

**Marketing Your Law Practice in the 21<sup>st</sup> Century**  
**State Bar of Michigan Young Lawyer's Section**  
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*Whether you work in the largest law firm or as a solo practitioner, the ticket to success is your ability to attract good clients. Most lawyers, however, have little experience marketing anything, much less themselves and their services.*

*I am a busy lawyer with nearly 20 years of experience in large and small law firm settings. In 1993 I formed my own law practice with the aim of representing businesses – large and small – as well as insurance companies. At the time, I had only generated one insurance company client but knew I could serve more. As a solo, it was no small feat. But it has worked, thanks to sustained and sometimes creative marketing efforts. Let me share with you several strategies, old and new, that can be used to develop your own marketing plan.*

These materials cover:

- \* Planning your marketing strategy
- \* Options, including cutting edge ones, for your personal marketing strategy
- \* Helpful resources for any budget
- \* Sample press release and biographical statement

**Step One: Planning Your Marketing Strategy**

Before you plan the details of your marketing strategy, and before you invest your time, effort, and money, stop and look at the “big picture.” You are essentially mapping your course toward a destination. That is, consider what kind of law practice you envision for yourself and what you seek to accomplish. More specifically, decide what *kinds* of matters will eventually drive your law practice and what *types* of clients you want to serve. Consider, for example:

## Clients

- \* Do you want to serve individuals? (For example, do you see yourself representing people in divorce, adoption, criminal or estate matters?)
  
- \* Do you prefer to serve businesses? What about businesses within a specific industry? (For example, if you enjoy serving businesses, do you envision yourself serving small businesses? Would you prefer to serve larger businesses such as banks and manufacturers?)
  
- \* What about serving a defined *segment* within an industry? (For example, do specialized industries, such as condominium association boards or title insurance companies, interest you as prospective clients?)

## Work Life

- \* What are your preferred hours of practice? Are you willing to be “on call” for client emergencies that may arise 24 hours a day, as litigators can sometimes encounter? Or, do you prefer doing work that could allow more defined work hours as transactional lawyers and estate planning lawyers more often find?

## Geography

- \* What geographic region(s) would you like to serve?

## Area(s) of Practice

- \* What areas of practice interest you the most? What did you find most interesting in law school or in your early years of law practice?

- \* Would you consider a “niche” practice? With the complexities of law practice today, more and more lawyers are succeeding in niche practices. A few noteworthy examples of niche practices that can be seen advertised in the *Michigan Lawyer’s Weekly* and the State Bar’s e-journal include:

Manufacturer’s representative commission law

Immigration law

Dog bite law

Will & trust contest law

Securities law/claims against stock brokers

“Lemon” law

Federal False Claims Act/Qui Tam law

Dental malpractice law

Police misconduct law

Nursing home patient injury law

Motorcycle, bicycle, and off-road vehicle matters

It goes without saying that since your career will consume so much of your daily life for so many years, it is vitally important to find areas of practice that you truly enjoy.

### **Step Two: Developing Your Personal Marketing Strategy**

Once you have found your personal interests for practicing law, you will be on your way to developing a strategy to reach and become known by your “target market” through efforts that best meet your skills, time, and budget. (“Target market” means the types of clients that you envision yourself serving in your law practice.) This section discusses several different options for your personal marketing strategy. Some are traditional and some are more “cutting edge.”

## **Traditional Marketing Strategies**

### **1. Advertisements**

Tasteful, professional advertisements can help jump start some lawyers' practices. If you have selected your target markets, your next task is to learn which publications, web sites, or television shows are the best. As examples, if you seek referrals from fellow lawyers, consider the *Michigan Bar Journal*, your local bar newsletter, your local legal news, the State Bar of Michigan's e-journal, and *Michigan Lawyer's Weekly*. If you want to be noticed by people within a business industry, consider publications like *Crain's Detroit Business* or *Automotive Weekly*. Maybe you prefer "mass market" publications such as *Hour Detroit*, newspapers as well as television, internet, radio, or others.

