



Morningstar Multimedia  
A Lawyer's Guide to Marketing

# Table Of Contents

1	<b>INTRODUCTION</b> Misconceptions about Marketing Common Objections to Marketing Information Based Marketing	10	<b>CREATING A MARKETING PLAN</b> Objectives and Goals Budget Measuring Return on Investment
3	<b>MARKETING BASICS</b> Understanding Marketing Understanding Professional Services Marketing 5 Mistakes Lawyers Make	12	<b>BUSINESS DEVELOPMENT</b> Types of Offers Networking and Referrals Cross Selling Your Information Kit Following Up
5	<b>CONDUCTING MARKET RESEARCH</b> Understanding You and Your Firm Knowing Your Clients Competitive Analysis Industry Analysis	15	<b>GETTING THE MEETING</b> The Phone Conversation Follow Up Tips
7	<b>SEGMENTING AND TARGETING</b> Narrowing Your Focus Benefits of Picking a Target Audience	16	<b>ACING THE MEETING</b> Preparing for a meeting The Meeting
9	<b>BRANDING AND POSITIONING</b> Understanding Branding Benefits of Branding What Branding Will Not Do	17	<b>KEEPING CLIENTS DELIGHTED</b>
		17	<b>KEEP IN TOUCH WITH CLIENTS</b>
		17	<b>CONCLUSIONS</b>

# A Lawyer's Guide to Marketing

---

## Misconceptions About Marketing

Most lawyers I talk to hate the concept of marketing - it doesn't work or they're too busy or selling is unprofessional - so let me start out by saying that the purpose of this guide is to clear up some of these misconceptions about marketing.

### Marketing is not selling

Marketing does not mean you have to start cold calling to drum up business. It can be done quite professionally and ethically. And once you have a marketing system in place, it will only take you a couple of hours of your week to continue the lead generation process.

## Common Objections To Marketing

### Objection #1 - Marketing doesn't work.

This just isn't true. Marketing does work. But it requires more than just sending out a direct mail piece or buying advertising in a local newspaper... I find that most lawyers don't have a system in place, or they have an ineffective one that doesn't generate leads. Many are reactive and wait in anticipation for prospects to call or to receive their next referral. Others spend a couple hundred dollars on a website or newspaper ad and wait for the phone to start ringing.

Marketing doesn't work that way. It starts with clearly defined goals and objectives and details activities to do in order to accomplish those goals in very specific terms. For example, you don't need to "call Jim Smith" but "call Jim Smith by February 15 and ask how his new start up venture is doing." You should call because you are genuinely interested in how your client or prospect is doing. And after you finish talking to him, make note

of a question you can ask him 6-8 weeks down the road.

Additionally, whenever you give out advice to a prospect or client, make note on your calendar to follow up a couple days later to see if your advice was taken and how it worked.

A word of caution though - don't overdo it. Marketing is about creating a manageable system. Some people schedule a number of tasks over a short period of time and then are overwhelmed and do nothing. Pick 1-3 doable tasks each week. If you have time for more, then add others. By taking baby steps each week, soon, you'll be well on your way to achieving your larger objectives.

### Objection #2 - I'm too busy.

Ok, you say, maybe marketing can work, but I'm too busy to take on yet another project. Let me ask you this, do you like all the work that you do? Are all your clients ideal to work with, meaning you have good chemistry with them, they value your expert legal advice, and they happily pay your fees? Or do you have a couple 'difficult' clients. Have you taken a couple of cases in practice areas you're not particularly fond of? Are you getting paid what you want to be paid?

**If you've ever thought of 'firing' your worst clients, then marketing can be a great benefit to your firm.**

Marketing requires you to pick a target audience - a target that already needs your services, will gladly pay your fee for them, and whom you get along well with - and focus

---

solely on that group. Marketing is not just about going after new clients, but how you can better serve your existing clients.

**Objection #3 - I don't like selling.**

Fine, but I don't like selling, you say. Ok, then don't do it. You don't have to be the pushy door knocking salesman or an annoying telemarketer. What you do have to be is in tune with your prospect's needs... and that simply requires a shift in mindset from selling to wanting to get to know your prospects and to help them solve their problems. You probably already do that with your clients anyway. I'm sure you feel good when you help your client achieve the objectives you set out to achieve! If you view marketing as a tedious task, you won't do it. Instead, look at it as a way to get to know your clients and prospects better.

**Information Based Marketing**

The purpose of this booklet is to describe an entire system of marketing that focuses on marketing with minimal selling. There is nothing people hate more than to sit through a sales pitch on something they don't think they need. You may think they need your services, but at least initially, they may think otherwise. When you are focused on selling, you take every opportunity you can to get the prospect to close the deal and go with you. Instead of listening to their concerns, you think of what you might say next or how you can overcome their next objection. This causes prospects to become defensive and unresponsive to what you are trying to tell them.

