

The Next Normal: Business Development and Marketing During and After COVID-19

By John F. Reed and Maureen Hanawalt

Unprecedented, uncertain, and unpredictable will forever describe 2020, thanks to an insidious virus that exploded into a global pandemic. Remember January and February? We recall that time faintly, in a haze—the old normal.

Before COVID-19, lawyers built relationships through arm's-length exchanges including face-to-face meetings in the office or over lunch, shaking hands at networking events and conferences, and in-person proposals and pitches. Those interactions now occur online, on the phone, or at a distance of at least six feet.

Similarly, the coronavirus, social unrest, and political discord have made crafting law firm marketing communications awkward and even perilous. Although the same channels still work, poor decisions or indecision about substance, tone, and timing can alienate a firm's audience and end promising relationships before they start.

How do lawyers and law firms transition from the old normal to the next normal? The more things change, the more they stay the same.

Empathy is timeless

The pandemic has reminded us of the value of reaching out to touch someone—virtually, of course. Everyone harbors some

degree of worry about the situation: Will I or someone in my family get sick? How can I reopen my business? When can I safely return to work or school? Will my Paycheck Protection Program loan money, stimulus check, or emergency unemployment benefits be enough? When will this be over? For many, the political climate makes these concerns even more dramatic.

The funny thing about human nature is that even a potentially fatal organism cannot defeat our primal urge to connect with others. We need to feel part of a tribe. We crave understanding and empathy. We want to be heard. And satisfying these basic human needs, tested by the pandemic, is the bedrock of business development.

There are two enduring truths about business development: first, it's nothing more than a series of conversations, and second, it's not about you. The simple act of phoning a contact to ask how they are feeling jumpstarts a conversation, puts that person first, and triggers your inherent capacity for listening and empathy.

The line between genuine concern and crass opportunism, even if unintended, can be a fine one. Resist the urge to sell or pounce. There is an appropriate time in the client development cycle to promote your legal skills and ask for the business. Just because someone shares a problem doesn't mean there is a file you can open.

If you excel at relationship building, you may have already worked your way through your address book to contact your network. If you've been reluctant to phone people fearing there's nothing but the pandemic to talk about or that you'll stir up angst, that's natural and understandable. Now, get over it.

Not Zoom-savvy? Familiarize yourself with videoconferencing functionality and best practices. It isn't only a business development imperative, but also a practice necessity. Social media presence lacking? Share, like, and comment to increase your

visibility. Business development plan up to date? If you created one in January, throw it away—it's outdated. If you've never had a business development strategy, there's no better time than a global pandemic to start.

Until the virus “magically disappears” or science offers a solution (and probably for quite a while after) the pandemic and its fallout will remain relevant, as will growing civil unrest and social justice issues.

Raising these topics respectfully and empathetically won't guarantee a spike in business, but it will demonstrate the listening and follow-up skills that have always been necessary to be a good lawyer.

Resonance vs. dissonance

Law firms deliver marketing messages through a wide range of channels and formats. Regardless of the means, the desired target audience of clients, prospects, referral sources, and others must relate to those messages. Whether the objective is building awareness, informing and educating, or compelling someone to act, the messages must click in people's minds. They must *resonate*.

Since March, many firms have grappled with marketing communications decisions. Focusing on COVID-19 questions and answers may be timely and convey knowledge of the legal landscape, but it might seem the firm is capitalizing on the crisis. Conversely, not (or barely) acknowledging the pandemic may avoid negativity and alarmism but could come off as tone deaf and insensitive. The choices get more complicated when considering the proper tone and images and the use of humor. Choose wrong and you create *dissonance* with your audience.

Coronavirus aside, too many law firms create and implement marketing plans in a vacuum. Attorneys on the inside determine what the outside audience needs to hear. It's a process that relies too heavily on guesswork.

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Imagine a business law firm that, in the early days of the outbreak, wanted to promote attorneys' familiarity with COVID-19 rights and responsibilities on its website. Lawyers wrote blog posts on various virus-related issues and the firm planned to send a newsletter to an extensive database that included retail proprietors, executives, accountants, and consultants.