Marketing experts have long stressed that repetition in advertising is crucial. Consequently, for an effective strategy, consider placing your advertisement(s) over an extended period of time. After all, virtually everyone drinks Coca-Cola™ or Pepsi™; yet, these companies bombard us incessantly through advertisements on television, billboards, and the internet.

### **2. Writing**

Articles, in my experience, are by far the cheapest and best form of advertising for those who enjoy writing. Articles cost you no money, and some publications might even pay you to submit them. Your audience should, of course, be your target market.

Once your articles are published, you can clip them and forward copies to certain of your prospective clients and contacts. Some lawyers even place their articles in a high-quality binder in their reception area for clients to read.

### **3. Speaking**

Public speaking can be a "win-win-win" proposition. As lawyers, our success depends to a very great extent on our ability to communicate clearly and effectively. Not only will public speaking benefit you by helping you develop better communication skills, but your presentation will help educate people about the law. Of course, the other "win" is that others whom you meet in person might eventually become your clients or refer business your way.

If you enjoy speaking, try to speak as often as you can and when people in your “target market” will be in the audience. Many lawyers and law firms can organize and advertise their own seminars, but you can offer yourself as a speaker at conferences where others do the planning and the marketing.

#### **4. Teaching**

Business schools, community colleges, and community-based continuing education programs often seek out lawyers to teach law-related courses, usually at night. The pay is usually minimal but the exposure can be tremendous.

#### **5. Bar Association Activities**

Bar Association activities, I strongly believe, are an important complement to a busy law practice. Several attorneys I know receive referrals from lawyers and judges whom they meet at bar functions.

Whether or not practice development is your objective, Bar Association activities eliminate the isolation that often accompanies a busy law practice and give you the chance to meet others, serve the public, educate yourself in your areas of practice, and improve the profession. The opportunities are numerous since several diverse local and special purpose bar associations exist in addition to the State Bar of Michigan. Chances are excellent that you can find several bar associations and groups in which to participate.

#### **6. Volunteering and Club/Association Meetings**

We often hear the term “networking.” This merely refers to the process of placing yourself in settings where you might meet others who could, down the line, become clients or refer business to you.

Make “networking” an important part of your professional development. Consider joining groups that match your personal interests and areas of practice, especially if people in your “target market” belong to the groups, too. Michigan has several groups and organizations, ranging from the local Rotary Club and Chamber of Commerce to more specialized groups such as the Detroit Auto Dealers Association, Michigan Mortgage Lenders Association, Michigan Manufacturers Association, inForum (formerly, the Women’s Economic Club), country clubs, and many others. Even your child’s PTA and soccer club could yield valuable contacts.

Let everyone know you are a lawyer. When people ask what you do, be prepared to explain

*briefly* (in just a few words so that your explanation is memorable) what kind of law you practice. Marketing experts call this your “elevator speech” and suggest that you make it short, succinct, and understandable.

## **7. Cultivating Contacts**

Gather and keep business cards of the people you meet. Later, you can follow up in a meaningful way. Your efforts can include, for example:

- \* lunch or dinner meetings
- \* golf games
- \* tennis or squash matches
- \* invite the person together with his or her kids to a children’s event (concert, circus, or ice show) or sporting event
- \* make a cordial follow-up call or e-mail to persons you meet
- \* send out articles on legal developments, with your business card clipped to it and a personal note
- \* if you find that someone you know has received a special honor, promotion, courtroom victory, or appointment, send a congratulatory letter or e-mail

## **8. Tracking Trends for Timely Educational Efforts**

Good marketing can involve educating your target market. Should you spot a “cutting edge” development in your areas of practice, consider making it a marketing opportunity. Take the time to research it and help your “target market” learn how it affects them. We all recall the highly publicized case in 2005 involving Terri Schiavo, the Florida woman who was in a persistent vegetative state but left no documentation, such as a Durable Power of Attorney or living will, that would reflect her wishes regarding life support. Her plight gave lawyers the opportunity to educate the public as to the importance of these and other legal documents.

Pro-active educational efforts can pay off. This happened to me in 1993 when I spotted a national trend in recreational liability legislation. I developed a series of articles, brochures, and speeches on the legal developments, which helped make my target market notice me. My “foot in the

door” was merely being the first to present legal expertise to the “target market” in a timely and practical way.

