.

You're kidding, Brian! You're telling me that I should use search engine optimization to optimize for search engines? No, I'm telling you to use the right tools. The best way, in my opinion, to utilize SEO is to not even think about it until you've written your content. Black hat SEO tactics can get you penalized by Google. Kind of the opposite of what we're trying to do here.

First, you need to make sure to have sufficient content. Longer posts get higher rankings. Also, make sure your content makes judicious use of your keywords within the text. Another way to boost your rank is to include outgoing links in your post (do it, it's the easiest way to cite your source anyway!). Lastly, make use of images and videos, with appropriate meta tags, to augment your text.

5 Implement a social media strategy.

Yep, even Google favors the cool kids. So you need to be one of them! A good social media strategy will reap its own rewards – it'll allow you to connect with your clients, improve your authority, and expand your networking and referral base. And if done right, it'll boost your page rank. Any engagement on social media provides a boost to the content's page rank.

Naturally, the biggest boost comes from "+1"s on Google+. The next biggest boost comes from Facebook shares, followed by Facebook "Likes," Pinterest shares, and Twitter mentions. Any social engagement, regardless the platform, or even the level, will provide a boost to your Google search rank.

In the end...

Google works very hard to make sure there is no magic bullet for search rankings. Anyone who tells you they can guarantee a higher rank isn't being completely honest. However, thanks to some great research, we know what is likely to increase your rankings. The single, best possible thing you can do is to **consistently add high-quality content**. However, by following these tips, you'll increase the chance that it gets read!

21. WILL WE EVER SAY GOODBYE TO EMAIL?

In Technology

Most professionals experience the tyranny and terror of email. Yet they remain wed to it? Will that ever change? Everyone knows the problems: constant distraction, ridiculous volumes, rampant misuse of copying, too many accidental replies to all, message content unrelated to subject lines, confusing dialogues when someone on a thread replies to a message that's not the last one, neurotic compulsion to check for new messages, finding old messages in a folder (or just the inbox), managing huge attachments (yanked from native locations), and, and, and...

These problems were clear some 25 years ago. In 1991 I ran practice support in a large law firm. It had been using email several years. Lawyers and staff alike saw all these problems and some wanted a solution. So when I learned about a product (Collabra Share for cc:Mail) that integrated with the firm's email and that created forums and threaded discussions, I looked. And I liked it.

I persuaded a group of young partners to try it. After a week or two of use, I assembled the beta users to discuss the experience. All liked it. But none would adopt it. To a person, each was unwilling to check in more than one place for messages. Never mind that the software could also send email alerts.

This story has repeated many time since then. Many large firms have tried but few have

succeeded in moving a significant volume of email traffic to modern collaboration tools (e.g., Yammer). In December, I was reminded of this conundrum when Dan Hauck, CEO of ThreadKM showed me his company's eponymous product. The software creates a collaboration space where conversations replace email and users can connect documents to conversations. ThreadKM also provides "light weight" (my words) project management. Here are some key descriptors, quoted or paraphrased, from the website:

Introducing a New Paradigm in Collaboration – Connect information, projects and people together like never before."

"Share real-time conversations with colleagues about matters and receive notifications on any device."

"Discuss ideas, post links, and invite clients to a focused, issue-specific thread."

"Reduce email by over 50% "

In a demo, I liked the features and found the user-interface and experience well designed. I quickly saw how this product could be very useful. (My usual qualifier is that this is not a product review and I did not go out and

21. WILL WE EVER SAY GOODBYE TO EMAIL? *In Technology*

evaluate competing systems. Dan contacted me, ThreadKM sounded interesting, so we set up a call.)

The question I have is whether ThreadKM or any product like it can displace more than 5% of email. This is not a knock on ThreadKM; rather it reflects my early and repeated experience. In fact, I told Dan that I would write a blog along these lines and he had a chance to review this before I published.

Dan was fine with everything I wrote above. He asked to add that as a former big-law attorney himself, he recognizes that fellow lawyers can be skeptical about the impact of new technologies. He said, illustrating his point, "Several years ago it was predictive coding. Today it's big data. ThreadKM enables real-time information flow that comes from both people and systems. In a few years,

firms that are still trying to use email for matter-centric collaboration, document and project management will find themselves still frustrated, if not falling behind."

Indeed, I may be in the minority. As I was working on this article, I read What's on Your KM Wish List? by Debbie A. Ting of Paul Weiss, posted at the ILTA KM blog. Topping her wish list is that lawyers "embrace enterprise social networking and collaboration tools as their primary means of communication and working together instead of email." She explains five reasons this will happen, including email overload, home social network use, and KM practitioners acting as champions.

So, there you have it – two points of view. I hope I'm wrong. I turn it over to you to comment here on whether and when ThreadKM or any other "email substitute" will take a significant bite out of email volume.

22. WHAT DOES THE FUTURE HOLD FOR LAW FIRMS

In Technology

In 2014, there were well over 600 “legal tech” startups that created technologies, business models, and platforms that aimed to improve law practice operations, client acquisition, legal research, and create better access to justice. However, the legal innovation landscape is still highly fragmented, and many of these startups offer solutions to very specific, singular problems. This has mostly to do with a general trend among technology developers to focus on creating apps for specific functions – which has spilled over into legal technology. Since lawyers have always been creative in their approach to the practice of law, I believe the law firms of the future will be curators of such technologies, and deploy them to meet the needs of their clients. The firms who do this successfully will not feel any competition from non-attorney owned legal services providers. So what will this look like? Suspend disbelief for just a moment and read on for a fictional example of what a law firm of the future may look like.

Law firm of the future

Axis IP, APLC* is a boutique intellectual property firm that provides services ranging

from licensing and royalty agreements to copyrights, trademarks, and even more complex work like patent litigation. The firm is comprised of 2 partners and 4 associates, two paralegals and 1 administrator. Last years revenue topped 6 million dollars. How do they do it? The law firm has adopted a couple of alternative business models that include several relationship building services. For instance, they have created a legal access plan that provides early stage businesses access to basic legal services.

The limited scope service package sells for \$99 per month. The services include basic legal advice via telephone, document reviews of 10 pages or less, and access to their IP Protect software services which regularly crawls the web looking for potential copyright and trademark violations much like search engine indexing bots do today. If the software detects a potential violation, the paralegal receives an alert and does a preliminary evaluation which involves deciding to send out an automated DMCA letter, a cease & desist letter, or do nothing. All of which are handled through the software with only a click of a button.

22. WHAT DOES THE FUTURE HOLD FOR LAW FIRMS *In Technology*

The law firm has acquired 450 subscribers to this service in the year and a half that it has been offering it and generates approximately \$45,000 in monthly recurring revenue. For issues that fall outside the scope of the services offered, the law firm “upsells” the client to more comprehensive flat fee offerings or hourly work as needed to resolve the legal issue. Since the subscriber is on the plan, the subscriber always uses the law firm as the first point of contact for any legal issue. If the legal issue falls outside of the firm’s practice areas, then they refer the case out and collect a referral fee. Ongoing monthly upsells or referral fees generate an additional \$11,250 in monthly revenue.

For intake and client acquisition, the firm deploys software on its website that helps businesses to identify their intellectual property assets and needs. A business will come across an “Identify Your IP” app through online research that leads them to the firm’s website. When the prospect completes the secure questionnaire, they will receive an immediate report identifying all potential IP assets, along with a plan for resolving the issue.

Clicking on a “Resolve Now” button say for an asset that should have trademark protection will lead the prospect down a purchase path where they will pay for a flat fee trademark service without ever having to speak with the attorney first. This allows the firm to conduct sales 24 hrs a day, 7 days a week. At checkout, the client will be asked to schedule an appointment with an associate through an online calendar. The associate will review the client’s input in advance of the call to double check that the service is appropriate for this client. The associate will also validate answers during a call with the client. If the service is not appropriate for the client the associate will apply a credit to a service or provide a refund.

When the firm is tasked with handling cases in the Patent Trials Appeals Board (PTAB), they will be able to look at data to gain competitive advantage, and determine how likely it will be to win a given case in that court. Their software will allow them to input a judge and technology sector. Once they submit those two factors, the software will quickly evaluate all of the decisions that the judge has ruled, then filter them by sector to provide data. The software will also be able to tell them who are the major players in the PTAB as well as how a set number of PTAB proceeds have ended historically.

The firm will be able to use this data to manage client expectations, determine an ideal time for proceedings, and know which judge is most likely to rule in their favor. The combination of offering all of these technologies will make them the preferred boutique IP firm among tech companies who appreciate software for increased efficiency and convenience, while still being backed by experienced lawyers.

Is the future that far off?

Interestingly enough this fictional law firm of the future can in fact exist today. All of the technologies and business models described are already available and are being used actively by many law firms. While I have yet to come across a law firm that is using these technologies altogether, I know that the discussion has started, and an increasing number of law firms are demonstrating their interest in these types of software to help increase capacity and profitability. So while technology companies will continue to develop innovative products that aim to solve problems involved in the practice of law, I believe the law firms of the future will mostly be curators of these innovations and use them for the purposes of improving their business

22. WHAT DOES THE FUTURE HOLD FOR LAW FIRMS *In Technology*

models, client acquisition strategies and generating increased revenue. So as it turns out the future of law is here today, what's missing is taking that first step and creatively

using the right mix of technologies and business models to break from tradition and be part of that future.

*As it turns out I've been receiving several inquiries about where to find this law firm online. Remember this is a fictional law firm I created to use as an example. However,

the technologies described in my post do in fact exist and are available to law firms today.

23. TIME TO RID THE PROFESSIONS OF MINI-ME?

In Setting Apart From Competition

“Imitation is the highest form of flattery” - 19th century English cleric and writer, Charles Caleb Colton.