All in all, a decent strategy, right? Not so fast:

- Because of their inside-the-fishbowl process, none of the lawyers called clients for their opinions on the topics or blog content or asked if they preferred podcasts or webinars over one more unread newsletter in their inboxes.
- The lawyers didn't contact referring attorneys in employment, family law, or estate planning for insights into workplace policies, child custody concerns, or advanced healthcare directives of potential interest to clients.
- The database comprised constituents with diverse needs, but the firm didn't segment the contacts to send different content to different groups.
- Although the firm's email marketing platform can A/B test newsletter headlines to determine which one would generate more opens and clicks, the firm sent the newsletter once without later resending it to contacts who hadn't opened it.

In technical marketing terms, we call this "fire, ready, aim." By failing to get feedback from clients and referral sources about the blog content, the lawyers missed the chance to leverage a marketing tactic into business development conversations. They didn't determine clients' preferred methods of communication. In the name of efficiency, the firm treated its contacts as a whole rather than tailoring newsletter content separately to startup founders, owners of established businesses, C-suite executives, and CPAs. Instead of pre-testing newsletter headlines and improving response rates, the firm settled for the engagement they got.

What about the Best Lawyers, Super Lawyers, or other honors you recently received? If you received such recognition, congratulations—but should you announce it in the midst of a national crisis?

First, think about your audience and your client base. Depending on the lens through

which they view the world today, your success story may not be so impressive. Yes, you're a fantastic lawyer, but clients would rather see you break your arm to help them than strain it to pat yourself on the back. On the other hand, your clients, colleagues, and family want you to succeed. They want to know you're doing well. That requires a different approach.

These are lessons to be learned any time but are particularly illustrative when people's reactions can be more challenging to predict when carefully crafted messaging is critical.

Give back meaningfully

Fostering trusted relationships and representing clients are ways lawyers show we care about other people, but they are not the only ways. How do law firms show empathy rather than announce it in their marketing communications?

Corporate social responsibility (CSR) isn't new, but the coronavirus crisis and other developments have prompted attorneys and firms to engage with their communities in creative ways:

- Purchasing gift cards to struggling local restaurants and distributing them to frontline healthcare workers and first responders.
- Volunteering with domestic violence hotlines to help women confined at home with their abusers during shelter-in-place orders.
- Partnering with food banks and local farmers to meet the needs of food-insecure families, including children who depend on free meals at school.
- Pro bono representation for protesters arrested during Black Lives Matter protests and free will drafting to teachers and nursing home residents.
- Assembling Black, brown, and LGBTQ+ clients, partners, associates, and staff to not only discuss diversity and inclusion, but also create and implement new policies for hiring, advancement, and matter assignments.

Initiatives like these go beyond random acts of charity (and marketing window dressing) to transform law firms into purpose-driven corporate citizens. It doesn't happen

from one-time, do-gooder fly-bys; it takes a long-term commitment that often requires a culture shift. A sustained effort can be promoted and publicized without appearing self-serving.

The benefits transcend the community. CSR programs boost firm morale, particularly among younger generations. According to a Harris Poll/Glassdoor survey, 75 percent of people ages 18–34 expect employers to lead or participate in social impact activities, a sign that CSR can instill employee loyalty and offer a recruiting advantage with millennials.

Human connection

Despite the hardship and turmoil, society has witnessed a great deal of humanity and human connection thus far in 2020, underscoring the essence of our role as attorneys. We help people by righting wrongs and making their lives better.

In the wake of COVID-19, lawyers have new reasons to connect with clients, colleagues, and the community. It has reinforced the need for empathy and outreach, kindness, and listening. These are the foundations upon which deep and meaningful relationships are built. ■



John F. Reed is the founder of Rain BDM, a business development and marketing consultancy that helps law firms across the country build outstanding relationships with clients and others. A member of the State Bar of Michigan, John trains and coaches attorneys in business development, and the Rain BDM team collaborates with firms on strategic planning, content writing, graphic design, social media management, and outsourced marketing department services.



Maureen Hanawalt is Rain BDM's marketing manager and previously oversaw regional marketing operations for a national law firm. Maureen helps clients with social media, advertising, and public relations, and coordinates "Show Cause," Rain BDM's corporate social responsibility program.