### **“High-Tech” Marketing and Practice Development Strategies**

Monica Bay, the Editor-in-Chief of *Law Technology News*, once wrote:

“In my humble opinion, the greatest risk of legal technology is not using it.”

[Source: ABA Law Practice Management Section, *Law Practice Management Magazine* (March 2003) p. 30.] Whether we like it or not, technological advances have impacted how we market our legal services. As explained below, the new frontier of legal marketing includes not just websites but also “podcasts,” weblogs (known as “blawgs”) and others.

#### **1. Websites.**

Nowadays, all large law firms and the vast majority of medium size law firms have websites. Anyone can reserve a domain name through online web hosting services such as [www.register.com](http://www.register.com) (which I use) and [www.networksolutions.com](http://www.networksolutions.com). You can hire a website designer, such as [www.chard.net](http://www.chard.net) in Michigan, or you can do the work yourself using software programs such as “Dream Weaver” or Microsoft Front Page.<sup>TM</sup> I recently created several one-page websites for free through my domain provider, [www.register.com](http://www.register.com); you can see one of them at [www.fershtmanlaw.com](http://www.fershtmanlaw.com).

While you plan to develop or update your website, you might want to look at winners of the Web Marketing Association’s “Best Legal Website” competition by visiting:

[www.webaward.org/winners\\_detail.asp?yr=all&award\\_level=best&category=Legal](http://www.webaward.org/winners_detail.asp?yr=all&award_level=best&category=Legal)

#### **2. Weblogs, Blogs and Blawgs**

Weblogs (also known as “blogs”) are web sites where people can quickly post thoughts, interact with others, and more. One website, [www.blogger.com](http://www.blogger.com), hosts blogs for free.

Blogs began in 2003 and, according to legal marketing expert Larry Bodine who writes “The Law Marketing Portal,” they generate 1.2 million posts each day and 33,000 per hour. [Source: Larry Bodine, “The Law Marketing Portal,” March 4, 2006, citing Steve Rubel, Sr. Vice-President of Cooper Katz & Co., a New York Public Relations firm].

Blogs in the legal profession are commonly known as “blawgs.” As of January 2006, 1,176 law firms and attorneys have blawgs. They provide an excellent opportunity for lawyers to communicate

with actual or potential clients, show expertise, and discuss “cutting edge” developments. For more information, visit [www.blawg.org](http://www.blawg.org).

Blawgs can be informational, humorous, or downright “gossipy.” A Michigan lawyer published “MICH LAW: Advice on Family Law, Estate Planning, Contracts, Debt Collection and Real Estate,” which can be found at: <http://metrodetroitlawyer.blogspot.com/>. A particularly interesting blawg, published by an anonymous associate at a “small but sophisticated law firm” in a southern state, is entitled “Death of a Law Firm: An Anonymous Associate Chronicles the Demise of Her Law Firm,” and you can find it at: <http://www.dyinglawfirm.blogspot.com/>. Finally, a California attorney who practices business and environmental litigation has effectively merged his website, firm brochure, and blawg into one at <http://www.wlf-law.com>.

### **3. Podcasts**

Podcasts are MP3 sound files that can be uploaded to web sites to enable people to listen to them on their computers or MP3 devices such as an iPod.<sup>TM</sup> Some radio shows have podcasts, but lawyers can create their own and can promote them on their websites or other resources. For an example of a legal podcast, visit [www.legalbroadcastnetwork.com](http://www.legalbroadcastnetwork.com). That site includes archived podcasts, such as:

- \* “Noted brain injury lawyer Michael V. Kaplen is interviewed by Mark Wahlstrom on the topic of ethical issues in handling brain injury clients.”
  
- \* “Interview with Attorney Michael V. Kaplen discussing structured settlement annuities and issues facing attorneys.”

### **4. Wikis**

Wikis are websites that allow visitors to contribute and edit content (which, obviously, demands extensive “policing” due to the potential for vandalism). For more information, visit [www.wikipedia.org](http://www.wikipedia.org). Wikis offer lawyers the potential to share information with existing or prospective clients and allow readers to contribute ideas.

