

**Bridge the Gap Mentoring Program
Introduction to Client Development
Resource 30**

Resource 30 is intended to facilitate a discussion about methods of client development that have been successful for the mentor and other techniques for business development, including any relevant ethical concerns and the most professional practices in this regard.

- Share with the new lawyer methods of client development that have been successful for you. Share methods which have been unsuccessful and discuss the reasons you believe said methods failed.
- Discuss the importance of professionalism in client development.
- Discuss the client-development tips suggested in the attached outline. Ahern, Ann-Marie. “A Young Lawyer’s Guide to Client Development: Building a Law Practice in a Small Firm.” *Law Practice Today*.
- Discuss how such satisfaction adds to the successfulness of your overall practice. Share specific tips for creating client satisfaction. Read and discuss the attached article. Merenda, Mark. “How to Really Set Yourself Apart From the Competition.” *Law.com*, 13 June, 2005.
- Discuss the role your billing statements play in marketing your services. Read the attached article. Weiss, Bob. “Your Most Important Marketing Copy—What Your Bill Says.” *Law Practice Today* (2005.) Share tips for creating professional and descriptive bills.
- Discuss ethical constraints on advertising and marketing your law firm if the new lawyer takes part in these aspects of firm production. See 16-701 NMRA, Rule 16-702 NMRA, Rule 16-703 NMRA, Rule 16-704 NMRA and Rule 16-705 NMRA. (find at <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0> or <http://www.law.cornell.edu/ethics/nm/code/>)

Resource 30

***A Young Lawyer's Guide to Client Development
Building a Law Practice in a Small Firm***

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I. Overview

Professionalism is an integral part of building a small practice. Your reputation among clients and the community may be the single most important factor in building a successful practice. In a small firm, "client development" differs in some material respects from a large firm. If you represent plaintiffs, repeat business from the same client is unlikely and even undesirable. In most every small firm, it is not economically feasible to develop client relationships through wining, dining, or entertaining. Instead, small firm practitioners should capitalize on "client development" opportunities presented in the ordinary course of their practices. These opportunities present themselves most frequently in the form of client interaction, community involvement, and networking within the legal community.

II. Client Interaction- Building a referral base is essential to any small practice. The best way to build a referral base is by word of mouth through satisfied clients.

A. Interacting with Potential New Clients

1. For many of the people visiting your office, this may be the first time that they've ever hired a lawyer. Do not use "high pressure" tactics to sign the client. With the public perception of lawyers at an all-time low, this technique is likely to backfire.
2. Be sure to explain the entire lawsuit process from start to finish.
 - a. Explain how a complaint is filed and served.
 - b. Define "discovery" and explain the various discovery techniques that are permitted and how they will be utilized.
 - c. Explain that our actions are governed by the Rules of Civil Procedure and other court rules to debunk any misconceptions that the client may have from watching courtroom drama television.

3. Give clients a realistic expectation of the time commitment, monetary commitment, and range of potential results that will be involved in pursuing legal action.
4. If you decline representation, assist potential new clients in finding appropriate counsel. Even if you can not ultimately take on representation of the potential new client, if treated with dignity and respect, that "rejected" client will remember your assistance and may be the source of your next big case.

B. Reasonable Accessibility to Clients

1. Always return phone calls.
2. Make sure clients feel that they can always get in touch with you. Provide clients with multiple methods to reach you.
3. Explain to clients the demands on your time. Explain that there will be times when it will not be possible to return a phone message immediately.
4. Make sure clients are introduced to your clerical staff so that they can always reach a person in your office in the event of an emergency.

C. There is real value of explaining the concept of "wait your turn" to clients. Some people say that every client should be made to feel like they are your only client. But we all have multiple clients and multiple demands on our time associated with representing a number of clients. Managing client expectations is critical.

1. In a small firm, it is unlikely that every matter that you are handling has your complete attention and focus simultaneously. Instead, you dedicate blocks of time to matters as deadlines approach and as other matters are resolved.
2. Clients need to understand that their matter is not the only matter pending in your office. Explain from the *onset of the case* that there will be lulls in activity on their case, but that there will also be periods of intensity where their matter will be the sole focus of your attention. Clients hope and expect that when the activity on their case intensifies, they will have your full attention. Conversely, when you are absorbed in another matter, they will understand that they will get the same type and level of attention when their time comes.

