



FROM NICHE TO MICRO-NICHE

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Let's review the currently prevailing marketing concepts about how to get noticed in an overly crowded and noisy marketplace.

- **Branding.** The brand is a way to purposely associate your firm with adjectives and other descriptors brought to mind when thinking of the firm. Creating your brand and communicating it internally and externally produces more desirable and consistent results than letting others create one for you.

Although many people equate a brand with a logo, they are not the same. The logo is just a visual symbol that, hopefully, becomes an identifier for your firm. Images are at least four times more likely to be remembered than text. For example, the scripted red "C" is interpreted globally as Coca Cola®. Yellow arches are identified with McDonalds®.

The actual brand, however, is the purposefully constructed message of what the company represents. For Coca Cola® one sees the logo and immediately thinks of cold, bubbly, refreshing thirst relief. The golden arches make one think of a quick bite to eat at a place that is always consistent.

A law firm brand not only brings the specific firm to mind, it becomes associated with factors such as geographic reach, size, credentials, practice areas, and more.

- **Differentiation.** In an overly crowded marketplace, firms have become aware that they must somehow demonstrate to clients, colleagues and prospects why they are a different — implied better — choice than their competitors. Differentiation becomes extremely important when communicating the characteristics of individual attorneys in most practice areas.

Differentiation becomes a challenging concept for attorneys in smaller rural and suburban areas. It runs contrary to the thinking of many

attorneys who acknowledge that many of their clients seek an attorney or firm who can take care of all their needs. Differentiation and general practice seem to be mutually exclusive for individuals and firms. But that is not necessarily the case.

The fact is that it is virtually impossible — given cost and exposure limitations — to effectively answer the universal question: “why pick you for a particular matter?” if you can’t communicate what makes you the best choice. Whether that differentiation is due to unique or extensive experience, educational credentials, public service or any variety of factors, one must identify them clearly to prospects in the marketplace.

- **Niche marketing.** This is actually the more difficult point for general practitioners and those in more rural areas who feel clients leave them no choice other than to be general practitioners. But the simple truth is that we live in more complex times. A complex real estate transaction which would conclude with a file containing 5 or 6 inches of paper thirty years ago would now fill the equivalent of five or six bankers boxes, if still on a paper basis. More expertise is required for just about every area of law.

Complexities abound. Despite the fact that 80% of work most attorneys produce is commoditized to the point that just about any capable lawyer down the street is a possible replacement for fickle clients, the devil continues to remain in the details of the remaining 20%. What we have learned the hard way is that dabblers tend to suffer a higher rate of malpractice claims and often bad word-of-mouth.

It is virtually impossible to remain completely competent in more than a few practice areas when it comes to complex or unusual facts and circumstances. Yes, one can be a general practitioner. But the smart GP knows when to call in someone more focused and experienced in a practice area when the matter starts to veer off the well-trodden path.

Beyond that, it becomes very difficult to effectively market yourself when you practice in too many areas of law. This message may be easier to convey in rural areas when communicating on a face-to-face basis. But given that more marketing nowadays is carried out on a less interpersonal basis, e.g. websites, blogs and other social media platforms, it becomes increasingly important to deliver a clear message of what value and expertise you bring to the table.



- **Laser focus.** Given the limitations on the lawyer's time to be "out there" in person, or virtually, compounded by our overcrowded noisy marketplace, it is important that lawyers clearly identify their prospects, so that they can most successfully communicate what services and value they offer. Without the ability to identify one's niche, it becomes impossible to develop the required focus for marketing efforts.

There is no doubt in the mind of any marketing consultant that focus is required to be effective. I have a massive library of articles and American Bar Association has a large number of books that all support today's need for laser focus.

Note that none of what I have stated to this point — other than malpractice and reputational risks for dabbling — says one cannot be more of a generalist. There is nothing that says you can't competently practice in multiple practice areas. You just can't effectively market yourself in all those practice areas. For the vast majority of attorneys who have an active practice, there simply is not enough time, let alone money, to do so. That's the reality of today's marketplace.

Pick the practice area that you like the most, or that is most profitable, or in which your credentials are superior to most competitors. Put your marketing efforts mostly in that practice area. Remember, once you have a satisfied client, it's much easier to get additional work in other practice areas from that client, than to find new clients. Generally, it requires 80% of your time and budget to bring in a new client. It requires 20% of your time and budget to get additional work from existing clients. Of course, your experience will vary depending on what practice areas are included in your practice or within your firm. But without doubt, the vast majority of time and money is spent bringing in a new client. The more focused you can be in that endeavor, the more successful the results will be.

- **Micro-niche.** Bigger isn't necessarily better. In our brutally competitive marketplace, additional narrowing of your niche practice area into a more focused micro-niche may be the surest path to both economic success, and quality of life. Essentially, by making a smaller pond, you become a bigger fish, and more easily found.

A micro-niche may require a steep learning curve, and often experience



outside of the law that provides a unique credential. Once established, however, the number of competitors vying to be heard by the same prospects fades to a whisper. Prospects will easily find you.

Law practice management guru and author Patrick J. McKenna, in his article “The Advent of the Legal Practice’s Micro-Niche, Part 1,” provides as an example that a labor and employment practice can get away from heavily commoditized work by developing a micro-niche in workplace surveillance. This can be further broken down into narrower areas such as “chipping” of employees, surveillance software programs and so forth. Another example provided is for an agricultural law niche to develop a micro-niche in vertical farming. As he points out, “The vertical farming micro-niche represents a market space that saw 22,000 patents filed globally between 2014 and 2016 and attracted \$350 million in venture capital last year alone.”

Change is inevitable. As the marketplace in which we operate changes and evolves, law firms must respond by adjusting how it delivers services to clients and develops new clients. Standing still is falling behind. And while it may seem counterintuitive to narrow one’s practice focus in order to be more successful, I assure you that it’s quite possible. PBA members who want to learn more about how to accomplish this are encouraged to contact me for assistance.

A version of this article originally appeared in the October 21, 2019 issue of the Pennsylvania Bar News.

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