While it's true that some selling is necessary in marketing (you have to ask for the contract

eventually), the initial stages of your marketing process should be designed to attract prospects to you. You do not want prospects to view you as a salesperson ready to jump at any and every possible lead thrown your way. You want them to see you as a successful lawyer who has more than enough business and who values your time. You want them to call you because they know of your reputation and are willing to pay your fees to hire you. After all, it's far easier to convert prospects to clients when they have a genuine need for your services and actually want to work with you.

The method of marketing I will be describing combines image marketing (also known as 'branding') with proven direct response techniques to build your reputation as an authority in a target area. It focuses on knowing your clients and prospects extremely well and educating them about their problems and the solutions you provide. It is built around giving your clients as much information as they need to move to the next step in their purchasing cycle. There is no sales pitch involved. All materials are designed to educate your prospect about his problem and how he can go about fixing it. And during the process, you do your best to explain in a clear cut fashion how you can solve his problem and what he gets for your fee.

An example of this process might be: you create an informational piece (usually in written form). You then offer your free handout/booklet/tip sheet to prospects that are interested in your services through direct mail, advertising, or the media. To get this free information, prospects must call your office or

fill out a form on your website. At that point of contact, you respond by sending the materials and potentially inviting him to attend a seminar you are giving or to join your newsletter. For each contact, your prospect grows more familiar with you and your services and becomes increasingly more likely to become a paying client. And with each step, he becomes more knowledgeable about his problem, the risks involved, and potential solutions to his problem. At the same time, the free advice you offer builds your reputation as an authority figure in your community.

**The benefits of this approach include:**

- 1) Prospects contact you, rather than you seeking out prospects
- 2) Prospects see you as an authority in your specialty area
- 3) You can charge a higher fee for your services because prospects see you as a reliable information source
- 4) You can pick the clients who you enjoy working with and who will be more profitable rather than taking on any prospect that comes your way
- 5) You save time by answering common questions in your marketing materials rather than answering the same questions over and over.
- 6) You can measure the return on your marketing because you know the number of prospects who respond to a particular marketing piece.

### Understanding Marketing

Marketing is an umbrella term that has come to mean a variety of things. The approach we build into our clients' marketing plans

involves a 6 step process designed to:

- 1) Generate initial interest with free, helpful information
- 2) Follow up to get an appointment
- 3) Ace the initial meeting
- 4) Get the case
- 5) Keep clients 'delighted' as you work with them
- 6) Keep in touch with past clients

Morningstar's approach requires that you treat business development as a priority and that you standardize your marketing processes. It is designed for those who think long term about growing their practice and want to stop worrying where the work will come from next. If that's you, then read on!

### Understanding the Marketing Process for Professional Services

Most of the marketing books on the shelves today focus primarily on marketing a product. While there are some similarities between marketing a service and a product, there are many differences. These include:

**Services are intangible.**

When you buy a product, you have a fairly good idea of what you're buying because you can physically see it - and maybe even give it a trial run - before you buy. The selling process involves ordering the product, paying for it, and having it delivered within a few days. On the other hand, services are highly customized and tailored to your client's specific needs. As a lawyer, each client you work with brings with him a new set of circumstances. With this comes an element of uncertainty. Prospects want everything to go

as smooth as possible but must evaluate whether you can do what you say you will, whether your proposed solution is right for them, and whether they can develop a good working relationship with you.

**Service marketing involves building relationships and working together with clients.**

With products, chances are that once you buy the product, you'll never see the sales person again. With services, however, you will be working with your prospects throughout the job so the last thing you want to be perceived of is a sales person. Therefore, that initial consultation is the first step towards building a working relationship and setting expectations that will be carried through the rest of the project. If the initial 'personal chemistry' just isn't there, you'll save yourself a lot of headaches walking away from the job.

**Service providers must be more selective when choosing prospects.**

You can sell a product to anyone with the money to buy it. With services, money is a factor, but there are a number of other qualifiers. These include whether your services match the problem your prospect wants you to solve, how easy the prospect is to work with, and whether your prospect will be satisfied with the services you provide. You want to weed out any clients you believe might become 'difficult.' Ideal clients are 'good fits' with your company.

Similarly, with product selling, sales people are trained how to overcome their prospect's objections. Their goal is to make the sell regardless of if the prospect wants it. With services, objections may be a red flag warning that this prospect is a 'bad match' for you.

## 5 Marketing Mistakes Lawyers Make

- 1) **Relying solely on referrals.** While referrals are a great source of business, you can't predict when you're going to get one and when you'll have a dry spell. Instead, implement an approach that incorporates other marketing channels and doesn't rely solely on third parties to generate all your leads for you.
- 2) **Relying solely on networking.** Like referrals, networking can also be a good way to attract new leads. It is also extremely time consuming. If you choose to network, pick events you know good prospects will be attending, but don't stop your other marketing efforts.
- 3) **Competing on low price.** If you charge too little, you undermine your credibility and the perceived value of your services in the eyes of your clients. You also attract price shopping clients who are loyal only to rock bottom prices - they have no loyalty to you.
- 4) **Relying on your name and reputation.** Unless you've spent time positioning your name to stand for something in the mind of your prospects, this isn't going to happen. People want to work with specialists whom they know can get the job done, and unless you've spent time and money building your reputation as the specialist that works directly with people like them, it's not likely this is going to be your primary lead generating system.
- 5) **How a promotional piece looks is not as important as what it says.** While it's true

that copy can make or break a piece, it is usually the graphics that grab people's attention. And if you can't get their attention, they won't read the piece.