D. Your client should feel like you're the best lawyer in the world

1. Always make your client aware of what you've done to advocate on his or her behalf. Send them copies of major briefs filed. Invite them to watch you argue at a hearing or before the Court of Appeals. Direct your client to the court's on-line docket so that they can see activity in the case.
2. Dress the part/ act the part.
 - a. Always look professional in your dress. Make sure that your staff does the same.
 - b. Treat every client as if they are your biggest client. Chances are, the legal matter in which they are involved is a significant event in your client's life and should be treated as such by you.
3. Always prepare your client. Make sure that your client knows what to expect at every pretrial, every deposition, and at every juncture of the process. Thoroughly explain the purpose, physical location and procedure at every step of the litigation process. Eliminating fear of the unknown will engender your client's confidence in you.

III. Community Involvement- the importance of making a name for yourself and your firm in the community cannot be understated. Chances are, you will not have a sophisticated marketing department to get your name out. You must be your own promoter and you must not be shy about letting people know about the services that you offer.

- A. Get involved in charities; serve on committees and boards.
- B. Become involved in groups that complement your practice area and groups that are most likely to come into contact with people who may need your services.
- C. Tell people about what you do. Instead of saying "I'm a lawyer" when you meet new people, say "I'm a lawyer that represents people in divorces, helps people write wills or represents people accused of crimes or represents people in employment disputes, etc. As the general practitioner seems to be disappearing, people are grateful for the contact.

IV. Networking in the Legal Community

- A. Make the most of your bar association memberships. Make sure that you are involved in a variety of bar associations, including state, local, practice area associations. For instance, while you may get relevant information about your practice area from a specialized bar or section of a bar association, membership in organizations with members whose practices are diverse from your own practice will create more networking opportunities and more referral sources.

- B. Whenever possible, take on a visible role in those organizations. If you demonstrate your competence as a member of an organization to your colleagues, you are expanding your referral base.
- C. Never turn down an invitation to speak (provided it is on a topic that you know). Any ability to demonstrate competence in your practice area should be seized upon.
- D. Develop and update your Curriculum Vitae regularly.

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FEATURE

How to Really Set Yourself Apart From the Competition

Scripting the client experience

Mark Merenda
 Marketing the Law Firm Newsletter
 June 13, 2005

I'm always coming across articles and books by marketing gurus about how you must differentiate yourself from your competition. Their writing is usually peppered with advice on how to "position" yourself and "brand" your practice.

And many attorneys spend a lot of time, energy, and money trying to convince potential clients that they are somehow different (read: better) than others who provide the same service.

It's a fool's errand, and I'll tell you why.

First, you aren't really a whole lot better or worse than others in your field. Oh, I know, I know, you're terrific. But guess what? You're not the only one who's terrific. There are others who are pretty darn good as well. Maybe even better than you.

But let's assume you are much better than everyone else. This brings us to our second point. Your potential clients can't tell the difference. They do not have your expertise in the complicated financial and legal strategies in which you deal every day. What you tell them may sound compelling, but then so did what they read in *Money* magazine, or what their friend told them at a cocktail party, or what another advisor told them last week. It all sounds good, but they have no real way of judging. As far as your potential clients are concerned, any special knowledge or strategy or technique you advocate is simply a claim you are making.

I hope you're the world's greatest attorney. Maybe you are. But in marketing terms, that won't do you much good. Believe me, you can be world's most brilliant lawyer and still starve.

But don't despair. I am going to tell you the real secret -- how you can differentiate yourself, blow your competition away, and have an endless line of referrals at your door.

Are you ready?
 Develop great customer service.

Let's face it. In most businesses, the service stinks. There isn't a week that goes by that my friends and I don't exchange anecdotes about the cable company, the phone company, the bank, or some retail or service business that actually seem to be going out of its way to alienate everyone who deals with them.

SERVICE PLEASE

Service everywhere is bad. But that's good for you.
 It presents you with an opportunity. It means that if you can deliver even halfway good customer service, people will rave about you and tell their friends.

Unfortunately, most lawyers don't know the first thing about customer service. And the first thing they have to change is how they think about themselves and their business.

Here's the concept I want you to understand. You are not a law firm. You are a customer service organization whose work product happens to be legal documents.

Let me quote from Jack Mitchell, CEO of Mitchells/Richards, one of the most successful clothing stores in the U.S., serving the upscale clientele of Connecticut and New York:

"At Mitchell's, clothes are not our priority. It's not the first thing we think of, nor the last. Don't get me wrong. We like fabulous product, and we search the world to get it, but we're all about customers.