We know this holds true for Gucci, Prada, Rolex and other high end producers, but one could be forgiven for believing many in the professions adopt a similar mindset.

No professional firm likes to think, let alone say, they imitate their competitors and in fact most professional firms go to great lengths in their capability statements (yawn) and on their website explaining just how really different they are from their competitors.

But guess what? In most cases the claimed points of differentiation themselves are practically identical.

Sorry if you recognise any of these from your website but here are some of the more common claimed points of differentiation I have picked up. Preface each one with “Unlike our competitors”:

...founded in 1066 our firm has a long tradition of.... (take your pick from;

personal service/integrity/meeting our customers needs/aged partners, etc.),

....our firm is built on the following core values (here is an off the shelf list of up to 400 core values but don't look too greedy just choose 4 or 5 say; integrity, honesty, reliability, innovation, sexiness)

....we understand your business and the industry you operate in (yeah right like you have 2000 customers, you know them all intimately and you are their industry “go to” firm?)

....we value all our clients and give them all the same exemplary personal service (in reality when it comes to prioritising work you probably deal with whoever yells the loudest)

....we provide you with cost effective solutions, (This usually means one of 2 things: either it will be cost effective for the firm, or the firm will discount heavily just to get the business)

....we have competitive rates (for a start

23. TIME TO RID THE PROFESSIONS OF MINI-ME?

In Setting Apart From Competition

you do what most of your competitors do and bill by time and you probably base your rates on reverse competition anyway)

- ...we exceed our customers expectations (have you actually asked each individual customer what their expectations are, or just assumed you know what they are?)
- ...we are recognised as one of Australia's/ USA's/ World's/ Timboon's top firms (at least the partners of the firm recognise the firm as thus)
- ...we are a full service law/ accounting/ consulting/ IT/ services firm (Different? If you google "full service firm" you get 323,000,000 results in 39 seconds)

Ok so maybe the above is all just a little tongue-in-cheek but you get my drift. Even if these statements are true for any firm they a hardly a point of differentiation - they are at best just table stakes and they might, if you action them, allow you to play in the professional services game. Not one of them is any guarantee of ongoing success nor will they make any firm stand out from the crowd.

My friend and colleague in the advertising agency business, Tim Williams of Ignition Consulting who has made a successful career advising his clients how to truly differentiate themselves, points out that there are many myths about most firms so called differentiated positioning strategies. "Size" is not a strategy, neither is "full service", "middle-of-the-road-stand-for-everything" nor is "hope" or "effort". Tim's definition of a truly differentiating positioning strategy is - well, actually being different: meaning "going deep versus wide", narrowing your focus and

but importantly the features you don't have.

Whilst there is nothing wrong with being better than your competitors often your customers will not know (and you may not want them to know) whether or not you are better than your competitors. Your customers will however know if you are different to whoever else they might contemplate for your services. When I ask members of firms what differentiates them from their competitors in addition to what is on their website (if they have read their website) they will often use words like "our premises", "our technology", "our technical skills", "our clients", "our people", "our culture". It is only these last 2 responses - people and culture - that go a fair way in defining what truly differentiates one firm from another.

I believe that the primary attribute that you as a firm has that no other firm in the world has is you, and anyone else in your firm. Together with the internal relationships between firm members, plus the external relationships you and your firm have with your clients this makes your firm unique. Everything else - be it technology, premises, precedents, systems, or your processes - can and is being replicated - and probably being replicated better than how you do it. Your clients are even being replicated as you may share them with other firms. What you don't share and what cannot be replicated though is yours and your firm's relationship with those clients.

I come across firms that use energy and scarce resources on endlessly seeking to improve their internal efficiencies and/or beating themselves up with any number of institutional copying called benchmarking. I believe at least some of this would be better spent by firms uncovering and capitalising on what they already have-by inspiring their motivated people (hint: ditch any unmotivated

23. TIME TO RID THE PROFESSIONS OF MINI-ME?

In Setting Apart From Competition

people if you have them) and doing all they can to create a culture of innovation.

I particularly despair when I see smaller professional firms that intuitively have great potential (often because they have flexibility and a less rigid and formalised structure of larger firms), being advised to basically replicate the business model of those larger firms whether it be time recording, improving their leverage, improving their realisation and utilization, introducing rules and policies upon policies, etc. The larger firms will always have a size and process advantage over things like that (it is after all what made them larger firms in the first place) but that doesn't make them great, it doesn't make them different and it certainly doesn't make what they do right for a smaller firm.

Adam Smith wrote: "In mature markets, profits don't come from increased efficiency, but rather from increased innovation and differentiation". Most of us operate in mature markets and in such markets an increasing

number of external disruptors, startups and the odd innovative incumbent, are truly differentiating themselves whether it be with their service offerings, their strategic focus, their structures or their pricing. They are more innovative, creative and take more risks. Profit after all comes from risk. Many incumbent firms say they want to be different but what they really mean is they only want to be a tiny wee bit different. There is after all safety in numbers.

It is not easy being different. It means you cannot stand for everything. Standing for everything is the same as standing for nothing. It means you will not be able to appease everyone nor act for everyone. It means saying no sometimes. Keep Mini-Me in Hollywood. Instead take time to look deeply as to what already does, or will, make your firm different, remarkable and stand out from the crowd. Even in the most competitive markets the market is not saturated with professionals - it is saturated with sameness.

24. FOUR CORNERSTONES TO CREATING A COMPETITIVE ADVANTAGE AS A LAW FIRM

In Setting Apart From Competition

Most attorneys want to build a competitive advantage for their practice. However, if you don't have the ability to master four cornerstones, it won't happen. It is similar to being a race car driver: If one of your four tires is flat, you can push the pedal all you want but the car will just spin in circles. A lot of lawyers have four flat tires in their practice.

In my experience, these are the four cornerstones to building a competitive advantage.

1 Time Management.

Your time management skills might be good, if not great, right now. But as your firm grows, you need to shift things. Your focus changes as your staff increases. You spend more time managing other people, processes and strategies. You are doing a lot less yourself. To make this work, your personal time management skills need to change. What worked at one level of growth, does not work at the next level. You need to constantly improve your time management and personal focus skills.

2 Cash Flow and Profitability.

Most lawyers underestimate the impact of financial strategies on your practice. For example, learning how to create a pricing context in your services can radically change your practice. Just like time management, your ability to run your practice from a financial perspective will cause quicker growth in your practice.

3 A Great Team

Most lawyers are happy if their staff will just show up on time 80 percent of the week. Occasionally, we see lawyers build championship teams in their law firms. Those firms with amazing teams have such a competitive advantage in the marketplace just because of the way their teams operate. The firm may not need amazing pricing strategies, just great people.

4 Marketing.

If you have a steady flow of great clients, your confidence and revenues will always rise. If you only market periodically, then you will have inconsistent cash flow. Consistent marketers generate consistent cash flow. If you market consistently and

24. FOUR CORNERSTONES TO CREATING A COMPETITIVE ADVANTAGE AS A LAW FIRM

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well, your cash flow will be consistent and grow. As you market, or fail to, there goes your cash flow. If you want to have a competitive advantage, you don't have to do anything

overly innovative. You just need to implement and consistently improve on these four cornerstones.

25. COMPENSATION

In Business Development

Most partner compensation systems allocate the great majority of revenue to business origination and hours billed. There's nothing wrong with rewarding the finding of clients and generation of work product. But there's much more to a successful law firm than that. Here's a partial list of law firm functions and activities that are not remotely compensated as highly as sales and hours (along with suggested metrics for measuring their value):

Client relations (measured by client satisfaction ratings generated through monthly "checking in" inquiries and closing surveys)

Project management (measured by performance against expectations of legal project timeline and budget targets met)

Legal marketing (measured by number of leads generated, industry speeches given, blog posts written etc., against plan)

Leadership activity (measured by specified annual stipends for executive, management committee, or practice group chair service)

Recruitment efforts (measured by on-campus interviews, associate committee service, bringing in new partners who stay 3+ years)

Community investment (measured by

pro bono work or community activity performed, against firm's annual average hours)

Given the growing importance of process improvement, workflow management, client relations, and all these other factors in the success of modern firms, it doesn't make sense to continue to overlook and undervalue the people who contribute to these lower-profile but still significant activities.

In any work environment, you get what you pay for. Compensate people according to hours billed, and you'll get mountains of hours and not much else. Pay people for rainmaking, and that's pretty much all you'll get too. Instead, start also paying people for how well they manage projects, how often they speak with their clients, how well they develop future partners, and how seriously they take the firm's standing in the marketplace — and then watch as your firm becomes something different, and better.

26. THE LIABILITY ON YOUR DESK

In Business Development

Your desk is real estate. You're the developer. You arrange things onto the plot that will yield the most productivity:

The computer helps you connect with the outside world.

The notepad gives you a place to jot down your thoughts when you take a call.

And that sticky note reminds you to call the babysitter.

But there is a liability on your desk - a toxic dump where your business development opportunities sit and rot. It's that stack of business cards you add to every few days. And you haven't cleared it out in months. Walk into any professional's office and you're likely to spot the dump. Sometimes the cards are stacked neatly by the phone, sometimes they're hidden in a desk drawer, but they're there. And they represent the follow-ups that are still waiting for your follow-through. The longer you let them sit, the more irrelevant they become. And when you finally thumb through them, you're likely to have one of two reactions...

- 1 Who the hell is this guy?
- 2 I can't follow up with her now – it's been too long.

The liability is significant when you add the time you invested in forming these relationships with the opportunity cost of letting them stagnate. So, do what any developer would do with a liability. Clear it out. Start by relocating the stack of cards to a more premium area of your desk: directly in front of you or in your in-box so that it's not so easy to keep ignoring it.

