



RETURNING TO REBUILD YOUR PRACTICE

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“Challenges are gifts that force us to search for a new center of gravity. Don't fight them. Just find a different way to stand.”

Oprah Winfrey

Life has a tendency to throw us curve balls. All the time. Some of us are luckier than others in having what seems an endless ability to dodge bullets. Other hapless individuals take the very first shot squarely in the eye. There is no fairness in it all. Some experience more adversity than others. The true determinant of character, however, is how well an individual navigates through life's inevitable challenges and detours.

I have assisted many attorneys over the years who have had their legal career derailed for a period of time. The reasons for derailment can vary widely — illness, childrearing, a side-step into another career, caring for aging parents, substance abuse — and don't really matter much. What matters is what happens when you return. Where do you start? How do you rebuild?

Attorneys returning to a legal career, particularly nowadays, are finding that the profession has changed. Depending on how long one has been absent, the change may be dramatic or subtle. But no doubt it is different. This difference was the focus of discussion I had the other day with an attorney on the hot line.

Let's call the attorney “Brian.” Brian practiced in a focused area of law prior to taking a multi-year hiatus caused by health issues. Prior to his absence, Brian had achieved a fair level of success. He was well regarded in his field. He had a number of institutional clients who provided him with a steady flow of challenging and profitable work. His earnings were adequate and on the rise.

Brian worked very hard over a multi-decade career to establish his niche and reputation. He was a firm believer in education-based marketing. He frequently published concise articles, and taught courses to both prospective clients and fellow attorneys.

Seminar presentations to prospective clients positioned him as an expert in his field without the need for any heavy “sales” activities. He was good at it, and it was an activity he enjoyed doing. It was a good long-term marketing strategy which eventually developed a strong client base.

Teaching colleagues helped Brian develop good referral sources. Focusing in a finite area of law enabled him to get a steady influx of referred work from mid-size firms, because he presented no threat of competition.

In short, before he was forced to take a health-imposed hiatus, Brian was a successful solo attorney, doing what he enjoyed both professionally and administratively, with bright prospects for the future.

Fast forward several years. Brian was returning to pick up the pieces of his practice. His institutional clients were long gone. His position as a bright star on the horizon had receded to a hazy glow. He was not as well known in the bar. Most of the firms which were previously sources of work were utilizing other attorneys.

Brian was undaunted. He knew the formula which had led to his prior success. He was ready to roll up his sleeves, dig in, and get started again. He began writing articles, consistently posted valuable information on a blog, returned to active participation in the bar association, and started lining up seminar presentations. Time passed. Unfortunately, the practice was floundering.

Brian contacted me in bewilderment. He was employing all those previously successful strategies, but was not making meaningful headway. What was wrong?

Actually, nothing at all was wrong with Brian’s efforts. Except that Brian failed to realize that he had returned to a marketplace much different than the one he left. Numerous factors were impacting the success of his efforts including:

- **Greater consolidation of work by institutional clients.** In the past it was not unusual for a large institutional client to employ as many as 100 – 150 different firms. Typical reductions now have that number down to anywhere from 25 – 50. Those firms remaining stepped up client retention efforts. Solos like Brian are finding it virtually impossible to break through without a well-planned strategy.
- **Greater competition.** The consolidation left a lot of large firms standing with no chair when the music stopped. It takes a larger number of mid-size clients to replace the work and revenue of a lost institutional client. All of a sudden, clients which were previously



unattractive to BigLaw became desirable targets. Who was servicing those clients? MidLaw. This trend continued to flow downward, with MidLaw firms attempting to reel in clients previously left to or passed along to solos and smalls.

- **BigLaw in small towns.** The increased competition led to another unusual change in the marketplace. Some BigLaw firms began acquiring well-known solos in small towns. Historically in PA, small communities have eschewed “outsiders.” With the backing and brand-name recognition of BigLaw being packaged and presented by the friendly face of the well known hometown attorney, a previously unknown competition arrived on the doorsteps of the largest demographic segment of the bar — solo and small firm attorneys — delivering a sharp and effective one-two punch to the bottom line.
- **The recession.** When Brian left active practice, we were in a period of economic stability. When Brian returned, we were in the throes of the worst depression / recession the country has experienced. Worse, arguably, as the entire global economy was flailing. Directly translated into the impact for Brian, it meant far less dollars being budgeted and spent on the “preventive” services which previously incorporated much of Brian’s practice. Right now, money is being earmarked and spent on necessity only. While the knowledgeable attorney can argue that failing to invest in prevention strategies will ultimately be more costly in the long run, it’s a tough sell when a company is struggling just to survive.

When Brian originally built his practice, he used very effective marketing strategies for long-term success. But the same strategies don’t work when the firm needs a jump-start. Let’s take seminar presentations as an example. A very well presented seminar to 50 attendees may not produce a single new client in the year of the presentation. Why? Unless the prospect has an immediate need, they will just file your information away until the need arises. It’s not unusual to hear from someone two, three, or even five or more years later. It happens all the time, with a phone call or email which starts with, “I heard you present a seminar x years ago and was very impressed, so I held onto your materials in case I needed you some day. That day has arrived.”

Many attorneys don’t understand that their efforts today may not produce results for years. And so they quickly abandon the effort as “unsuccessful” instead of focusing their vision a little further out on the horizon. Think about presenting seminars as being Johnny Appleseed, planting seeds relentlessly year after year.