"Now that may sound amazing. A clothing store that isn't about clothes? But it's true. And if we were a restaurant, we wouldn't be about food. If we were an electronics store, we wouldn't be about DVD players. Businesses have lost sight of the idea that customers, not product, are the most important priority. Most companies think all you have to do is have plenty of great product and the right value

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and customers will descend like locusts on their stores. Many stores have those things. You can buy a great blue blazer or black skirt anywhere. You can buy a great flat-screen TV at any electronics store. You can get a great sofa at a lot of furniture stores. It's how you treat customers that determines your long-term success."

I'm here to tell you that creating client satisfaction -- or better yet, joy -- is your job. Not drafting legal documents, not creating legal strategies, not giving legal advice.

HOW TO CREATE CLIENT SATISFACTION

In their seminal book, "The Experience Economy," B. Joseph Pine II and James H. Gilmore put forth the proposition that customers do not buy goods and services as much as they buy experiences. "Work is theatre," they write, "and every business is a stage."

Surveys show, for example, that 75 percent of the people who travel to Las Vegas, go expecting to lose. What a great vacation concept, right? Come to our city and lose money! But millions do, every year. Why? Because the end result isn't what is most important. They are going for the experience.

The masters of this approach, of course, are the people at Disney theme parks. Every customer is a "guest," every employee is a "cast member" and every day's business is a "show." What are people really going for? A couple of rides and some souvenirs?

So how do the lessons of "show business" apply to a staid law office?

First, you have to determine what you want your client's (and potential clients') experience to be when they call or visit your office. You need to "script" exactly what will happen.

Questions to ask yourself include: What does the client see when they enter? How does the receptionist behave? Are they escorted to the conference room? What will you offer them? What does the client see as he or she looks around the conference room? Does the attorney walk into the conference room at precisely the appointed time? How does the attorney greet the client?

I suggest, in deciding what you want your "script" to be, you solicit the ideas of your employees. It will greatly help the process of getting them to "buy in" to the new way of doing things.

The client comes in the door and sees a sign that says: "The Smith Law Firm welcomes Mr. and Mrs. Jones, June 1, 2005." The receptionist rises from behind her desk and greets the Joneses warmly by name. They are escorted to the conference room and automatically served a glass of water from a carafe. They are asked if they would like anything else -- coffee, soda, etc. The conference room is decorated with personal memorabilia and warm objects that reflect the values of the firm's clients. (Example: If the firm specializes in elder law, there are photos of the attorney's parents, a 1930's era antique radio, a copy of Tom Brokaw's "The Greatest Generation.") The attorney enters the conference at the precise time of the appointment and greets Mr. and Mrs. Jones warmly.

This is your script -- the exact sequence of words and events that will create the desired client experience.

The next step is to turn your script into a series of protocols for your employees. This is how we answer the phone. This is how we greet visitors. This is how we speak about our firm and its attorneys.

And then, finally, training, training, training. Make sure everyone understands the protocols, has "bought in, and has practiced until it is second nature. Arrange to have one of your friends pose as a prospective client, and test your new script.

Remember this, above all else: the fact that you have not scripted your client's experience, does not mean that the client will not have one.

When you think about it, scripting a great customer service -- hugging your customer, as Jack Mitchell calls it -- is a much easier way to differentiate yourself, than all the positioning, all the branding, all the continuing education or new designations or niche marketing.

It feels good. Your employees and clients will love it. You will love it. And your bottom line will reflect it.

Mark Merenda founded Smart Marketing in 1994. Contact him at mark@smartmarketingnow.com.

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Your Most Important Marketing Copy — What Your Bills Say

Bob Weiss

September 2005

The most important marketing copy you write isn't on your Web site. It isn't what you say in your firm brochure or in your latest proposal.

It's in your monthly bill.

General counsel, chief executives, and financial officers tell us they routinely get long-winded promotional brochures and expanded service proposals from law firms they use, and from those that want to get their attention. They also say these materials often provide little information that makes much of difference in their selection of counsel, or in the decision to maintain their relationship with a firm or refer that firm to someone else.

They further report that up-to-date information on legal issues affecting their day-to-day operations, either on a Web site or in the form of an electronic or printed newsletter, is much more valuable to them. So are brief explanations of transactions or litigation in which your firm has been involved.

But the single most important promotional copy you produce every month—what amounts to a monthly direct mail piece every client carefully reads—is your invoice. And, general counsel and executives want it to clearly explain what you have done.

"It should tell me the story of that month's work from beginning to end," one recently told us. "If we can't discern what was done and by whom it undoes a lot of the good work and results by that outside counsel," said another.

Poorly worded or vague billing causes a client to question both the value and quality of your services. Every lawyer carefully reviews and edits filings, correspondence and many do the same with new alerts and brochure copy—do you have the same exacting standards for your billing?

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