Then schedule 5 minutes to go through the first few cards. You don't have to clear out the whole stack now. Just begin the habit of addressing a few follow-ups every day so that the liability on your desk starts to become the asset it was meant to be.

27. CHANGE HORSES

In Business Development

To change horses in midstream means making a major alteration when a course has been set and action is underway. “Changing horses” can be daunting. But better that than clinging to something that isn’t working. Now is when to take stock of what you’ve been doing to raise your profile – marketing – and cultivate **mutually beneficial relationships** – business development – and change horses if need be.

When you examine what you’ve been doing, you may find that you’re not really enjoying these activities or getting the results you want. Continuing to do what’s not working wastes time, instills boredom and creates frustration. As a result, it often happens that the claim of being “too busy to do anything” becomes the **fallback position followed by retreat and inertia**. Stop doing what isn’t working and change horses.

Think about this: With whom do you want to spend your time? The two key factors of that question are “whom” and “time”. The “whom” is infinite as there are lots of people with whom you can spend time. However, “time” is finite because there’s a limit to hours in a day, days in week, and so on.

Individuals

Even though it’s a tired phrase, “senseless acts of lunch” implies that time can easily be misspent with people who may be delightful

company but with whom you share no meaningful connection or goal. Time is best spent with people from whom you can learn, exchange ideas, trade referrals, and help achieve each others’ goals. Those relationships can be deepened and expanded even further by introducing each other to meaningful new contacts. Think about individuals with whom you want to spend time and work to make that happen.

Groups

Being a member of an organization can be helpful and even inspiring provided it’s the right group for you. Consider that involvement in Bar groups, networking groups, etc., need to have merit and purpose for you, otherwise you’re best to spend time elsewhere. If you’re not attending regularly or are inactive within a group, consider finding a group that works better for you and where you can take an active role.

Profile ROI

Weigh what you do to build profile in terms of how well it helps you to be seen as an expert in your field. If you write or speak publicly, make sure you’re targeting members of your specific client audience. Writing for or speaking to an audience of lawyers might earn brownie points or be good for your ego but in many instances, you’re preaching to the

27. CHANGE HORSES *In Business Development*

choir.

Make sure your topics are relevant to your target audience. Take into account that your subject matter needs to address their interests, concerns and problems while offering thoughts and answers that demonstrate expertise in areas where you shine.

Since it's best if your goal is to act with intention rather than acceptance, you

may wish to use these criteria to qualify opportunities presented to you or that you pursue. So, to sum up – and mix a few metaphors – If you don't like what you're getting, change horses in midstream. The worst that will happen is you might get a bit wet. The best that will happen is you'll change what you're doing.

28. LAWYERS: HIRE A STAFF THAT SHARES YOUR VALUES

In Business Development

Law school taught us how to argue a point effectively, research court precedents and write compelling court petitions, but it didn't offer most of us any actual business training - chiefly, how to hire and train employees for the law firms we would one day own or manage. One of the biggest traps we can fall into as business owners is hiring staff members in a panic.

The following scenario might sound familiar:

A key staff member either quits unexpectedly or must be fired by you or your office manager. The crucial work this person did daily is going to pile up quickly. Most of it cannot be parsed out to other staff members. Clients will be phoning soon asking for progress reports. Important court filing deadlines are looming. And, of course, you have no viable candidates to replace this person because you haven't been actively recruiting in preparation for staff turnover.

This is usually when many lawyers will quickly throw up a Craigslist ad full of high expectations for minimal pay. They sift through a barrage of emailed replies from desperate job seekers and proceed to interview and hire the first person who listed any work experience in a law firm. Fast forward a few months or a couple years. Rinse, repeat. It's a

vicious cycle. I want to help you avoid this. To collect and keep a great team for your great practice, you need a foundation of values and skills to build upon.

First, let's define what I mean by values. These are a person's — or a firm's — principles or standards of behavior, the internal compass about what's good, right and important. A fundamental value that many firms and individuals follow is The Golden Rule, - treating others as you would like to be treated. When I set out to build a great team, I evaluate candidates on values such as integrity, accountability, work ethic and being a positive thinker. But, of course, because every team member is different and brings a different compass to the table, frustrations are bound to arise.

As the owner or managing partner of a law firm, you can deal with myriad problems, or frustrations, on a daily basis.

These might include:

28. LAWYERS: HIRE A STAFF THAT SHARES YOUR VALUES

In Business Development

- **They don't listen.** Communication isn't just talking — it's listening intently so there is no doubt about what is required.
- **They don't care about their work.** If they don't care, it will show, and the firm will suffer in the long run.
- **They have no work ethic.** If they're on Facebook half the time, how are they going to meet deadlines?
- **They don't help each other.** You can't build a successful team without teamwork.

Note the distinction I'm making here. These aren't problems with an employees' skills, these are all related to an individual's values. To avoid these common frustrations, you must lay out what's important to you and the firm. Clarify what really matters and educate your team about it. When that's done, periodically grade your team to see who gets it — and who doesn't.

Of course, great values alone won't build a great team and a great practice. You need people with great skills, too. Skills are, simply, the ability to do a task well, or expertise in a certain aspect of work. Some examples of skills I need in my great team are:

- **Customer service.** At the most basic level, we have to meet customers' needs to be successful.
- **Software expertise.** Simply knowing how to use Microsoft Word is not an advanced skill.

In today's business environment, proficient use of standard office programs is expected. Test applicants on those programs. For expertise, I look for applicants with experience

expertise, I look for applicants with experience using CRM (customer relationship management) systems, document drafting software and writing spreadsheet formulas.

- **Accounting accuracy.** This is how we keep score.
- **Drafting documents.** I want staff members that can draw up documents, always making sure they double check their work against my notes.

The best thing about skills is that they can be trained. I can take a worker with great values and train them with the skills I need to build my great team.

29. YOUR EXIT STRATEGY STARTS TODAY, NOT TOMORROW

In Business Development

The greatest challenge in planning an exit strategy from your law practice is that most lawyers don't think about working today to make their practice more valuable tomorrow. They put off thinking through how to make the practice valuable to a buyer. I have looked at this from many different viewpoints, including: selling my practice, looking to buy another practice, negotiating to have lateral partners merge, and examining what is the "real" street value of a practice versus the appraised value.

There are three key things to consider working on today that will increase the value of your practice tomorrow.

1 Your case management system.

There is tremendous value in an updated, thought out, and organized case management system. If you can email all of your clients to announce a merger, a marketing program, a workshop, or a law change, then you are on the right path. If you are thinking, "That is a really neat idea, but I would never do that," then you may be on the wrong path to making your practice valuable.

2 Your team.

How dependent is the law firm on you? In

my experience, the more dependent the firm is on your presence, the less valuable your firm will be to a buyer. The more your team can move work out the door without your intimate involvement, then the more valuable the firm will be.

3 Your marketing.

Do you have an annual marketing calendar? How many great referral sources do you have that you can transfer to a buyer? 100? 10? Or just 2? The more you can help a buyer transfer those referral relationships the more valuable your practice will be.

30. INCREASING PROFITABILITY WITH THE "O.H.I.O." METHOD

In Business Development

Everyone has heard the phrase "time is money." This is very true in professional service businesses such as a law office. The simple truth is that an attorney sells his or her time. Whether a firm is charging by the hour, or using a flat fee structure, how much a client is billed all hinges around how efficiently an attorney can handle a case. Maximizing profit hinges on being as efficient as possible. One of the best ways to improve efficiency is to adopt a method of "Only Handle It Once" or "O.H.I.O." in regards to your daily methods. Here's why this is important and how you can use O.H.I.O. to increase your bottom line.

Wasted time costs a law firm money. If a firm repeats the same task on a case repeatedly (such as reading the same letter over and over again) then it can still only be charged for one time; all the extra time spent on that letter goes down the drain. If an office uses a flat fee structure then doing a task repeatedly, on the same case, eats into profits even more quickly. The key to avoiding these problems is to make sure an item is only dealt with once.

The O.H.I.O. method cuts out the large amount of time law firms waste on repeating tasks. Ask yourself the following:

How many times have you read an email more than once before responding to it?

How often have you read a letter numerous times before drafting a response?

Do you return a client's phone call just to tell them that you will "look into" an issue and get back to them at a later time?

If you're guilty of any of these (and these are just a few examples) then you are wasting time and you don't even realize it. That wasted time is costing you money.

While easier said than done, the best way to boost your productivity and profits is to only pick up an item when you are prepared to deal with it. If you pick up a letter and read it then you should respond to it immediately after reading it. If you need to complete a few tasks before being able to type a response then complete those tasks and write the response. The same goes for email, phone calls, etc. Right now you're thinking "I don't have time

30. INCREASING PROFITABILITY WITH THE "O.H.I.O." METHOD

In Business Development

for that." The truth is that you don't have time to do it any other way. Consider the following – when you read a letter and say "I'll respond later" then you have to read the letter later when you type a response. So instead of taking the time to read the letter once you will have read it twice. You're going to take the time to respond at some point anyway – so if you just do it now you cut the amount of time you spend reading that letter, in half. Applying this time saving tip to other areas will free up more time than most can appreciate.

Another big benefit of handling items once you look at them is that it ensures that items are done, out of your way, and won't come back to be a lingering problem later. You'll find that getting things cleared away in this matter will eliminate many of the last minute

distractions which arise in law offices. These distractions kill productivity and cost you money. If you stop and think of how many distractions are the result of things being "put off until later" then you realize that such distraction can be eliminated by dealing with things once they arise.

Applying O.H.I.O is simple. Don't start something unless you're prepared to finish it. Don't pick up a letter, open an email, or read a document unless you're about to spend some time on it.