### **5. Vidcasting**

Vidcasts are podcasts with video footage. Their popularity is sure to grow now that more people,

like me, own iPods that play videos.

### **Step Three: Be Willing to “Think Outside the Box” for More Unique Marketing and Client Development Ideas**

Creative marketing strategies have paid off for the many lawyers who have developed them. Here are a few interesting ones:

- \* An issue of the *ABA Journal* several years ago profiled an enterprising female, minority solo practitioner who developed a successful corporate law practice simply by inviting banking industry executives to a 10-minute coffee break at a nearby coffee house during business hours. Her coffee invitations received a surprisingly high response rate, and many of the banking executives later sent business her way.
  
- \* A lawyer from New Jersey, Ken Vercammen, Esq., co-sponsors worthwhile community and charitable events such as his city’s annual “fun-run.” When he does this, he prints signs for the events that list Ken’s firm and his areas of practice. Ken asks several businesses throughout the city to display the signs. At the “fun-run” events, Ken decorates a table with his firm name and gives out water to the runners and spectators.
  
- \* A successful Michigan lawyer, Arnold Reed, Esq., gives jurors at the conclusion of each trial he conducts a “Thank You” certificate that includes his firm name.
  
- \* Golf outings with clients and prospective clients are well-known as traditional ways to solidify client relationships, but I have read that women lawyers who do not play golf have been known to invite women clients to a day at the mall or at the spa, with lunch, instead of golfing.

With legal marketing, the ideas are endless; you are simply finding a way to build or strengthen relationships with existing or potential clients.

## **Helpful Marketing Resources for Any Budget**

### Free Resources

The State Bar of Michigan's new Practice Management Resource Center ("PMRC") is an essential – and free – service for Michigan lawyers. By its own mission it "provides the building blocks for members to successfully manage their practice through our extensive online resources and in-house referral services." The PMRC has compiled an excellent selection of articles, forms, how-to kits, and links on legal marketing. To tour the PMRC online, go to: <http://www.michbar.org/pmrc/content.cfm>. As for its resources, go to <http://www.michbar.org/pmrc/resources.cfm>. The PMRC also offers in-person training services. For more information, contact the State Bar of Michigan at (800) 968-1442.

### Books and Materials

My favorite legal marketing book, by far, is *Women Rainmakers' Best Marketing Tips, Second Edition*, published by the American Bar Association. The book benefits male *and* female lawyers. Contact the ABA at: [www.abanet.org](http://www.abanet.org) or call the ABA Service Center at: (800) 285-2221. Also, the ABA Law Practice Management Section publishes a magazine called *Law Practice Management*, which contains excellent articles written by legal marketing consultants and successful lawyers.

### Online Marketing Resources

Consider subscribing to a free marketing newsletter published by marketing expert Larry Bodine entitled "The Law Marketing Portal." Its website is [www.LawMarketing.com](http://www.LawMarketing.com). Palm Pilot users (I use, for example, the Palm One Treo 650™ ) can receive this newsletter on their handhelds through the Avantgo [[www.avantgo.com](http://www.avantgo.com)] service.

### Professional Marketing Consultants

Many lawyers and firms hire professional legal marketing consultants to help develop marketing plans and marketing materials. Some of these professionals can train lawyers to better present themselves in speaking engagements and learn how to effectively follow up on potential clients.

## **Sample Marketing Tools**

### Sample Press Release

The sample press release, below, is designed for mailing but can easily be adapted for e-mailing.

**-- FOR IMMEDIATE RELEASE --**

CONTACT: Joe Lawyer, Esq.

Private Line: (586) 123-4567

ANYTOWN, MI - 3/28/2006

**ANYTOWN ATTORNEY ELECTED  
CLERK OF THE STATE BAR OF MICHIGAN  
REPRESENTATIVE ASSEMBLY**

Anytown, Michigan, attorney Joe Lawyer was elected to the position of Clerk of the State Bar of Michigan Representative Assembly at the State Bar of Michigan's Annual Meeting in Lansing, Michigan, on September 55, 2006.