### Step 1: Marketing Research

Effective marketing begins with doing some initial research on your clients and prospects, your competitors, your industry, and your own company. The goal is to gain a greater understanding of your marketplace.

#### Topics to be addressed include:

- ✓ Who are you and what do you stand for?
- ✓ What are your strengths and goals?
- ✓ What are the most important needs of your clients and what motivates them to buy?
- ✓ Who are your clients' ideal customers?
- ✓ What are your competitors doing and how do you differentiate yourself from them?
- ✓ What are the current trends in your industry? These can include new laws and regulations, prices, and the state of the overall economy.

#### Understanding You and Your Company

The starting point with research begins with you. Ask yourself and your employees

- ✓ What do you do best?
- ✓ What are your strengths?
- ✓ What makes you unique?
- ✓ What are areas you could use some improvement in?
- ✓ What could you do to be more efficient in your day to day operations?
- ✓ What are your short and long term goals?

- ✓ Where do you see yourself in 5 years? In 10 years?
- ✓ Are you more entrepreneurial or risk adverse?
- ✓ What do you love most about practicing law?
- ✓ What is the mission of your firm? The vision?

The objective is to analyze how and why you do business, what you are good at, and what you could improve to be more efficient. You should also pick qualities of your job you are passionate about and can emphasize when telling others what you do for a living.

Additionally, you should do an audit of all your current marketing materials. This involves gathering all the materials you use to reach prospects and clients - from brochures and flyers to letters to your website - and look at the messages you are sending. Can you pick one message that you consistently repeat throughout all your materials? Or do your marketing materials exhibit different messages, images, colors, writing style, and tone? Can you tell they are all from the same company? Do they look professional or have they been thrown together as you needed a piece for this or that?

#### Knowing Your Current and Past Clients

Your clients are a wealth of (usually untapped) information for an outside perspective of your firm. Take them to lunch or send them a letter asking them to evaluate your performance and how satisfied they are with your service. After all, your clients know what your strengths and weaknesses are because they've worked with you and have

seen your processes first hand. They can tell you areas where you excel and areas that need improvement. They can also give you insight on why they chose your firm initially. This is especially good to know when clients switch from other firms to yours. Happy clients don't switch, so learning why they switched can give you real insight into your clients' expectations.

Most firms don't ask for client feedback during or after the project. This can be a mistake because often, how lawyers think clients perceive them is different from how they are actually perceived. If you ask for feedback up front, you'll learn of problems well in advance and can do something to correct the matter. Collecting client feedback doesn't mean looking solely for negative feedback. Positive feedback can help you understand your strengths and why future clients might buy from you.

A number of companies have conducted studies on client satisfaction and how that relates to retention. For instance, AT&T found that:

- 1) only 'very satisfied' customers count (those that were just 'satisfied' still left)
- 2) other things besides price factor into customer thinking (like service and responsiveness)
- 3) these scores must be relative to competitors

Similarly, research firm, BTI, conducted a survey in 2002 of 187 corporate counsel at Fortune 1000 corporations. They found that clients see superior client service, established

relationships, and excellent responsiveness as the distinguishing characteristics of the best performing law firms. What that means is that 'satisfying' clients is no longer enough. They have to be 'very satisfied' or in marketing buzz terms, 'delighted' to remain loyal to you.

Furthermore, you should ask yourself where your last 5 clients came from. Make a list of how they contacted you initially, how long it took to move them from initial contact to signing the contract, and your working relationship with them during the legal process. Note anything that didn't go as smoothly as you would have hoped it to go so that this can be analyzed later on. Which clients did you most enjoy working with and wish you had more of? Which clients did you consider to be 'difficult' and why?

Finally, if you've had any clients that you lost during the job, look into the reasons why and how you can improve your client relations in the future. This may be a change in their current needs (they decided they didn't need legal services), a competitor offered a sweeter deal, they were referred to someone else, or they felt you weren't responsive or accessible. Regardless, find out why they left and work towards not repeating the same mistake twice.

### **Competitive Analysis**

Everyone has competitors. The bulk of your competition probably comes from local firms that offer similar practice areas to yours. But how much do you actually know about how your competition does business? Do some competitive research to learn who their clients are, any new accounts they've just received,

---

---

new hires, the outcomes of recent cases, and any press releases and articles they've recently published.

In addition, you should visit their website or get a few of their marketing pieces and compare them with your own. For instance, take their firm's name and substitute it for your own in 1-2 of your main marketing pieces. Does the text still sound good? If so, that's a sign your marketing materials aren't clearly telling prospects why you are different from your competitors and giving them a reason to go with you.