Want to increase profits? Take a trip to O.H.I.O and see how it goes.

31. WHAT'S YOUR PLAN?

In Business Development

How are your plans shaping up for 2015? Last year, a Managing Partner Forum survey showed that of the 120 US managing partners who responded, 46% said their firm has a strategic plan of a “recent vintage.” That means 54% don't have a plan at all. And you can bet the numbers are worse for firms that **have no concrete plans for marketing, business development and sales.**

Planning is critical for any business, but especially important for lawyers caught in the push and pull of economic tides while struggling to come to terms with rampant changes in the legal market. If your firm doesn't have a strategic or marketing plan, nailing both down now would be smart. **After all, failing to plan means planning to fail.**

And remember to do a personal marketing plan for yourself – and act on it. A personal marketing plan doesn't have to be complicated. In fact, the simpler it is, the more likely you are to follow it. Divide a year into quarters. Note three or four tactics you can do each quarter to build your profile and develop mutually beneficial client-based relationships. Tactics can change quarterly or remain constant provided they work.

You may wish to consider...

No cost: blogging; speaking; email updates; connecting with referral sources and contacts; updating your bio, LinkedIn page and other

social media profiles.

Low cost: create a webpage; host an educational event; join a client-focused industry association, local board of trade or community group.

Mid cost: sponsor an organization or event that dovetails exactly to your area of law; advertise consistently and only where your target client audience will see it.

These budget-savvy tactics are additive rather than exclusive, so choose what works best for you and your target market. Don't be afraid to experiment with new tactics and ideas. Ask your clients for input and feedback. They'll be flattered to provide their thoughts and might even lend you a helping hand.

32. OPEN PLAN OFFICES AND DARWIN'S NATURAL SELECTION BRING UNEXPECTED LAW FIRM BENEFITS

In Business Development

Open plan offices are not new, even for law firms, and no doubt there are a couple of examples in your region. The jury does still seem to be out though in regard to the pros and cons. While there are those who proudly espouse the virtues of 'open plan' with benefits like:

better staff interaction;

everyone seen to be on the same footing;

more work gets done, etc.

others think they are a crazy idea. Arguments against tend to revolve around confidentiality, the need to work in peace, no interruptions and so on. I did some work for a firm recently which has adopted an open plan for its new premises. The partners were quite open about their motivation – to save costs and make more money. Of course, they also hoped it would be okay for them, and for their people.

On balance they felt everyone would just have to make the best of it.

Turns out it has gone straight to the bottom line with improved profitability. There has also another benefit which they had not anticipated which, with the benefit of hindsight, makes some sense. The managing partner gleefully confided to me the unexpected outcome – the 'selection out' of dickheads. Almost a case of Darwin's* theory of natural selection.

The open plan office scene is just too tough for these difficult customers we have all experienced – their bad behaviours, thinking and attitudes are just too obvious to everyone around them. In an open plan there is no-where to hide. They can't carry them on behind closed doors or slinking down passageways. Without anyone saying too much, natural selection takes its course and they move on rather than the staff around them having to resign to get away from them.

32. OPEN PLAN OFFICES AND DARWIN'S NATURAL SELECTION BRING UNEXPECTED LAW FIRM BENEFITS

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and performance and contribution rates for the firm have never been better. What I couldn't help noticing when walking around the office:

- a quiet cheerful buzz about the place;
- the partners were spread amongst staff with no obviously beneficial space sizing or location;
- various partners and staff volunteered that it was working really well – and they are 18 months' into it – well past the honeymoon period;
- amazingly, all the partners seemed comfortable in the environment with one confiding she now 'looks forward to coming to work' and another saying 'I love having my team all around me' – hopefully they love being around him!

*Darwin's theory of natural selection: the process whereby organisms better adapted to their environment tend to survive and produce more offspring.

33. 3 TIPS TO FINDING SPEAKING ENGAGEMENTS FOR ATTORNEYS

In Business Development

Speaking is one of the best ways to build your reputation and get in front of potential clients. However, finding speaking opportunities is not always easy. Many attorneys I've spoken with have expressed a desire to land the chance to speak at any kind of event – small local events to large stages, but they don't know where to start.

Before you appropriately 'pitch' yourself and find the best places to speak at, you need to have several items already identified – namely your target market and the solutions you help them solve. This may sound obvious, however many attorneys experience frustration with being denied the opportunity to speak, simply because their message is not compelling enough when speaking to event coordinators.

Here are three tips to finding speaking engagements:

1 Tell Everyone You Want To Speak!

Let your staff know, your referral partners, your clients, your colleagues and family, that you would like to speak at events.

Ask them if they know of any organizations or upcoming events that may relate to your practice area. If these people know you want to speak at events, they may be able to refer to their own colleagues and business associates or perhaps invite you to speak at organizations that they participate in. If they don't know you're interested, they may not think to approach you. Telling everyone includes updating your website to include information on how to contact you as a speaker. Also include details in your ezine or newsletter.

2 Consider Free and Paid Opportunities

Small local organizations often host/sponsor educational events but typically they do not pay their speakers. Would you still consider this opportunity to build your name and reputation and get in front of a small group of people who may be interested in hiring or referring you?

Free opportunities can provide you with extensive ROI if done right (plus they let you practice for that big stage in the future). Make sure that you are prepared with opportunities for your attendees to

33. 3 TIPS TO FINDING SPEAKING ENGAGEMENTS FOR ATTORNEYS

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connect with you.

3 Stay Informed.

Set aside some time each week to research upcoming events and opportunities.

Google Alerts is a great tool to use here – simply enter your search terms and Google will let you know when various events are coming up and when event speaking proposals are being accepted.

34. SUCCESSFUL LEGAL BUSINESS DEVELOPMENT REQUIRES MASTERY AND USE OF AN ECOSYSTEM OF CAPABILITIES

In Business Development

Lawyers in 2015 will face many challenges. The profitability of their law firms, the need to streamline their services offer – and last but not least – the need to secure new clients. And without securing new clients – discussions of profitability of optimized service become irrelevant. But the path to new business is not a simple one – and few lawyers understand it well. No, it's not jumping on to social media to "get noticed". It's a far more complicated endeavor than that.

A recent article in Forbes entitled: What does a BizDev person actually do? by Scott Pollack – is very informative for lawyers because it outlines the key capabilities underpinning highly successful legal business development efforts. Lawyers would be wise, therefore, to study these capabilities and seek to emulate them when making efforts to generate new business.

In brief, Pollack outlines that any business development initiative will be centered around: "Customers: Find new ones and

extract more value from current ones. Markets: Figure out where new customers "live" (both geographically and in terms of "buying mindset") and find a way to reach them. Relationships: Build and leverage relationships founded on trust and integrity to facilitate opportunities."

Markets: Figure out where new customers "live" (both geographically and in terms of "buying mindset") and find a way to reach them. **Relationships:** Build and leverage relationships founded on trust and integrity to facilitate opportunities."

Vitaly, Pollack also explains that successful business development isn't a simple exercise – as the above three key elements might seem. He outlines that successful business development is akin to running a marathon and also requires carefully planned Strategy, Sales and Relationship Management.

Hence, it is simplistic and terribly mistaken for lawyers to expect to develop new business by

34. SUCCESSFUL LEGAL BUSINESS DEVELOPMENT REQUIRES MASTERY AND USE OF AN ECOSYSTEM OF CAPABILITIES

In Business Development

simply jumping on to social media and hoping clients will find them. Instead, lawyers need to be precise in finding clients, having something tangible and uniquely valuable to offer each of

them – coupled with the informed will and determination to see this entire business development process through to the generation of new client engagements.

35. FOUR WAYS TO IMPROVE YOUR "TOP OF MIND" AWARENESS WITH REFERRAL SOURCES

In Business Development

According to a Texas Tech marketing survey, 83% of satisfied customers are willing to refer products and services. But only 29% actually do. This statistic has major implications for lawyers. How many satisfied past and current clients do you have that are **WILLING** to refer work to you, but just don't actually do it?

One of the factors most responsible for this "gap" between willing referral sources and actual referral sources is top-of-mind awareness. If you've earned top-of-mind-awareness with your referral sources, they'll think of you when the opportunity to make a referral arises. If you don't have this awareness... they just aren't as likely to think of you and make the connection.

This is obviously a big deal. So what can you do about it? Start by making sure that your referral sources know exactly what you do and exactly who you help. This information allows them to confidently recommend you when the time is right. Then, look for ways to create touchpoints – interactions that keep

you on the forefront of their minds. Here are four ways to do this.

- 1 Get active on social media.** 72% of all internet users are active on social media. Facebook alone has over 1.15 billion users. It's likely that most of your referral sources are active on social media as well. So your law firm needs to have a presence, and needs to use it to post information, updates, news articles, blog entries, quotes, and anything else that could be relevant and valuable to your audience. Social media is an incredible tool for maintaining top-of-mind awareness and your law firm needs to take advantage.
- 2 Regularly send out an email newsletter.** Email is another great way to stay in touch with your network – but the catch is that your messages can't feel like spam or they will be ignored. Create email messages that provide value to your readers. One way to do this is by including blog entries and articles that you've written. Your goal should be to create an email newsletter that your mailing list actually looks forward to

35. FOUR WAYS TO IMPROVE YOUR "TOP OF MIND" AWARENESS WITH REFERRAL SOURCES

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- 3 Highlight your "Expert Status."** What have you done recently that demonstrates your credibility? Published an article, shot a video, spoke at a conference, appeared on the radio? Whatever it may be, highlight it in a way that showcases your expertise. One way to do this is to include a link or a blurb below your email signature. You could also share the news on social media, include in your email marketing, publish a news blurb about it on your website, and the list goes on. If you can build a reputation with your referral sources as an expert in your field, you'll jump to the top of their referral hierarchy.
- 4 Strategically send gifts to key individuals** Finally, use gifts as a way to impress and surprise key individuals. Many businesses send out holiday gifts and/or cards, so an even more effective way to make yourself memorable is to send gifts to these individuals on their birthdays, or for other non-December events. Create a system that allows you to keep track of the likes and dislikes of your clients and other key referral sources and send them something unique and personalized.

