

Law Office Management & Technology

Law Firm Marketing: Does Your Practice Mean Business?

By Paul Sullivan

Attorneys are not above the laws of good marketing; ignore them at your peril.

When lawyers tell me their practices are different than other businesses, I must disagree. I do agree that lawyers are members of a select group whose eligibility requirements attract the best and brightest. I recognize they are strictly regulated and consistently strive to make their profession better. I agree they provide a vital service to our society and are an integral part of our system of laws.

But lawyers aren't appointed to their clients (not usually, anyway), they differ in ability, and they cannot be versed in all areas of the law. The *business* of law operates on the basic economic principle of supply and demand — and this is why lawyers are not different than any other business. And no business can succeed without effective marketing.

What is marketing? It is more than just sales and advertising. It is the complete process of delivering value to clients, and this value is what keeps them coming back. In theory, the four main components of marketing are product, price, promotion, and distribution. As lawyers, you also have these elements in your business.

Developing a marketable product

Your product is legal services. Obviously you must provide services where there is a demand for your product. If you are having trouble penetrating a particular segment of the market, then you must find out why. Is it because of conditions you can't control? Is it because of competition? What can you do to begin making a difference?

Once you make an honest appraisal of the current conditions of the market and where you stand, then you can begin making a marketing plan that lets you provide a product that people demand. Once you are established in an area of practice, the next phase is constantly monitoring where you stand and what is changing that will make you want to shift your focus. This could be expansion with another office or another segment of practice, or it could be a contraction of products to concentrate in specific areas.

One of the simplest ways to find out if you have a marketable product is to elicit feedback from your clients. In almost all instances they have a choice, and since that choice is you, it would be valuable for you to know why. You can get this feedback

through surveys, or, better yet, a direct meeting to discuss your relationship. Clients enjoy talking with their lawyers when the meter isn't running.

You might consider incorporating into your billing system a method of tracking the amount of hours you spend in particular areas of law, then comparing those year to year. Most billing systems offer these reports at no additional charge. You might find that your practice is far less productive in a particular area than you thought.

Pricing — lowest isn't always best

Your price is your fee. Hourly billing is not necessarily the best way to provide the service to your client. Finding better ways to price your product to make you stand out could be part of your marketing strategy. The lowest price isn't necessarily what clients want. They want value, and price is only one small part of that equation.

For example, consider offering flat rates for predictable types of matters. Another alternative is a blend of flat rates plus hourly charges for matters that go to a certain level of complexity (e.g., to trial). Remember, your clients are looking for value, and when you exhibit willingness to reveal the potential downside — including expense — they are generally more receptive.

Promoting your practice

Promotion is the way you attract new clients and keep your current ones. Once you have clients, then you must concentrate on delivering the value to keep them. Most lawyers feel that marketing means sales, advertising, and recruiting new clients. To some extent that is true, because there is always an ongoing direct effort to "make sales." Some lawyers are more subtle than others in the direct marketing effort, but it's there in all firms whether you realize it or not. Your image and reputation in your community as well as your success as a lawyer is working for or against you all the time.

Some direct promotions will work better for your firm than others — advertising, brochures, Web pages, client surveys, client seminars, entertainment, memberships in business and professional organization are all ways to do it.

The best directing marketing approach for you really depends on the nature of your practice. Many corporations discourage any social contact or the acceptance of gifts by lawyers. I've often wondered about those huge, expensive full-page ads in the phone directory. There are so many — do they really pay for themselves? Good management would dictate some analysis of their effectiveness, though there's no simple way to do it (other than asking new clients how they found you). Again, the best marketing technique is to offer overall value to your clients, who will spread the word for you.

Customer service, law-firm style

Finally, distribution is the way you deliver your product. All the efforts above mean nothing unless you deliver good customer service. This is part of the value they receive.

To measure customer service in your firm put yourself in your client's shoes. Think about all the things that you like when you do business with other companies, and think about

the things you don't like. Successful companies aren't necessarily those with the best products, but they are certainly those with the best customer service. Good customer service is part of the value that clients seek.

We don't have the space here to lay out a law-firm customer-service plan, but if clients are making either of the following complaints about your firm, they may be questioning the value you are giving them. Clients can complain legitimately about many things, but two simple-to-fix yet common complaints in firms are: 1) "I can never reach them when I need to talk to them." 2) "I visited them weeks (or months) ago, and I still haven't received a bill."

Put yourself in that client's place. If you needed to talk to someone at a company and they were difficult to contact and seldom returned phone calls, how long would it be before you began looking elsewhere? Many lawyers lose clients for this reason alone, yet probably never know why.

Law offices that establish a system of communication within their offices to deal with the large volume of calls, faxes, etc. have a competitive edge over those who don't. Everyone realizes that some callers can be nuisances, and every callback must be prioritized, but if you find yourself with stacks of messages daily and no satisfactory way to deal with them, then you probably have some unhappy clients.

With technology, the problem only gets worse. E-mail and fax may give you more methods to communicate with clients, but you must be sure you can give a timely response, particularly when you're out of the office for several days.

A good voice mail system with a live operator whenever possible is a good solution. Clients have the option of leaving a message for you 24 hours a day and don't have to keep calling until they can reach someone to leave a message with.

Billing is another area where some lawyers ignore good business practice. Think of the message that failure to submit a timely bill sends to clients. Perhaps they think you're charging too much and aren't eager to send the bill. Most clients have a budget, and they don't want to be in limbo until the bill finally does come.

Do business like you mean it

As lawyers, you share many things in common with any business. You have a product or service — you have to charge for it — you need customers — and you need to deliver your product in a way that produces a satisfied customer. If you do all this, then your practice means business.

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