Your marketing materials should be "personal", meaning they were made specifically for your firm and convey your message to your prospects in a sincere way that creates an emotional connection. With lawyers and other professional service providers, that differentiation usually comes from the personality and experience of the firm's partners. This isn't just a checklist of all the great things you've accomplished, but a piece that reflects your firm's personality, philosophy, core values and way of doing business. Yes, this involves more effort to create, but your nearest competitor can't just replace your information with his own and have it work for him.

You can also do some of your own research on your competitors though a number of databases such as Lexis/Nexis and Dow Jones, trade journals published by the ABA and state and local bar associations, and through US government sites.

### **Industry Analysis**

The final component to your research involves the industry or industries your major clients do business in. What are the most recent overall trends? What legislation is in the works that might affect these markets? Now brainstorm potential outcomes for how each might affect your business and that of your clients'. These factors should be taken into consideration when planning your marketing strategy.

### **Step 2: Segmenting and Targeting**

The biggest challenge in marketing is to identify those people who need your services and are willing to pay your prices to receive them. This involves picking a target market and perhaps even a niche to focus on. Many people are initially scared of narrowing down their prospects and ask "You mean I have to turn away clients?" For your marketing to be cost effective, the answer is yes. There will only be a small portion of the population who will even be interested in your services - why waste your money on marketing to those that don't need them or are half way across the country and difficult to access? By targeting a small group of people who already have a need for your services, you drastically increase your marketing campaign's likelihood of success.

### **Narrowing Your Focus**

How might you narrow down a target audience? First, focus on people you enjoy working with. Go back to your company analysis and look at the clients you wish you had more of. What characteristics do they have in common?

---

---

Most law firms specify a target market either by the types of services they want to offer or the types of clients they want to serve. Target markets can be based on:

- 1) Geographical area - Defined by the geographic area your firm is capable of serving.
- 2) By business or industry - Can be a type of business such as manufacturing or a specific industry categorized by SIC code.
- 3) By size - number of prospects in the company (ie corporations grossing over \$50 million or with more than 500 employees)
- 4) By services needed and firm's practice areas

#### **Benefits of Picking a Target Audience**

The benefits of picking a target market include:

- ✓ **Increased marketing results.** You can focus your message to address the unique needs of a smaller audience. This means addressing their common concerns and speaking to them without jargon.
- ✓ **Decreased marketing cost.** Because you are working with a select number of people, you don't have to spend as much money reaching them. You have lower mailing costs and you have a good idea of where to advertise - it's usually in cheaper publications rather than expensive mass media.

On average, direct response marketing (mail, postcards, email) gets a 1-2% response. The reason for this is because we can't read our prospects' minds to tell them exactly what

they need to hear to go with us. You will never communicate to everyone in a single letter or marketing piece because each person has different motivations for buying, personal needs, professional needs, wants, goals, and the like. What is an effective sales piece to one person may be a complete turn off to another. For instance, the CEO of a company has different needs from a line manager or an entry level administrator.

The goal of marketing is to get into the heads of your prospects and figure out their motivations for needing a lawyer and their potential objections and concerns. These should be addressed in your marketing materials. You can't do that with a generic letter that goes out to everyone. If you try, you end up with a generic message that states something like "I am the best person for the job" or "We're #1!" but never adequately explains why or how you are different. That's why choosing a target market is so important.

By the way, it is possible to target different segments. However, to do so, you need different sets of marketing materials focusing on each of your different segments. (This is also true when you are marketing each of your different practice areas.)

If your target is based on a demographic, look for trade shows, mailing lists, publications, associations, and other media targeted at this group. Sometimes people have great ideas for prospects they'd like to target, but the group is virtually impossible to reach. If you can't find any type of organization that caters specifically to these people, odds are that it isn't a good target.

Now that you've picked a particular audience, will you profit from these types of clients? If these people are characteristically penny-pinchers or overtly stubborn, they may not be such ideal prospects. Remember, you are looking for a mutually beneficial relationship whereby you enjoy working with these profitable clients while they value your services and enjoy working with you.

### Step 3: Branding and Positioning

#### Understanding Branding

Your brand incorporates every interaction you have with your clients from your logo to your direct mail, to the way you present yourself to clients, to the level of customer service you provide. Your brand is your relationship with your clients.

A brand is not the service it represents, but is the public's perception of what you offer. It is not your logo, but what images come to mind when your clients and colleagues see your logo. The emotional association a client has with a particular product or service. Through a carefully planned branding campaign, you can mold how the public views you.

For example, think of Nike's "Just do it" campaign. When you see the Nike swoosh or hear "Just do it", what images come to mind? Athletes pushing themselves harder. Trying to be the best. Giving it their all. Now think of what Nike sells - sneakers. But they don't focus exclusively on sneakers in their campaigns. You don't see them comparing their products to Reebok or Puma or Sketchers based on quality or price. No, they focus on the raw emotion of victory. The blood, sweat, and tears of athletes who won't

settle for number 2. Price and quality appeal to your logic, but pain, exhaustion, winning - they are emotional qualities. And emotion is what people relate to. Emotion is what sells.