36. HOW TO CONVERT LEADS INTO PAYING CLIENTS

In Business Development

Many lawyers pay top dollar to purchase leads from third parties but then are unable to retain them as clients. When you get your hands on a warm lead that is interested in your services, it turns into a sales exercise. Below are some tips on how to successfully turn a lead into a paying client.

1 Response rate

You should aim to contact the leads as soon as you receive their contact information. You should reach out to the leads within 24 hours of you getting them. The best way to contact them is to call them. If they do not answer your call, leave a message and then email them letting them know that you contacted them. Common sales practice tells us that it takes 4 outreach attempts to close a deal

2 Develop a formal intake process

You should develop a formal process to deal with the inquiries that come your way.

It is not strategic for you to take every single call at all hours of the day. Therefore, you should either hire a third party answering service, train staff members, or consider using an appointment booking widget on your website like Vcita.

3 Respond to consultation requests as soon as possible

You should respond to all inquiries within the hour of receiving them. In order to never miss a lead, make sure you train someone on your staff to respond to all inquiries in a timely fashion. Have them integrate their email, cell phone and office phone so that they never pass up a chance to talk to a qualified lead. Assure the client that you are responsive and available to take their calls when they need you. You may not be able to reach the lead on the first phone call. Don't give up. You should be prepared to reach out 3-4 times before successfully reaching the lead.

36. HOW TO CONVERT LEADS INTO PAYING CLIENTS *In Business Development*

4 Offer free consultations

Focus on being helpful and making prospective clients feel comfortable. Clients will retain you if they feel like you were helpful and showed interest in their case. Provide them with additional resources and share past client stories with them (obviously keep all names anonymous!)

5 Be transparent about your fees

You want to establish trust between you and the prospective client. The best ways to do this are to be personal, genuinely care about their story, and also to disclose your fees upfront in the best way you can.

6 Don't forget to gather important information

Don't forget to ask them their name and email so that you are able to follow up with them after the call or in person meeting. This is one of the biggest mistakes many new solos make. They never follow up with people that come in for the initial consultation. Following up is crucial as it shows that you care and also it is a great way to keep top of mind in the prospective clients' minds.

37. 4 WAYS TO ACQUIRE CUSTOMERS

In Business Development

1 Join a community of lawyers

Lawyers join local bar associations because they find value in being a member for purposes of prestige and in order to make relations with other attorneys in hopes of referrals. No online legal directory has been able to crack this nut just yet. The one online legal directory that is able to build a community of attorneys that attorneys are proud to say they are a part of, will be a billion dollar company. Upcounsel is probably one of the closest to solving this problem. In the current mindset, lawyers don't find that being a member of an online directory is a symbol of prestige.

2 Teach

Teaching CLEs is a great way for attorneys to make a name for themselves in a given legal field. They garner the respect of their peers and also maybe a few referrals. Another opportunity is to teach a class online for the general public on given areas of law such as Family law or Estates law to gain exposure. By establishing yourself as a resource, when people are in need of an attorney, they will be more likely to contact you than an attorney they don't know or have never heard speak.

3 Become active in your community

Become a member of the Chamber of Commerce, join committees, be an active participant in local affairs. As a lawyer, you should take a stance on issues affecting your community and strive to make a difference. You should want people to take notice of your ability to do and to act on behalf of a certain person or cause. This a trait that many prospective clients look for in a lawyer. They want someone that is trusted and respected by the people surrounding them.

4 Sponsor events

Lawyers are keen on spending money in order to sponsor events and have their law firm name front and center. While sponsoring events does give you exposure, the tactic is not as effective as the others listed above.

38. THE POWERFUL VALUE OF PROVIDING SOMETHING FOR NOTHING

In Client Relationship

Not everything has to be a billable event. At times you can help your cause most by providing value and not charging the client. When a potential client relationship is still in the courting stage, think about performing some useful “staging” activity, fact-gathering or preliminary situation analysis, at no charge.

When you are trying to establish new relationships and build trust, you may increase your chances of success with a little “Strategic Altruism,” in which you confer some value at no cost to the client. These “generosity-leverage events” are best confined to ancillary or preparatory activities; in other words, they are “baby steps” that help build a platform for the later and greater value you can confer. They can also demonstrate what the working relationship with you and your firm will be like in the long run.

Strategic Altruism may provide a variety of

benefits, among them:

Rapport-building: It may convince potential clients that for once they are not going to be on the receiving end of a high pressure sales pitch. They may relax, stifle their skepticism, and become more open to you, as well as more open to the services you are marketing.

Showing the Flag: It can provide an opportunity to give the client a low-risk taste test of some aspect of your expertise or judgment in action.

Scoping Support: Performing some preliminary evaluation without charge can help you do better situation analysis and propose more realistic project scope, phases, tasks and budgets. It may also tell you if you've stumbled into a mine field.

Learning About the Client: You may elicit

38. THE POWERFUL VALUE OF PROVIDING SOMETHING FOR NOTHING

In Client Relationship

some invaluable information that will give you a feel for both the “hard” dimensions of this client’s legal needs and for the “soft” dimensions of how this client operates in relationships, defines value, and likes to communicate.

Provoking Guilt: By proactively conferring a “gift” of value on a potential client, you may

foster a subliminal sense that “fairness” requires them to reciprocate in some way, if only to give you a more receptive ear or the chance to strut your stuff with some serious assignments.

One wag has called this the “Genius of Generosity.” Try it – it works.

39. KILLING CLIENTS WITH COMPLEXITY – BE SURE TO RECOGNISE AND ADDRESS IT

In Client Relationship

In talking about client relations lawyers like to talk about the importance of using simple English, killing clients with kindness and generally keeping things simple for clients. It seems years of training and our natural lawyerly DNA inhibits this. So, instead, we are killing clients with complexity and bloody mindedness. Clients use this as yet another reason (did they need another?) to try to get their 'legal' work done elsewhere (i.e. outside the legal profession), sometimes at all costs.

This was brought home to me twice in the last month in conversations with clients, both interestingly enough experienced lawyers themselves. The first client, let's call her Sue, heads up a very sizable charity and has recently been involved in some very large commercial transactions worth millions of dollars. As most will know many charities have been forced to fend for themselves nowadays and so engage actively in supportive commercial activities. Inevitably Sue had to engage lawyers. Her legal bill with her main firm amounted to millions of dollars per annum.

Being an experienced ex-corporate lawyer of a leading firm herself, Sue thought she knew how to run transactions and lawyers. That didn't stop her lawyers denouncing her views in a meeting attended by many other parties to the transaction and then adding layers of complexity to an already challenging deal. Sue was astounded by their behaviour, but found the most irritating feature of their conduct was how her own senior lawyer became entrenched in his views on some issues. As Sue said to me:

"At times I felt I had to dynamite him out of his fixed positions on things. Frustratingly, it became clear to me the real issue was not a legal issue at all, but that he didn't really understand our industry. His insecurity caused him to create blockages for us and the deal. Unfortunately at the heart of it too was the unfortunate arrogance one too often finds in experienced members of our profession. This time I experienced it all from a client's perspective"

This dragged things out while Sue felt his inflexibility was largely due to his lack of

39. KILLING CLIENTS WITH COMPLEXITY – BE SURE TO RECOGNISE AND ADDRESS IT

In Client Relationship

understanding of the nuances of social enterprises and how they engage in commercial matters. The second client, Steve, is a practising corporate lawyer and also chair and director of various corporate entities, highly regarded in business and legal circles. One entity of which he is chair has been engaged in some critical project work involving hundreds of millions of dollars, all subject to tight performance and delivery deadlines – again here the lawyers, one of which was a national top 4 firm, proved exasperating to deal with. In his words:

“At times there were twelve lawyers in a room with us trying to reach agreement. It seemed to me that the CEOs and Chairs of the various parties quite quickly reached agreement but we then had to hand it on to the lawyers to document. This is where the issues arose. In some cases it took up to 3 months – what seemed to happen each time was the lawyers then felt it necessary to re-negotiate everything. Of course, each time it had to come back to us to settle and agree once again. In the meantime legal fees blew out horribly. The worst experience of all this was the very entrenched positions the lawyers each took. In one case it took us six meetings to negotiate back to where we had started from.”

He couldn't believe the unnecessary layers of complexity they added to the transaction with what appeared to be little consideration for the commercial realities of the matter, or the deadlines. Obviously there are always two sides to these stories and no doubt the lawyers would tell one they were only trying to protect everyone's best interests. I do think however we as lawyers don't spend enough or any time thinking about how we may be coming across to clients in this area. We tend always to look at things from our perspective

and perhaps should be much more sensitive to how clients are feeling.

The two examples I quote from above are real examples of actual events – in both cases the clients are experienced corporate/commercial lawyers with over twenty years experience in their own rights. They have certainly had their eyes opened at the way their colleagues can behave at times. I sent the Dilbert strip to them both after hearing these stories.

