



## DO YOUR MARKETING EFFORTS PAY OFF?

Ellen Freedman, CLM  
© 2005 Freedman Consulting, Inc.

---

One very simple rule about marketing activities you should always follow is to track the results. It applies regardless of the activity. Whether it's a seminar, written article, or yellow pages advertisement, you need to know how many contacts it produces, how many cases are taken on as a result, and what type of revenues are eventually realized. Each type of data is important. I'll explain why shortly.

First, how do you collect this data? In part it depends on your intake screening process. At some firms a receptionist or paralegal collects information and does a conflict check before passing along the information to an attorney. By the time the attorney is prompted to return the call, the intake sheet is fairly well completed. In many cases, based on the type of case or conflicts, the matter may not even make it to the attorney. Therefore, it is important that the intake form have on it a place to note the source of the call for new prospects. At other firms, prospects will visit the office and fill out an intake questionnaire, or be personally questioned by an attorney or paralegal. Oftentimes someone will not remember initially, so a simple checklist which can be reviewed by or with the prospect will help. It might look something like this:

*Please let us know how you found out about our firm by checking all that apply:*

- Attended Firm Seminar*
- Read Firm Article*
- Read Firm Newsletter*
- Visited Firm Web Site*
- Saw Firm TV Advertisement*
- Heard Firm Advertisement on Radio*
- Saw Ad in Yellow Pages*
- Referred by personal contact (please provide name)*
- Referred by another attorney (please provide name)*
- Met one of our attorneys at political /social /charitable event (please name event if you can remember)*

*If you have checked more than one box, please circle the choice which most prompted you to contact us.*

Why do you want to know about all contacts, whether or not you take on the matter? Well, if you're investing in pricey strategies like yellow page advertising, television or radio, the strategy is all about volume. It's a numbers game, and to win you need lots of initial

calls. You want to cast a wide net, knowing it will catch lots of undesirable fish which you will throw back. In doing so, you are relatively confident that the “big one” will eventually land in your net as well. So you need to know whether your ad is effective in generating the type of initial volume of inquiries you’d expect for your dollars. Forget for a moment about whether any are “home runs”. Because if the initial volume isn’t there, you can be sure there’s plenty of other potential big fish missing that a more effective ad would have reeled in.

Tracking this information so that you get easy to understand reports is key to making good business decisions. When you’re tracking only intake, regardless of whether you take the case, a simple spreadsheet will do. The prospect’s name can be entered in the first column, and an “X” placed in any appropriate source columns, with a “P” in the primary source column. It’s pretty easy just to print it out and total the checks in each column on a quarterly basis. If you’re a technophobe (e.g. paper and pencil user only), you can use an old-fashioned accounting sheet which offers sufficient columns. Make a new sheet for each time period you’re going to track.

The next step is to find out how many prospects from each source type actually turn into cases. Any reasonably sophisticated time and billing system should be able to report by custom fields. And you can create one called referral source, where you will put the primary source. In other cases you may find there is a field you are not using for anything else which can be adapted for this use. Just make sure you can sort and report on it. A simple report of cases opened within a date range, sorted by referral source, will accomplish this second goal.

For technophobes, another column on the ledger sheet, where you can list client/matter number for cases taken on, will provide a quick and accurate count.

Now you’re probably thinking that you really don’t care about cases at this point, just the dollars earned. Not so. Attorneys are very poor at tracking referrals from attorneys and other professionals. As a result, they often do not refer cases back when the opportunity presents itself, and often unknowingly offend the referring source, and end the flow of future referrals. Again, because attorneys are poor at tracking referrals, they often spend time entertaining the wrong individuals, when time is limited, and budgets are tight. For example, a firm may decide to “court” a new potential referral source. Maybe the strategy is box seats at the baseball game, or a night at the theater. Maybe it’s putting on a joint seminar. Before you repeat these strategies, you need to know whether they’re effective and producing results within a reasonable length of time. This should not be measured in dollars earned, as the important thing about tracking referral sources is to initially determine who they are, so you can show appreciation or reciprocate, and know where better to spend your time.

Another reason to track cases opened is to validate the “7 contact” Rule. What this means is that for many areas of law, you need to have repeated contact with potential clients before they’ll actually consider using your services. In some industries it takes three



contacts to close the deal. In others five. In the legal field it takes more contacts — seven is a number I hear quoted frequently by marketing gurus — to finally provide an opportunity to be of service. So you need to see the combination of contacts on the intake form, and find out which one finally “did the trick” so to speak. If it’s taking your firm an average of 10 contacts, then you need to examine each one to find out which are not as effective as they might be. If your firm is converting a prospect into a client in only two contacts, do more of what you’re already doing, no matter what the cost!

Finally, you need to know what dollars these cases are producing, by referral types. This will help you fine tune your marketing strategy and budget. If your yellow pages advertisement brings in high volume, but there is never a “big fish” in the net, you need to reevaluate the effectiveness of the ad in terms of appearance, size and location. Perhaps a cable TV ad would work better. You may find that contacts made doing certain charitable services produce a higher quality clientele. If so, scale back other activities which are not as productive in order to provide the time necessary to expand your work in that area.

I never miss an opportunity to remind you that one can only make good business decisions with the benefit of solid data on which to base them. Don’t think about going back and checking every past matter. It’s too hard. Just start today. Or tomorrow. But start, for goodness sakes, so that shortly you will be able to make some wise decisions about how to deploy your limited resources of time and dollars. The rewards for this effort are significant.

*A version of this article originally appeared in the 9/1/03 issue of the [Pennsylvania Bar News](#)*

©2005 Freedman Consulting, Inc. The information in this article is protected by U.S. copyright. Visitors may print and download one copy of this article solely for personal and noncommercial use, provided that all hard copies contain all copyright and other applicable notices contained in the article. You may not modify, distribute, copy, broadcast, transmit, publish, transfer or otherwise use any article or material obtained from this site in any other manner except with written permission of the author. The article is for informational use only, and does not constitute legal advice or endorsement of any particular product or vendor.