In service based industries, prospects have a much more difficult time evaluating which company to turn to because services are intangible. Your prospects can't go to the store and evaluate ten different product models by the way they look, what features are included, how much they weigh, etc. They must first communicate call you up and schedule a consultation, explain to you what they want and hope you understand. When they sign your contract, they don't know you very well, but hope they will develop a good working relationship with you.

So people become more important in the overall evaluation. Prospects use every means they have to evaluate the intangibles that services present. And often times it is difficult to differentiate one lawyer from another because so many present themselves the same way - how many 'divorce attorneys' or 'estate planning attorneys' do you know? While differentiating by practice area is a start, it still doesn't narrow down the choice of lawyers to a handful. Therefore, prospects place added emphasis on tangible things. They judge you on what your office looks like, the quality of your marketing materials, how you dress, who you've worked with, whether you were on time, etc.

#### Benefits of Branding

- ✓ **Greater differentiation from competitors** - By focusing on personalizing your marketing materials

and not going for a hard sell, you can present yourself as a likeable person who is just the person to get the job done as their partner.

- ✓ **Positions you as a partner** - When clients view you as their partner, they will be more likely to be satisfied with the service you provide them. They will understand that you are working with them to achieve their goals - and they will trust you.
- ✓ **Greater client selectivity** - Finally, it allows you to pick your clients from your target audience, rather than trying to weed out those who may not be your ideal candidates. This allows you to focus on the types of clients you want to serve, rather than taking in everyone - even those who may not be profitable for you to keep.

#### **What Branding Will Not Do For You**

A brand is a tool to help you get to where you want to be - having prospects come to you. It will not cover up incompetence. You still have to work hard to satisfy your clients and establish that working relationship, but it will make the process easier. However, if there is a disconnect between the 'firm' you present and the 'firm' who works with clients, your brand will not hold up. Prospects and clients see through lies and exaggerations fairly quickly.

A brand also will not make you famous. It can help you, personally, establish a reputation as an authority in your field, but you still must put effort into continuing the brand.

such as holding seminars, writing articles, talking to the press, and continuing your marketing.

#### **STEP 4: CREATING A MARKETING PLAN**

After you've done the initial research and know who you want to target and with what message you want to use to reach them, it's time to write up a document that describes your course of action. A formal strategic marketing plan can take well upwards of 80+ hours to put together, but you will probably find a mini-plan of a couple of pages will be good enough. You don't want to get bogged down with details, but you do want to include enough information on objectives, cost, time-frame, budget, and marketing tactics to get you through the next year.

#### **Objectives and Goals**

Here, you focus on the 'what' and 'why' of your plan. You probably have an idea of where you want to be by a certain date, so this section of the plan outlines the logical, concrete goals or 'milestones' you need to accomplish to reach your objective.

Your main objective should be a concrete goal such as "By the end of the year, I'd like to have X new clients in Y target market and Z total sales." Note: this has to be within reason. If you currently have 10 clients, you won't reach 100 by the end of the year. Think of where you currently are and how much business you can handle with your current capabilities. If you're looking to grow your company, address the issues of adding new staff and firm partners, leasing a bigger office, and buying new office equipment as well as

---

---

added marketing costs.

Once you have a list of all the goals, add another level to the mix and detail the steps involved in achieving those goals. Here is where you can focus on the 'who', 'what', 'when', and 'where'. And as you're doing this, you should pull out your calendar and make note of which tasks are critical to the completion of each goal and by which date you should have each task completed.

### **Budget**

Once you have a good idea of the tasks ahead of you, you must then evaluate how much it will cost. Everything costs money, and effective marketing is no exception. Yes, there are tactics you can do for virtually nothing (usually PR related), but you will still need to invest in design, printing, and mailing costs of other aspects of your campaign. Be as objective as you can about the costs you can anticipate. If you have little experience in budgeting an area, add 25% to your best estimate. You should also separate out staff time and any out-of-pocket expenses you might incur. The rule of thumb is that you should spend what you need to spend to do it right without cutting corners. Marketing is an investment initially to create everything and get organized, but it will pay off in the long run.

Alternatively, some firms use percentage of annual sales to estimate what their annual marketing budgets should be. I've heard numbers range from about 7-15% for those with established campaigns and upwards of 25-30% for those trying to get their marketing off the ground. Depending on whether you had a good or bad year, you can see how this

can fluctuate greatly. Personally, I find that those that use an annual percentage tend to cut corners with their marketing when they find they haven't budgeted enough for one activity or another. This can have a significant impact on the overall performance of their campaign.

Realistically, you will have a maximum spending limit, so you may have to focus your efforts on achieving a handful of specific key goals rather than spreading yourself too thin over all activities.