Why are these matters difficult to deal with in practice and therefore go unaddressed?

as it is often the firm's top corporate deal maker lawyers who are involved in such transactions – one assumes they will instinctively get the balance right and not be so obstructive and difficult;

they will often feel they are bullet-proof and confidently intimate they know where to draw the line;

due to the stature of the lawyers involved, clients will sometimes be reluctant to say anything bad about them in the knowledge that annoyed as they are, they may have cause to use them or work with them again in future and want to maintain the 'relationship';

for these reasons one never imagines the issues to 'be that bad';

as many of these conversations happen behind closed doors, with no-one else from the firm present, it is hard to gauge what was said or actually took place or even know there is an issue. Where issues do arise it is hard to get to the bottom of them.

39. KILLING CLIENTS WITH COMPLEXITY – BE SURE TO RECOGNISE AND ADDRESS IT*In Client Relationship*

What should and can law firm leaders do about this?

this issue should be raised at partner discussion meetings. Ideally examples (from clients and outside the firm) should be provided;

someone, other than the partner concerned in the matter, and preferably outside the firm, should debrief all key clients during or after all key transactions;

obviously, all key clients of the firm should be interviewed.

both of the last sets of meetings should be given priority and taken very seriously and the results should be fed into the partner review process;

this topic must be a topic at partner reviews and feedback meetings;

this should also be dealt with as part of the firm's in-house training and coaching program for all firm lawyers.

40. TWO TIPS FOR COMMUNICATING VALUE

In Client Relationship

A quick question:

Which marketing pitch would more likely get you to contact me?

“I have years of experience working with clients to re-engineer their legal process flows to gain efficiency and reduce costs.”

-or-

“I teach techniques proven to help clients optimize their legal operations and deliver services that meet or exceed business objectives.”

Word choice is important. I'm not saying the second pitch is perfect (I've edited it several times while drafting this post), but I do know the first pitch is lousy. The basic tenet of my Legal Value Theory is that Value = Benefit – Investment. Words like “work with” or “re-engineer” communicate Investment (Effort, Time, Resources), but not Benefit (and therefore not Value). In other words, Waste. Would you hire a plumber who offered to “work with” you to “re-engineer” your house's pipes?

So tip #1: Choose words that communicate

Benefit to your customer.

The other problem with the first pitch is that it's more about me than about the client. Yes I'm proud of the work I have done in the past – and clients may want to reference it at some point. But putting that experience in my sales pitch doesn't tell the client what Benefit she will derive from working with me, only what I've done in the past. They are not the same thing.

Moreover, the first pitch makes a specific assumption about the client's desired Benefit: if my prospect is looking for something beyond cost control, I'm out of luck. More than that, I think the second pitch implies that I will Invest my Time and Effort to understand the client's business objectives (whatever they may be). It even suggests an opportunity to exceed those objectives and make the client look like a hero.

This hits on my previous suggestion that Benefit is largely emotional. By using emotion-triggering language you can disproportionately impact the client's perception of your services' Benefit. (By the way, I do strive to make my clients look like heroes.)

40. TWO TIPS FOR COMMUNICATING VALUE *In Client Relationship*

Which leads to tip #2: Make it about the client. Specifically, make it about making the client look and feel good. The converse of this is just as important: don't make it about you. (Or, get the hell out of your own way.) Now ask

yourself: Which of the two pitches most resembles the text on your website? If it's the first one, schedule 15 minutes in the next few days for some Value-oriented editing. You'll be glad you did.

41. USING CLIENT FEEDBACK TO GROW YOUR PRACTICE

In Business Development

Chances are you aren't psychic, which is why soliciting client feedback is the only way to know for sure that you are providing quality services (and earning future referrals) as intended. The transition from this year to the next is a sensible time to ask, "Did we meet your expectations in 2014?"

If you don't have a client interview initiative in place, an online survey is the most efficient way to gather feedback. They only take a few minutes to set up and send out. Here are some guidelines to make the survey effective and beneficial for you:

- 1** Set your clients' expectations concerning the time required to complete the online survey. There's nothing more frustrating than starting a survey and then realizing that you're only one minute into a ten-minute process.
- 2** You don't have to ask them if they have any complaints. If you feel this will open Pandora's Box, skip it.
- 3** Keep it short: No more than 5–10 questions. No one wants to feel like they're re-doing the SATs.
- 4** Give them multiple-choice options. Clicking is easier than writing.

- 5** Ask them to suggest the services they want (e.g., "Are there any additional services you wished we offered?). Their responses give you up-sell opportunities and referrals for your network.
- 6** Find out if they are referral-minded (e.g., "On a scale of 1–10, how likely would you be to refer us to a friend?"). Those who give you a high score on this question are clearly open to a dialogue about how they can refer more often. (If you're unsure as to how to ask a client for referrals, watch this short video on "How to Ask for Referrals.")
- 7** Expect low returns. While warm market online surveys typically get a meager 3–12% response rate, that's still enough to give you a snapshot of your client base.

Almost all of the responses you collect will be positive (which is why you're still in business). In the event that you receive critical feedback, address it immediately. There's nothing worse than asking people what they want and ignoring their responses. Also, make sure to thank those who participate in your survey so that they have yet another positive experience with your firm.

42. CLIENT ROSTER CLEANOUT

In Client Relationship

On your client roster there are bound to be clients and work you want as well as clients and work you don't want. To focus on high-value clients – those whose work fits well within your wheelhouse and who can afford your services – it may be necessary to eliminate work you don't want along with **bottom-tier clients**.

Releasing a client can be awkward, but it doesn't have to be dramatic. The best time to do this is at the conclusion of a matter or at a juncture where ending the relationship makes sense. Be forthright but sensitive in letting the client know they are being released and, if possible, offer to provide a referral to someone with whom they might find a good fit.

After releasing clients and work that drags you down, you'll have capacity to take on new work from current "good-and-great" clients, and attract prospective clients who offer work that buoys you up.

The trick is to be judicious about taking on new clients. You'll need a system to evaluate new clients and a way to jettison them quickly if need be. Due diligence is one method; gut instinct is another. Strategy is about knowing who and what business you need to turn away. The clearer you are in determining your direction and explaining what you want, the easier it becomes to attract and, if and when appropriate, accept new engagements.

Business development is not about getting more clients. It's about nurturing meaningful relationships and grooming your best clients – those you really want who provide work you enjoy – while having capacity and being selective when opportunities appear.

43. FOR LAW DEPARTMENTS' CONSIDERATION: SELF HELP IS AN INVESTMENT IN A SOLUTION

In Client Relationship

Ronald Reagan once famously said the nine most terrifying words in the English language are "I'm from the government and I'm here to help." His quote tapped into our natural fear of both the government and unsolicited offers to help. When someone offers help, most believe the person is really offering to help themselves.

This fear should be juxtaposed with the admiration we sometimes have for those who engage in self-help. Our lexicon contains many phrases in which a person improves his or her position by self-help. Many of those phrases contain an implicit sense of admiration.

So self-help is neither good nor bad. It is the context that matters most. When someone willingly offers help to another with the intended result of helping both parties, good things can happen. Consider this point one.

My next proposition is it is better to proactively invest in solutions rather than hope somebody brings you a solution. Some in need sometime wait for a solution to be proposed, while

others make suggestions to those who can help solve the problem, hoping the suggestions will be heard, pursued and implemented. I believe success comes to those who confront problems directly and design their own solutions or work closely with others to accomplish that end. Not suggestions or wishful thinking, but a shared commitment to design a solution and work together to implement it. Consider this point two.

Consider this formula in the context of law departments: Point 1 + Point 2 = ?

Let me spitball a possible answer here. Step 1: Law Department defines its objectives. An example might be "we want a 25% reduction in spend locked in at the beginning of the next budget period, with no degradation in service, quality or output." Step 2: Law Department picks a willing law firm or a few such law firms. Step 3: The parties meet and discussions ensue. "What do you need from us to accomplish the objective?" What resources can we provide to help you meet the objective? How do you propose to meet the

43. FOR LAW DEPARTMENTS' CONSIDERATION: SELF HELP IS AN INVESTMENT IN A SOLUTION*In Client Relationship*

objective? Why should we confident quality will be maintained?

And so forth.

This is just one idea. Clients tend to be extremely smart and great collaborators. But they need to act more like their business-side colleagues in addressing law department challenges. Own the problem. Design the solution. Don't wait for someone to suggest

something that might help. See what you want, and then in the immortal words of Captain Jean-Luc Picard, "make it so."

One last point to consider. When law firms design solutions, they are typically designed for more than just you. So if "off the shelf" works or is good enough, fantastic. But if you want a custom solution that meets your specific needs, off the shelf is not the way to go.

44. TWITTER MARKETING TIPS FOR LAWYERS

In Social Media

Twitter is another awesome source of traffic great for acquiring new clients. As of 2014, Alexa ranked it as the 8th most popular website in the world. Lawyers who can leverage Twitter and learn its intricacies can benefit greatly. Below are some of Twitter marketing tips attorneys can use to promote their firms.

Complete Your Profile Description with Keywords

One way to acquire more Twitter followers is to use keywords in your profile description. Determine what the best keywords are to describe your practice area and use those in your Twitter profile. Use as much of the character limit as the interface will allow. When you do this, your profile is more likely to appear in search (both on Twitter and on the web) for relevant searches.



Use Keywords in Your Tweets

In the same way that you use keywords for your profile description, also use keywords for your tweets. Keywords and hashtags (described below) make your content more searchable. By using hashtags, you can also tie your tweets in with other trending topics.

Use Hashtags #Example in Tweets



Hashtags help categorize tweets so they are more available in Twitter search. Examples of hashtags an attorney may use are: #attorney #lawyer #law #legal #lawsuit #criminaldefense #divorcelaw #duilawyer, etc. You can also be a part of trending conversations that have some type of legal angle. For example if there is a case getting national attention, you can use Twitter to push your opinion out about it and potentially get noticed.