Eventually the seeds sprout, and it takes a number of years for the trees to mature and bear fruit. But when harvesting begins, it's a sustainable event which keeps producing bounty year after year. For this reason, I encourage attorneys, starting early in their careers, to pursue this strategy.

Unfortunately for Brian, this is a strategy which does not produce particularly stellar short-term results. For that, a more direct short-term "target and pursue" strategy is required. This was a strategy Brian was not familiar with, so we talked it through. It began with a simple question, "Who is your ideal client?" This sounds simple, but is really a multi-faceted question. One must consider entity, industry, location, size and so forth. For some aspects, like size, it was easy for Brian to answer. For other aspects, Brian wasn't sure. So we turned our attention to the concept of strategic intelligence.

Simply put, strategic intelligence is the gathering of information which enables the firm to understand its competition, what industries are on the rise, what industries are in decline, population demographics from one geographic location to another, what challenges the industry faces, and so forth. Fortunately, the internet has put virtually all the information we need to map a successful target and pursue campaign within our reach.

Let's say that Brian's ideal client is a growing mid-size to large corporation headquartered within the Lehigh or Delaware Valley area. Web sites of local, regional, and state governments contain much information designed to attract outside businesses to their area. It's easy to find out the major employers already within a region. A search of news releases on their sites can reveal on-going negotiations with businesses and industries being "courted" as well. All sorts of other useful demographic information is also available, such as income levels, ethnic ratios, even average commute times of residents. You'd be amazed at how much information is readily available.

Other information available through other sites reveal which industries are on the rise, and which industries are declining. Ok, so having done a considerable amount of strategic research results in a short list of industries which are on the rise and are located within the targeted region. Now what?

Now we again use the power of the internet to find the specific companies in our desired industry and region. This search should produce direct links to the prospective company web sites. One by one, we visit the web site of each company, learning as much as we can about them, and their industry in general. Each bit of information assists us in determine how to best highlight our value to them. Before



leaving the site, we get the names of the top people in the organization.

Finally, we turn to social media. Facebook is for connecting with people you know. LinkedIn is for figuring out how to get to know those you don't. So let's start with LinkedIn. Are any of these targets on there? If so, who do they know that you know? It's been said that it's possible to connect yourself to any person on the globe within only a certain number of degrees of separation. So you want to keep widening the circle around a prospect until you find a point in common. Start there to work your way, level by level, toward the prospect.

Meanwhile, see whether any of them are on Facebook. This is another very effective source of strategic information. Chances are good nowadays that at least one or two targets at a company will have a profile on Facebook. If it's public, it reveals a lot about the person. You can find out what their interests are, what they read, where they go for education, what organizations they belong to or support. All of this information is strategically significant when you are looking to create opportunities to "touch" this person in a meaningful way.

Target and pursue strategy is about quickly identifying your ideal client prospects in a very specific way, and then seeking to create opportunities to get an introduction as quickly as you can. But remember, when you achieve contact it isn't about you, it's about the value you can provide for the prospect. Be prepared in advance to address actual problems your research has revealed they will or are facing.

With a Facebook prospect, it's easy to send and post helpful comments and content, in order to make a low-key initial contact. At the least, it will provide you with valuable clues about where to invest your limited time to ensure maximum return.

As my call with Brian was concluding, he had a clear picture in his mind of how he would proceed. He felt optimistic that with the same previous level of diligence and effort now applied in a more focused and strategic fashion, he would be able to successfully jump start his practice. He just needed someone to help him "think aloud" and draw back the curtains a little.

Need help yourself? I'm just a call or email away.



Suggested Additional Reading:

“Law Student Meets GC on Twitter” by Amanda C. Ellis (amanda@aellislegal.com)

“Moving from Social Networking to Handshakes” by Thomas C. Ksobiech (http://www.nalp.org/uploads/documents/ksobiech_social_networking.pdf)

“How a Real Lawyer Uses Social Media” by Jay S. Fleischman Esq; Legal Practice Pro (www.legalpracticepro.com)

“How a Solo Gained More than 600 Facebook Fans for His Fledgling Firm” by Debra Cassens Weiss; ABA Journal Law News Now; Sep 9, 2009

“How to Use LinkedIn to Create Authoritative Content” by Michael Stelzner (<http://www.copyblogger.com/use-linkedin-to-create-content/>)

“Marketing Your Law Firm With Social Media” LawyersUSA (<http://lawyersusaonline.com/free-white-paper-marketing-your-law-firm-with-social-media/>)

“Strategic or Competitive Intelligence” by Ellen Freedman (<http://www.lawpracticemanagement.com/?p=149>)

“The Business Development Express is About to Leave the Station – Will You Be On It?” by George Brandon; ABA Law Practice Today; September 2010 (www.lawpracticetoday.org)

“The Place to Network: Jumpstart Client Development with Social Networking” by Christy Burke; ABA Law Practice Today; March 2008

“Why Blindly Choosing Marketing Tools Doesn't Work - Know Your Target Market” by Allison C. Shields (http://legalease.blogs.com/legal_ease_blog/2008/01/why-blindly-cho.html)

“Why Bother With ‘LinkedIn’ or ‘Facebook’?” by John Clark (<http://www.sitepronews.com/archives/2008/may/23prt.html>)

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