### **Measuring Return on Investment**

The purpose of setting clearly defined objectives and goals is so you can go back and compare how you're doing to how you hoped to be doing at different points throughout the year. The plan isn't set in stone, so if things aren't working, try tweaking them until they do work or you decide they should be cut. Marketing is an art, not a science, so you'll probably find some things are working great. Others are behind schedule. Something may have cost more than you thought. Plan to schedule time to re-evaluate your marketing efforts quarterly and adjust accordingly to get things back on track.

When you do start making changes to your marketing plan, make sure they are documented in the plan itself. Add a note explaining your understanding of why one part didn't reach its goals and add recommendations for how to improve this for next year. If you add a new tactical step such as an additional postcard mailing, make sure you document why.

---

---

## Step 5: Business Development

Now that you've spent some time getting to know your clients and prospects, you have a message to tell them, and you have well defined objectives and goals, it's finally time to start generating initial interest in your services.

Keep in mind. This will not be an instantaneous process and you will rarely get an immediate sale. Unlike with products which can be bought on impulse, the services you offer require that your prospects have an immediate need for your services. For example, people need a real estate attorney when they are looking to buy or sell property. You can't just mail someone a brochure and hope they look at it and think, today would be a good day to buy a house. I'll call this guy and see what he can do for me. Buying a house is a stressful process for those involved, so you have to catch prospects at the right time - when they are thinking about moving or buying an investment.

As you prospect, you will probably find a number of people that show some interest in your services. These prospects will fall into the following categories:

- ✓ Prospect has an immediate reason to buy your services- These are the ones you want!
- ✓ Prospect seems to have a reason to buy, but hasn't made the decision to move forward yet.
- ✓ Prospect is looking to evaluate a firm for future services
- ✓ Prospect is just collecting information but has no interest in buying

Whenever you make contact with a new prospect, you should always classify them by their level of interest - or how close they are to taking that next step. You can then use this to send prospects highly targeted messages designed to help them decide and take the next. Remember - often prospects don't take the next step because they are uncertain what to do and doing nothing is far easier than making a potentially bad choice.

Your job is to educate your prospects through each step of the process. Notice I said "educate" not sell. During this critical time when you are trying to attract interested prospects to you, if you try to sell here (ie focus on your needs of getting more work), you will drive them away.

That doesn't mean you shouldn't use a call to action in your marketing materials. In fact, you should always use a call to action in your marketing materials. This is absolutely critical to increasing your response rate.

### Types of Offers to Include

There are a number of types of offers you can use in your advertising. These include:

- ✓ **Soft Offer** - This requires no face to face interaction, but promises the prospect that if he sends a business reply card back or visits your website, you will supply him with more information. This offer basically allows the client to say "I may be interested. Tell me more." It generally appeals to prospects who don't have an immediate need and are "just looking" or to those who do have an immediate need but would like to gather

more information before they speak to a sales representative.

- ✓ **Hard Offer** - This requires either face to face or phone interaction, and promises the prospect a free appointment, consultation, demo, or whatever you are offering. It is ideal for prospects who have an immediate need and are ready to talk with vendors.
- ✓ **Deferred** - This allows prospects to send back a slip saying they are not interested but try them again in X months/years. This can give you an idea of a future need they might have and when you should contact them.
- ✓ **Negative Offers** - Occasionally, if you send a business reply card, you will get prospects who fill out the card and return it to you with the box "Not interested" box checked. These negative responders are interesting because they've taken the trouble to fill out the form, but they specifically mention they aren't interested in your service. That usually means they were interested, but your message didn't appeal to them. After all, those with no interest wouldn't have bothered filling out the card.

You should always consider using a hard and a soft offer in all of your marketing materials. However, because of the nature and complexity of any professional services, your soft offer should always be the primary offer and should contain some free information that prospects can receive free of charge.

While you don't have to offer a free booklet or other free offer, using one has proven time and time again to generate a higher response rate than the same ad or direct mailing would without the free offer. Often, those who need legal advice are looking for as much information as possible before they decide which firm to choose. By offering free, no obligations information, they feel they have nothing to lose by responding to your offer.

Keep in mind: from your prospect's perspective, unless they have an immediate, urgent need, your mail is just another piece they receive with yet another sales pitch. A free booklet says to them that even if you have no immediate need. Even if you don't have time to read my mailings. Even if you don't want to think about hiring an attorney, you can still respond to this mailing and get something free in return. The sell you make in your literature must be subtle - addressing the prospect's problem and offering an unbiased solution (which you just so happen to specialize in). And you always want to add the next step in the process - which can either be to request your information kit, visit your website, or to schedule a consultation with you.

Initially, you probably want to focus your efforts on at least some (if not all) of the following tactics.

- ✓ Advertising (usually print initially)
- ✓ Direct response (mailers, letters)
- ✓ Press releases
- ✓ Publishing articles
- ✓ Referrals and networking
- ✓ Seminars
- ✓ Website (including email newsletters)

This guide will not address the details of using those tactics here, but we do offer a monthly newsletter devoted to Law Firm Marketing at [www.morningstarmultimedia.com/law/](http://www.morningstarmultimedia.com/law/) if you are interested in articles and tips on using those tactics more efficiently.