44. TWITTER MARKETING TIPS FOR LAWYERS *In Social Media*

Share Your Website & Blog

It's important to share links to blog entries you write on your law firm website. Each time you write a blog post, be sure and share a link to it on Twitter. There are even some programs like Hootsuite that will automatically take your WordPress blog posts and push them out to Twitter (and other networks) for you. Keep in mind the 80/20 rule. That is, 80% of the content you share should be non-promotional or even more. Approach it with this attitude – no one cares about your law firm or about you. They do care about whatever they care to look at online and if you can consistently share content like that, you'll get the brand recognition and eventually the business.

Follow Your Target Market

Follow Twitter users in your target market and potential partners who may help expand your message. These include:

- **Clients – former and current clients.**
- **Potential clients – clients to whom you have spoken or who are seeking the service you offer.**
- **Partners – Follow anyone with whom you've done business together.**
- **Potential partners – Follow Twitter users who may help spread the word.**
- **Peers & co-workers – Follow your friends, co-workers and peers.**
- **Local businesses – restaurants, businesses, news, etc.**
- **Competitors – local law firms and attorneys.**

Often Twitter users you follow will reciprocate and follow you in return. This is another thing you should not overdo. An account that is following thousands of other accounts but only has a couple hundred of its own followers doesn't look like a very good account to follow.

Link Your Twitter Account

Sync your account with LinkedIn and other social media platforms (Facebook also has native functionality for linking). By syncing your Twitter account with LinkedIn and other social media accounts you can share content on each network. It will be easier to spread your message and acquire more followers. If you already use some kind of distribution tool like Hootsuite, you can probably skip this but if you don't, linking the accounts is a good way to syndicate your content.

Add Your Account to Legal Twitter Directories

A great way to get legal industry specific followers is to add yourself to legal Twitter directories like the following:

- **Lextweet***
- **Legalbirds.justia.com****
- **<http://bit.ly/JDSupraList> - a great list of attorneys to follow from JD Supra*****

Shrink Long URLs

Twitter only allows tweets up to 140 characters in length. It can be a challenge to get any content into your status if your URL is too long so shrinking your URL is an option. Bitly**** is a free site that shrinks URLs and also provides some cool tracking functionality so you can

44. TWITTER MARKETING TIPS FOR LAWYERS *In Social Media*

see where they've been shared and how many people have clicked on them.

Use Twitter Lists

When you get a lot of followers it is very difficult to keep your followers organized. Twitter lists allow you to keep tabs on particular accounts. For example you may create a private Twitter list for competitors or partners. You can then see what they are tweeting about and it makes contacting them easier. Twitter users are also notified when they've been added to a list.

Use Promoted Tweets

Promoted tweets can magnify your social reach to a much larger Twitter community than you may already have. Lawyers can get instant exposure on the platform with a reasonable investment.



Promote Your @Username

Add a simple call to action to the bottom of your email signature, and add it to your website and business cards. Then you can connect with others on Twitter with whom you have a relationship already off of the platform.

Engage With Your Followers to Cultivate Relationships

The idea behind social media is that people are being...social. That is the main goal of

creating a social following on Twitter. Lawyers should be generating a conversation with their audience. In order to form a relationship you will need to communicate by replying and re-tweeting popular posts, private messages and messaging members directly using @username. Use all the available features of Twitter to actually communicate with the people you follow.

Monitor Twitter Use

Keep track your follower base, re-tweets and traffic on Google Analytics. See which Tweets get the most attention and replicate your successes. Note that you'll be looking for t.co or referrals fromTwitter.com. The t.co is a shortened URL used by Twitter.

If you have specific campaigns running on Twitter, make sure you are tagging URLs that lead to your site from those campaigns (for example a paid ad). After you get good at tracking what came to your site, you can also see where that traffic went after it got there.

The Don'ts of Twitter

Just like any other platform, there are a lot of things you should not do even though it may be tempting.

Do not buy followers – Often these followers are not targeted and may trigger a spam filter.

Do not follow too many people at once – Your account may trigger a spam filter and you'll be disabled.

Do not self-promote too often — This is a sure-fire way to alienate anyone that followed you or to make it hard to even grow your following.

Do not use legal jargon – Remember not all

44. TWITTER MARKETING TIPS FOR LAWYERS *In Social Media*

of your followers are attorneys. Make your tweets readable to everyone.

References:

*<http://www.lextweet.com/>

**<http://legalbirds.justia.com/>

***<http://bit.ly/JDSupraList>

****<https://bitly.com/>

45. 3 TIPS FOR ATTORNEYS TO CREATE TIME FOR SOCIAL MEDIA

In Social Media

Time is money. I understand. I'm an attorney as well as time is all we have and what we sell to clients. But in the long run you are actually **WASTING** time if you are not online, particularly branding yourself and your law firm on social media through a coordinated legal marketing strategy and plan. So I provide **3 tips to help you "create" time for social media.** It's vital that you carve out time to engage online and speak to your ideal law clients.

- 1** Schedule time to interact on social media (posting, responding, and sharing).

Treat it like a meeting (it is client development) and **STICK WITH IT.**

Make the appointment the same time of day that works best for you and add it as a constant calendar item.

- 2** Use automation:

Hootsuite and other tools will help you schedule posts.

This is **NOT** a substitute for interaction and sharing as mentioned in tip No. 1 above.

- 3** Link Social Media Accounts

Instagram links to Twitter and Facebook

LinkedIn links to Twitter

Twitter links to Facebook

Post 1 time and it posts to others OR use hootsuite (app) and post to **ALL**, including groups, at once.

There you go! I just found you extra time attorneys. There should be **NO** excuse for making social media a part of your online marketing plan.

46. IS PATIENCE REALLY A VIRTUE

In Motivation

We have all heard the proverbial phrase patience is a virtue. Contextualizing the dictionary definition of being patient to the practice of law, patience could mean:

bearing the trials of having a critical boss if what you are learning outweighs the inflicted pain;

holding your tongue under the provocation of a demanding client;

avoiding hasty decisions about how to handle a case or deal;

sticking to a position you believe in despite the difficulty or adversity encountered from an opposing counsel.

These examples of patience do sound virtuous.

But the dictionary also provides a less-desirable synonym for patient: long-suffering.

And the "related words" it lists read far less virtuously: acquiescence, resignation; passiveness, passivity; amenability, compliance, conformism, docility, obedience, subordination, tractability, willingness; discipline, self-control; submission, submissiveness.

Of that list, amenability, tractability, willingness, discipline, and self-control are neutral enough to pass muster as a virtue. But the rest are words that come with a price tag in the law that, if not base or blameworthy, are at best objectionable, near antonyms of virtuousness.

Does it prove a virtue to:

acquiesce year after year to a lower compensation level than that of your workplace peers?

resign yourself to the ongoing verbal abuse of a supervisor?

show passivity when colleagues continue to get the plum opportunities?

docilely and obediently comply with Friday afternoon deadlines when the partner never reads your work or responds to you until at least the following Wednesday?

conform submissively to the bad habits of other lawyers, such as ignoring a good morning greeting from people you pass in the hallway?

subordinate yourself to others in meetings to the point where your voice is never heard?

46. IS PATIENCE REALLY A VIRTUE *In Motivation*

Not only are these not virtues, they are behaviors that can cause you great unhappiness, undermine your self-esteem and skill-building, and even lead to the loss of your job. One of the main reasons lawyers fail to be promoted, rewarded, or hired, whether by employers or prospective clients—is that they lack or are perceived to lack confidence. It's critical that you balance even the more

positive forms of patience with an active participation in your own career, and avoid those manifestations of patience that can be mistaken for lack of interest, enthusiasm, or commitment.

Unfortunately, all good things do not always come to he (or she) who waits. Patience may at times be a virtue, but it can also be a risk.

47. 3 RULES THAT REDUCE EMAIL OVERLOAD

In Motivation

According to a recent study by McKinsey Global Institute, the average American worker spends 28% of the workweek reading and answering email. I don't know who McKinsey surveyed for this statistic. Most of the people I know feel like they spend most of their days in their inbox and strive for a mere 28%. In case you are one of them, here are a few suggestions that will help you reduce your e-overload.

- 1** Pose a question in your subject line. It is much easier for the recipient to process and respond to a message when they immediately understand what is required of them.
- 2** Limit the contents of your emails to five sentences or less if possible. A short paragraph will fit within most preview panes, increasing the chances that your message is read promptly by the recipient.
- 3** Offer multiple choice responses. It's easy to fire off a quick response. The emails that get stuck in your inbox are the ones that require thoughtful consideration.

"Hi Jan, I was wondering about the status of the proposal I sent you last month. I know how busy you are so let me know if you are dealing

with any of these scenarios:

- 1** I haven't had a chance to review the proposal yet. Please contact me next week.
- 2** I have reviewed the proposal and have a question about it. Let's schedule a time to discuss.
- 3** I have forwarded the proposal for approval and should have an answer for you by ____.
- 4** We have decided to go in another direction.

It's much easier for Jan to respond with "B" than it is for her to type out an explanation that will satisfy your query and set your expectations. So, if you find yourself among the 28% (or jealous of them), use these three rules to minimize your email time and maximize your sanity.

48. LAW FIRM ECONOMICS: DOES TIME EVEN MATTER ANYMORE?

In Pricing

"Time is an illusion." - Albert Einstein

You can read almost anywhere in the blawgosphere – the time-sheets, time-tracking, and an entire hourly-based law firm economics is dying-out. Pundits are advocating the change of law firms' and partners' focus from the price (especially the one based upon the time-spent) to the value delivered.

Have Law Firms gone beyond the hourly-based economics?

Take a look at quote from the article 'What the Rise of Pricing Officers Says About Big Law's Future?'