The Representative Assembly, which held its first meeting in 1972, is the State Bar of Michigan's highest policy-making body. The Representative Assembly is composed of 150 elected lawyers from across Michigan and holds meetings at least twice a year.

Joe Lawyer focuses his law practice on business litigation, environmental, real estate, and general civil litigation matters. He received his undergraduate degree, with highest honors, from Utopia University in 1980 and his law degree, with highest honors, from Rainmaking University in 1983.

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### Sample Short Biographical Statement

Every practicing lawyer needs a biographical statement. Prospective clients usually want one, and your biographical statement is a must for your website, brochures, and marketing materials. Here is a sample of a short, generic biographical statement:

## **Biographical Statement**

### **Joe A. Lawyer**

Joe A. Lawyer practices business litigation, environmental, real estate, and general civil litigation matters with the Utopia, Michigan law firm of Lawyer & Lawyer, P.L.L.C. He is "AV"-rated by the *Martindale-Hubbell Law Directory*.

Active in the bar, he is the past Chair of the State Bar of Michigan Young Lawyers Section and now serves on the Representative Assembly, which is the State Bar's final policy making body. He is also the past President of the Inkling County Bar Association.

Mr. Lawyer received his undergraduate degree, with highest honors, from Utopia University in 1980 and his law degree, with highest honors, from Rainmaking University in 1983.

You can develop different biographical statements that relate to your various areas of expertise and to different segments of your clientele. Also, your biographical statement can include details, such as:

- \* Noteworthy courtroom successes
- \* Significant transactional experience (Example: "Mr. Lawyer has closed more than \$3 billion dollars in business acquisitions for his clients in the last 10 years.")
- \* Published court decisions
- \* Bar admissions in other states
- \* Noteworthy articles and legal publications

### **Conclusion**

I conclude with three points that, although somewhat obvious, deserve mention:

First, make sure you can deliver a service worth marketing. On a consistent basis, strive to give your clients service that meets the highest professional and ethical standards. Also, marketing experts say that most new business comes from your existing clients; with this in mind, if you consistently strive for top quality service, you will retain your clients and encourage referrals.

Second, remember to put civility and professionalism first. Not only will civility and

professionalism benefit you as a person and as a lawyer but you will earn the respect of judges and fellow attorneys – even opposing counsel. In my law practice, two opposing counsel (*against* whose clients I secured summary judgments) expressed interest in sending referrals my way. One already has. With both attorneys outcomes that might have ended in hard feelings have generated opportunity.

Third, you cannot afford to stop, or even slow down, your marketing efforts even if you are enjoying good results. In the legal profession, competition for good clients can be fierce. Whether you know it or not, other lawyers just might be “courting” *your* clients to become *their* clients.

The old saying: “Watch out for what you wish for– it just might come true” *can* become reality. Wishes and dreams are just the beginning – your wishes must be backed up with hard work, dedication, creativity, and an unflinching desire to become the lawyer you always wanted to be.

### **About Julie Fershtman**

Julie I. Fershtman is currently Of Counsel to the Farmington Hills, Michigan, firm of Zausmer, Kaufman, August & Caldwell, P.C., where her law practice focuses on insurance defense, insurance coverage, commercial litigation, and equine law. She is a 1983 graduate of Emory College and a 1986 graduate of Emory Law School.

She was the 1995-1996 Chairperson of the State Bar of Michigan Young Lawyers Section. Presently, she serves on the State Bar of Michigan Board of Commissioners, Oakland County Bar Association Board of Directors, and the Michigan State Bar Foundation Board of Trustees. She is also a Vice-Chair of the ABA’s Tort, Trial & Insurance Practice Section’s Animal Law Committee. She has written two books and over 160 articles. In addition, she has lectured at conferences in 22 states. For her marketing strategies, she has been profiled in the ABA book *Marketing Success Stories, First & Second Edition*, as well as *The ABA Journal*.

When not at work, she spends time with her husband and daughter, plans her own “blawg,” and loads her iPod with an eclectic mix of music, podcasts, and “guilty pleasure” TV shows.