### Networking and Referrals

Often, lawyers rely on referrals and networking to bring in the majority of their clients. Here are 4 helpful tips on improving your networking results.

- 1) **Don't talk about yourself.** Instead, think about the prospect and what's in it for him. People prefer to talk about themselves and their problems rather than listen to you explain yourself and your offerings. Get them talking about their business and make note of any opportunities.
- 2) **Look for leads for others in your network.** Know what types of clients your own clients and firm partners are looking for. Make sure those you refer are high quality leads and that both parties would be happy with the relationship.
- 3) **Don't think short term.** Building a referral base will take time on your part.
- 4) **Don't forget to thank those that refer clients to you.**

### Cross Selling

Cross selling requires that you take an active interest in your client's business and look for other areas where you can help him. Always invite him to call you whenever he has a legal

question, even if it is not in your primary practice area, so you have the opportunity to direct inquiries to other partners in your firm. Many clients won't know all the practice areas your firm serves, so you should create an educational packet explaining common questions and problems handled in each area.

Additionally, cross selling requires you to be knowledgeable about what your partners are doing. It's much easier to recommend your client to someone you know well and respect as an expert in his area than to take a chance and refer your client to someone who might not be so good.

### Your Information Kit

Your information kit is a more detailed package that presents in depth details about your firm's services. You should send this out after a prospect has contacted you about your free literature as a lead in to your consultation. You can also send this kit out to pre-qualify leads to make sure they understand what services you provide, your fee structure, your working procedures, and other logistics before you set up a consultation. This ensures your consultation won't be a waste of time for either of you.

This kit should detail a variety of details about you and your company, your background, your services, your fees, terms and conditions, and whatever else might be appropriate. You should include educational materials that explain your services in terms of prospects' problems, how you can solve their problems, letters of recommendation from clients and colleagues (if allowed in your jurisdiction), articles you've written or that pertain to your

---

---

prospect's problem, and the benefits of hiring you and your firm. Additionally, you should include a cover letter thanking the reader for his interest in your services and explaining the next steps - usually a consultation with you.

Having a brochure is important in business these days. Often, prospects are afraid of doing business with a firm or individual they don't know. Anyone can pay a couple of bucks to get business cards and letterhead printed at their local print shop, but a brochure establishes credibility. It also presents your story in a logical, consistent fashion ensuring that all key points in your message are delivered. They can they look over your brochure if they have questions long after you've left the meeting. A good brochure creates an impression that you understand their needs and thus you're a step closer to winning their trust.

The brochure is also designed to make prospects trust you, so the look and feel matters. I'm sure you've received a number of cheap brochures that look like they came off a Xerox machine. You probably also received a couple of really nice, glossy pieces on expensive paper. Think of what impressions came to mind when you received each. You were probably far more impressed with the quality piece. Quality tells prospects that you're successful, and that they can trust you.

## **Step 6: Getting the meeting**

### **The Phone Conversation**

After you have sent out the requested information kit, follow up with a phone call a week or so after you send it. Those with genuine interest will be happy you called.

The best prospects will be those who call you before you have the chance to call them back. During the phone conversation you should ask if they've had the chance to look over your kit and if they have any questions. Carefully note the tone of the person on the other end. If they sound agitated, always respect that and ask if this is a bad time. If they're busy or they don't want to talk to you, they won't be receptive. Remember, you are a service provider, which requires you to listen. You must establish a closer, more personal relationship than product sellers and you should always look to take actions that are in your prospect's best interests - not yours. If they seem happy to talk to you over the phone, go through your prequalification questionnaire with them.

### **Your goals for this phone conversation should be:**

- 1) pre-qualify prospects - you don't want to waste your time if they don't have an immediate need
- 2) make sure prospects understand your offer
- 3) find out what the prospect's motivations are for requesting your services
- 4) ask to set up a consultation with them

That initial meeting is then the first step in the process of solving your prospect's problem. They haven't hired you yet, but you must act to a degree like they have - giving away just enough information to convince them you know what you're talking about and can do what you say.

### **Follow Up Tips**

As an attorney, you probably give out advice

---

---

to numerous people each week. Many of these recipients are clients and prospects. Try calling them up in a week or so and asking if they took your advice and the outcome. This shows you care about your client's success and gives you another reason to stay in touch with your client.

## **STEP 7: ACING THE MEETING**

### **Preparing for a meeting**

Just as you'd prepare for trial before you appeared in court, you should spend ample time preparing for your initial meeting. Before the meeting, visit your prospect's website to learn more about what the company is doing and what services they might need. You want to have a good idea of your prospect's personal and organizational needs so you can help him solve his problem more effectively. Make a list of what you think his top motivations are.

Once you have some needs written down, jot down 3-4 questions to ask during the meeting. Keep them focused around your understanding of the prospect's needs. Finally, write down some potential outcomes that you hope to achieve, such as "meeting with the President by February 3rd."