"...their (Pricing Officers') tasks are (...) to determine the actual costs to firms of delivering a particular legal service and (...) calculating a price that will deliver to the client a sense of fairness and to the law firm a healthy margin."

This article also reports that 76% of big firms nowadays employ some sort of a pricing officer. Now, all the aforementioned should signal at least a few things:



law firms are moving away from the simple hourly-based economy and start to employ more sophisticated, data-backed methods to determine value and calculate a price;

determining true value is extremely difficult and hence conferred to an entirely new position in a firm;

value is merely a part of the equation for the pricing officers as they are also diving into the real costs of service delivery, and in that they are relying heavily on the law firm's own data sources.

48. LAW FIRM ECONOMICS: DOES TIME EVEN MATTER ANYMORE? *In Pricing*

Did time-tracking become unimportant for law firms?

Not so long ago, when hourly rates were full-in-charge, it was crystal-clear time-sheets formed the very foundation of the law firm economics.

Nowadays, advocates against the time-based billing are saying the time-spent in general does not present any factor in the firm and partner decision-making process.

In his comment on the article regarding the rise of the Pricing Officers in law firms, Patrick Lamb criticizes the so-called Shadow-hours (the time-tracked for the internal law firm reference, e.g. management reports, decision-making and process improvement).

“The problem with shadow hours is that they are used to judge “value” by comparison to what the client would have paid if billing had been based on an hourly basis.” – Patrick Lamb

Now, while I agreed with Patrick's observation mentioned in the quote, I did mention in my comment on his article that I still consider time-spend reports a crucial input for law firm partners in their decision-making process.

Now, while I agreed with Patrick's observation mentioned in the quote, I did mention in my comment on his article that I still consider time-spend reports a crucial input for law firm partners in their decision-making process.

However, my notion that 'without the proper time-keeping and analysis all law firms are without a compass' was met with scrutiny by Patrick and John, who both firmly claimed that 'in any professional firm time spent has nothing to do with margins nor cost'.

Furthermore, John was very kind to point me to The End of Timesheets, penned by Bernie Lietz, the COO at CDH (Corbett, Duncan & Hubly). Bernie shared his thoughts on why time is not important anymore (at least in the firm he is involved in), and his key points are:

- **customers do not pay for the time** you spend doing their work;
- **inputs do not really matter** to customers;
- **looking back at billable hours** or utilization statistics doesn't tell you how you are doing for your customers;
- **you don't need billable hours** and statistics as the majority information for a performance evaluation.

I should also commend Bernie on all the great points he made in this article. Though, I would argue, he had laid these points only having one side of the equation in mind, and that is the clients. Granted, clients are the most important factor in developing a business model, but hardly the only one.

I could simply go on and on with quoting different sources in this everlasting debate regarding the (ir)relevance of time-spend in a law firm. We do have our thoughts, but before going into these, I would like to invite you to share your experience in your service delivery and revenue model.

Does time still matter to you?

If not, why, and how did you and your firm evolve to render the time obsolete in your service model?

If yes, please let me know what aspect of time is relevant for you, and for what kind of

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processes (e.g. is it merely for the billing purposes, is it the pricing factor, is it the project-management issue, etc.).

What are your thoughts?

I have also asked this question on Quora, so you can add your two cents there too.

Seems as many advocates try to convince the legal industry time simply does not matter anymore. They indeed do make powerful points, but I just want to make sure that we are not forgetting anything in all the efforts of killing the time-sheets.

In the end of the day, time is a resource, and must play a role in one way or another.

49. LAW FIRM BILLING: IS THIS ESSENTIAL FUNCTION BECOMING AN OVERHEAD?

In Pricing

Running a law firm as a business takes time. Therefore, the total of the partners' worked hours is a mix of the billable and non-billable activities. And this is only natural, as non-billable activities are a necessary part of every organization.

However, not all non-billable activities bear the same value. Some activities, like business development, networking, etc. have a huge potential return on investment (ROI). Other non-billable activities, though necessary, can sometimes be regarded as an overhead.

Is billing an overhead? The answer is – it depends

Billing activities (that is, compiling billing entries, taking care that all bills are properly set up, invoiced and dispatched to clients) are certainly indispensable part of every law firm.

However, these activities have a constant (low?) value to the bottom line of a law firm. These repetitive activities are eating up the time that partners would be better-off rendering a service or acquiring a new



business.

So finally, the answer depends on the very efficiency of the billing process within a firm (assuming there is one).

As we discussed in our previous articles, establishing a process (here specifically a billing process) will help partners delegate and/or streamline the billing process with software solutions. Conversely, the billing function will become a mess and truly disrupt partners and other personnel in their daily work.

Law Firms still take lots of time on their billing process

49. LAW FIRM BILLING: IS THIS ESSENTIAL FUNCTION BECOMING AN OVERHEAD?

In Pricing

A recent survey showed that more than 60% of the small law firms in the States are spending on average 8 hours per month doing their billing process. Moreover, around 25% are taking even 16 hours of their time per month. Indeed, this is essential task for every law firm, but is it really necessary to take so much of the precious time?

Furthermore, what is even more staggering (to me at least) is that majority of these firms do use some sort of a billing software. Fancy that, firms which use software to streamline billing still take that much of the time for billing. And this is, mind you, the average output length (so let us not go into extremes, please).

If the information are valid, I can possibly come up to the following conclusions that law firms which use billing software and still take so much time do get the bills out either a) have bad (or none) billing processes in place and/or b) the software they use is of the dubious value, mildly put.

If you are going to be using a billing software, use it the right way

Maybe it is too much to say that time spent on billing is a wasted time, but certainly it is not effectively spent either. Especially if you are using a billing software, make sure that you introduce processes and adopt a habit and discipline (if you had none before) to follow the billing process with due care and minimal effort.

Please note that minimal effort does not mean no effort whatsoever (come on, that will lead you nowhere). Quite the contrary, consider "minimal effort" as the level of effort which will help you take the least amount of your time to finish the entire billing process properly.

This will require you to adopt a habit or two (again, if you had none). You need to have a discipline to commit your work and billing entries diligently, as close to the time when these billable activities happen and are finished. And then, you will need to instill this diligence and habit into your employees as well.

You will, however, need to *lead with an example*.

So what works after-all? What best practices should you adopt?

Well, first of all, you will need to have an amazing software to support you and help you going. However, as we have mentioned before, software is a solution which is only as good as the one who uses it in the first place.

Secondly, you will need to apply a consistent practice. We will write more about it on our blog, but as a quick example I can think of some of our clients which have a instilled a firm habit in their entire team to do the time and work entries on a daily basis.

What seems to be working perfectly well for them is to take a bit of their time, usually at the end of the working day, to cross-over all the tasks from a daily to-do list in their LegalTrek schedule. While doing so, they are able to instantly commit their task/project time, activities and results into the billing entries.

This practice helps them get their daily billing entries committed in no more than 5 minutes per day. Yes, software does matter; **consistency and discipline** even more so.

50. LAW FIRM INVOICING: HOW TO MAKE YOUR INVOICES RESONATE YOUR VALUE?

In Pricing

“Strive not to be a success. Strive to be of value.” - Albert Einstein

Here in this article we continue with another important link in the relationship between lawyers and clients: namely, the invoices. Do you pay these essential tools the attention they deserve?

Are your invoices clear and easy-to-understand?

Are you specific when you prepare your invoices? What level of the detail do you give when describing bits and pieces of your services? Here you should avoid general language as far as possible, if you wish your clients to understand what are they paying for.

To name an example, descriptors like *“preparation of documents”* or *“drafting motions”* is a no-go, as it does not state clearly what was your role in the whole process.

Most of the clients might not be skilled in legalese, but they might very much understand the process of work. Hence, make



sure you avoid legalese when communicating the value, and instead be clear about describing the process, major milestones and outcomes that you assisted your client with.

Therefore, *break your work specification into the bite-size chunks*, describe who done it, when was it completed, and then go to the next piece – right until you reach the finish line. This way clients will easily understand all the tasks and processes that you have undergone on their behalf in order to protect their best interest.

Do not point the work – point the result you achieved

50. LAW FIRM INVOICING: HOW TO MAKE YOUR INVOICES RESONATE YOUR VALUE?*In Client Relationship*

Yes, you should be as detailed as possible when drafting the work report or an invoice for your clients. However, what we often see with lawyers is that they tend to go out of their way when describing all the work they have completed.

Is this really what you feel your client *needs*?

What if your invoice would point the actual benefits your client got because of your work? What if you could invoke that special feeling in your clients' minds, the "*Oh, yeah, right! (S)he really helped out with this one*" feeling? Did you ever consider you could use your invoices for such purpose?

Do your great work, as you always do, then use every appropriate occasion to remind your clients why you are an indispensable part of their business. Sending out the bill is actually a great opportunity for doing so.

Ask your clients if they feel they got real value

While many law firm partners see invoices as mere tools for communicating the outstanding amount, you can actually turn your invoices into a platform for discussing the value with your clients.

Sure, you should still keep the primary function of the invoice. *But what if you also asked your clients for a sincere feedback on your service? Revolutionary? Or plainly logical?*

You should use every chance to check how your clients perceive you. Hence, invite them to tell you if they also agree and feel they got the value you just described.

Let me give you a *perfect example* – Miller Titerle, a Vancouver based law firm, actually grants their clients an option to discount and pay the discounted bill, provided they are not entirely happy with their service. However, if clients decide to do so, they must have a brief talk with some of the law firm partners, and provide the feedback.

What a wonderful way to close the feedback loop! As long as you stay open to the critics, your clients will be more than happy to let you know how can you improve. This approach, if applied consistently, will guarantee you a champion position among your competitors.

Not to mention that it will reinforce your position as the *value provider*.