### **The Meeting**

When you go into the meeting, give prospects your undivided attention. The goal is to listen attentively without interruption and make your prospect feel as if he's the most important person in the world. Listen to his tone and respond in a helpful manner to lower his resistance and start building rapport. Ask about him, personally, and what problem he hopes to solve. Frequently, the client's

personal needs will determine whether you get the job, so listen carefully for any underlying motivations he might reveal.

After your prospect explains his problems and goals, explain to him the seriousness of his problem and that you understand his concerns. Now you should take time to educate your prospect thoroughly (and without legal jargon) about his situation. You can use articles and other supporting documents to back up your explanations and to leave with him so he can re-read them after you leave. Make sure to give your prospect the full stream of information (the good with the bad) and answer any common questions before he brings them up.

Next, you should explain why he should hire you, citing your knowledge of the matter, your experience, and other qualifications. Give some examples of how you've helped other clients in similar situations, and offer a few solutions to his own problems from his point of view. Take the time to explain the pros and cons of each, and make sure he understands what you are telling him. After all, prospects won't buy what they don't understand.

Then, you should quote him your fee or give a ballpark range for your recommended services and ask if he has any questions. Address any concerns he might have, summarize the risks of allowing the problem to continue and explain the benefits of solving the problem now. Talk to him as if you are already working together with him and are offering advice in his best interest, but don't push him. If you push, he will resist. He must make up his own mind to work with you.

If your prospect is not willing to move forward at that time, assure him that you're ready to help him when he is ready to proceed and that you'll gladly answer any questions and provide more information for him to make an informed decision. Ask if you can call him back by a certain date if you don't hear from him, just to check in. Finally, follow up your meeting with a letter, either thanking your new client for his business or encouraging your undecided prospect to take prompt action to solve his problems and offer to answer any questions.

### **STEP 8: KEEPING CLIENTS 'DELIGHTED'**

Communication is one of the most important factors in client satisfaction. Therefore, you should address these issues at the beginning of your working relationship and stick to what you've outlined. Some points you should emphasize include:

- ✓ How much will I be billed?
- ✓ Which lawyers will work on my file?
- ✓ How long will this process take?
- ✓ What are the possible outcomes?
- ✓ How often will you contact me?
- ✓ How will I contact you to ask questions?
- ✓ How quickly will you return my calls?
- ✓ Who else can I contact if you're not available?
- ✓ What control do I have over my case?

Usually many of these questions are addressed in the client fee agreements, but does your client really understand the details through the legal jargon? Answer these questions in a separate document delivered with the agreement just to be sure. Your client will appreciate

the clarity.

Also, a major complaint clients cite is that their attorney won't return their calls promptly. You should tell clients up front how often they are likely to hear from you, how quickly you will return their calls, and what your schedule is like to set expectations up front. Many large corporations such as Xerox, IBM and HP have done studies which show that calls returned within 2 hours have a 90% greater chance of gaining business than those returned even after only 24 hours.

### **STEP 9: KEEP IN TOUCH WITH CLIENTS**

Keeping in touch with past clients can often lead to new business. You should try to send out monthly or quarterly newsletters to clients and 'friends of the firm.' You can also find out what's new with clients and former clients by calling and asking. Call them when you notice anything newsworthy - you can even use Lexis/Nexis or Westlaw to alert you of recent happenings with their businesses. You might also visit the client or prospect's website to keep up with them. They will be impressed with your interest in and knowledge of their business and marketplace over and above their legal issues.

### **CONCLUSIONS**

The purpose of this guide was to offer you some new ways to think about marketing your law firm. The fundamental principal of any marketing materials you create should be to address your prospects' and clients' needs and demonstrate how you can provide solutions to their problems. This requires knowing as much as you can know about them and

tailoring your marketing message to suit their problems. It also requires a shift from the traditional 'selling' approach to an educationally focused marketing approach. After all, it is far easier to sell to an enthusiastic prospect who already wants and values your services than to someone who has no interest in your services, crosses their arms in front of them and taunts "convince me."

#### About Morningstar

**Morningstar Multimedia LLC is a marketing communications firm established in 2000 by Krista Baker and James Balaguer in Philadelphia, PA. We specialize in strategic marketing analysis and planning for professional service firms. We also create the marketing tactics such as identity, print, and web design to put that plan into action.**

#### How May We Help You?

**Wherever you are with your marketing efforts, Morningstar Multimedia provides a clear, results-driven path that can take your firm to a new level of growth. For a free, no-obligations consultation of how we can help you solve your firm's toughest marketing challenges, contact us today at (215) 546-7940 or by email at [info@morningstarmultimedia.com](mailto:info@morningstarmultimedia.com).**

---



MORNINGSTAR  
MULTIMEDIA LLC

**1725 Bainbridge St, 3rd Floor**  
**Philadelphia, PA 19146**  
**(215) 546-7940**  
**[www.morningstarmultimedia.com](http://www.morningstarmultimedia.com)**  
**[info@morningstarmultimedia.com](mailto:info@morningstarmultimedia.com)**